

CEIS and Significant Disproportionality

Special Education Directors Legal Symposium

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VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

MISSISSIPPI STATE BOARD OF EDUCATION
STRATEGIC PLAN GOALS

1

All Students Proficient and Showing Growth in All Assessed Areas



2

Every Student Graduates from High School and is Ready for College and Career



3

Every Child Has Access to a High-Quality Early Childhood Program



4

Every School Has Effective Teachers and Leaders



5

Every Community Effectively Uses a World-Class Data System to Improve Student Outcomes



6

Every School and District is Rated “C” or Higher



Important Distinction

- Two different calculations are done that address equity
- Three indicators (4b, 9, & 10) in the State's Annual Performance Report address equity
- A second analysis happens every year to determine if a district is a disproportionate and must reserve 15% of the IDEA budget for Coordinated Early Intervening Services (CEIS)
- Today's discussion deals with the second analysis

What is Significant Disproportionality?

- Disproportionality is an overrepresentation of some racial or ethnic group in a category.
- Disproportionality becomes *significant* when the overrepresentation exceeds a defined threshold.

Why a Revision?

- Only 2 to 3 percent of districts nationwide are identified with significant disproportionality and required to take action

Changes to Significant Disproportionality

- Require a standard methodology
- Clarify that LEAs must review and revise policies, procedures and practices every year significant disproportionality is found
- Require that districts identify and address factors contributing to significant disproportionality

Changes to Significant Disproportionality

- New Regulations: 20 U.S.C. 1418(d) and 34 CFR §§300.646 and 300.647
- Determine whether significant disproportionality based on race/ethnicity is occurring with respect to the:

Identification of children as children with disabilities, including identification as children with particular impairments

Placement of children in particular educational settings

Incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Timelines

Standard Methodology introduced in December 2016 and stated that States must be in compliance by July 1, 2018

This was put on hold by the Department of Ed and eventually went to litigation in the COPAA v. DeVos.

March 7, 2019 the Court found in favor of COPAA.

Timelines

On May 20, 2019, The U.S. Department of Education's Office of Special Education and Rehabilitative Services issued the guidance below.

Pursuant to the plain language of the December 19, 2016 Equity in IDEA regulation on significant disproportionality, and in conjunction with the March 7, 2019 decision in COPAA v. Devos, the Department expects States to calculate significant disproportionality for the 2018–2019 school year using the 2016 rule's standard methodology, or to recalculate using the 2016 rule's standard methodology if a different methodology has already been used for this school year.

Analysis Categories

IDENTIFICATION	
Age Range	Categories
Children ages 6-21 Must also include children ages 3-5 by July 1 2020	<ul style="list-style-type: none">• All Disabilities• Autism• Emotional Disabilities• Intellectual Disabilities• Other Health Impairment• Specific Learning Disability• Speech or Language Impairments

Analysis Categories

PLACEMENT	
Age Range	Categories
Children ages 6-21	<ul style="list-style-type: none">• Inside a regular class for less than 40 percent of the day• Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities or private schools)

Analysis Categories

DISCIPLINE	
Age Range	Categories
Children ages 6-21	<ul style="list-style-type: none">• Out-of-school suspensions and expulsions of 10 days or fewer• Out-of-school suspensions and expulsions of more than 10 days• In-school suspensions of 10 days or fewer• In-school suspensions of more than 10 days• Disciplinary removals in total

What's Different?

- No longer examine students in "resource" placements (SB)
- Discipline expanded to in-school suspensions
- Discipline expanded to include students with less than 10 days of in-school or out-of-school suspension
- Discipline expanded to look at discipline in the aggregate

States Must...

SELECT	SELECT	SELECT
Select a reasonable threshold for each of the 14 measures	Select a reasonable minimum cell size for each of the 14 measures <ul style="list-style-type: none">• Presumably reasonable at 10 or less.	Select a reasonable minimum n-size for each of the 14 measures <ul style="list-style-type: none">• Presumably reasonable at 30. or less.

Additional Flexibilities

- **Consecutive Years:** States can choose to identify an LEA as having Significant Disproportionality only after an LEA exceeds the risk ratio threshold for up to three prior consecutive years, including the current reporting year.
- **Reasonable Progress:** A state need not identify an LEA with Significant Disproportionality if the LEA is making “reasonable progress” in lowering the risk ratios, where reasonable progress is determined by the state.

Methodology – Risk Ratio

Must calculate a risk ratio for each LEA for each of the racial/ethnic groups for each analysis category (98 calculations)

Risk Ratio:

What is a specific racial/ethnic groups risk of:

Receiving special education and related services for a particular disability

Being placed in a particular educational environment

Experiencing a particular disciplinary removal



As compared to the risk for all other children

Methodology – Risk Ratio - Identification

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

Methodology – Risk Ratio - Placement

Number of children from racial/ethnic group in a placement category

Number of children with disabilities from same racial/ethnic group

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Number of all other children in placement category

Number of all other children with disabilities

Methodology – Risk Ratio - Discipline

Number of children from racial/ethnic group in a discipline category

Number of children with disabilities from same racial/ethnic group

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Number of all other children in discipline category

Number of all other children with disabilities

Minimum Cell Size

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum cell size (risk numerator)
Presumptively reasonable if 10 or less**

Minimum N-Size

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum n-size (risk denominator)
Presumptively reasonable if 30 or less**

Alternate Risk Ratio

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

District Level
Data

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State Level
Data

Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum n-size (risk denominator)
Presumptively reasonable if 30 or less**

Mississippi's Methodology

FY 20 (2019-2020 SY)	FY21 (2020-2021 SY)	FY 22 (2021-2022)
<ul style="list-style-type: none">• N-Size – 40• Cell Size – 40• Risk Ratio Threshold – 4.0• 3 consecutive years including current year	<ul style="list-style-type: none">• N-Size – 30• Cell Size – 10• Risk Ratio Threshold – 3.0• 3 consecutive years including current year	<ul style="list-style-type: none">• N-Size –30• Cell Size – 10• Risk Ratio Threshold – 2.0• 3 consecutive years including current year
* 6 districts	*approximately 45 districts	*approximately 99 districts

Take a Look at Your Data



Questions





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Ensuring a bright *future* for every child

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