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

All Students Proficient and Showing Growth in All Assessed Areas

1

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

2

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

3

Every School Has Effective Teachers and Leaders

4

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

5

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 reserve15% 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 over representation exceeds a defined threshold.



 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.



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.



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	 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	 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	 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 that 10 days of in-school or out-of-school suspension
- Discipline expanded to look at discipline in the aggregate



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 • Presumably reasonable at 10 or less.	Select a reasonable minimum n-size for each of the 14 measures • Presumably reasonable at 30.

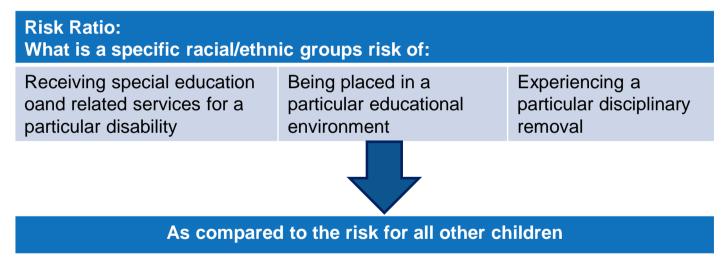


- Consecutive Years: States can choose to identify an LEA as having Significant Disproportionality only after an LEA exceeds the risk ratio threshold for up to three prior consecutive years, including the current reporting year.
- Reasonable Progress: A state need not identify an LEA with Significant 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 ration for each LEA for each of the racial/ethnic groups for each analysis category (98 calculations)





Methodology – Risk Ratio - Identification

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

Number of enrolled children from same racial/ethnic group

•

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

•

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

•

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

•

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

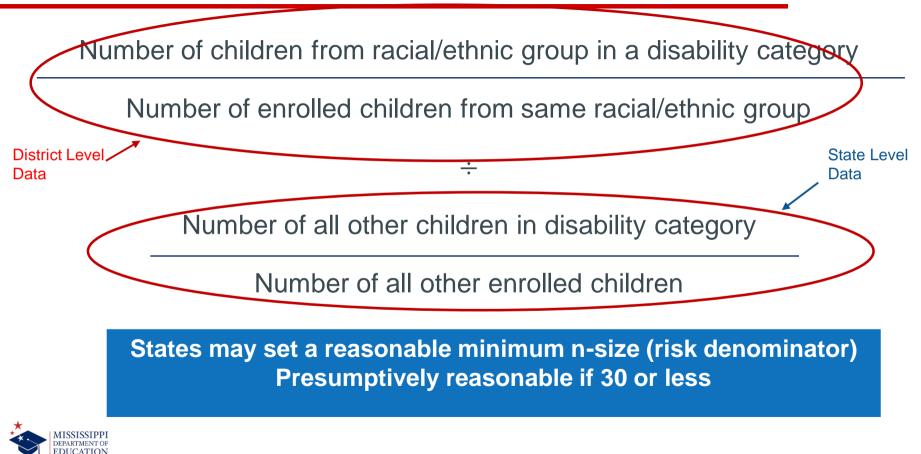
Number of all other enrolled children

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



Alternate Risk Ratio

Ensuring a bright future for every child



Mississippi's Methodology

FY 20 (2019-2020 SY)	FY21 (2020-2021 SY)	FY 22 (2021-2022)
 N-Size – 40 Cell Size – 40 Risk Ratio Threshold – 4.0 3 consecutive years including current year 	 N-Size – 30 Cell Size – 10 Risk Ratio Threshold – 3.0 3 consecutive years including current year 	 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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