Significant Disproportionality

District and State Process Overview

March 12, 2024

April 2, 2024

Overview

Ground in the What and Why of Significant Disproportionality

District and ODE activities and timelines

Comprehensive Coordinating Early Intervening Services

Questions

Equity

- Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.

What is Significant Disproportionality?

IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:

(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;

(B) the placement in particular educational settings of such children; and

(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Not all Disproportionalities are Significant

Discrepancy and Disproportionality Indicators

- Flagged in SPRI and requires follow up by district and ODE to determine if flagging represents noncompliance with IDEA

- B4 Discipline incidents

- B9 Disproportionate representation in special education

- B10 Disproportionate representation in Specific Disability Categories

Significant Disproportionality

- Not an indicator

- Visible in SPRI

- Calculations include data from children 3-5 years old

- May involve revision of policies, procedures, or practices

- Requires improvement planning and financial commitment of IDEA funds to remedy
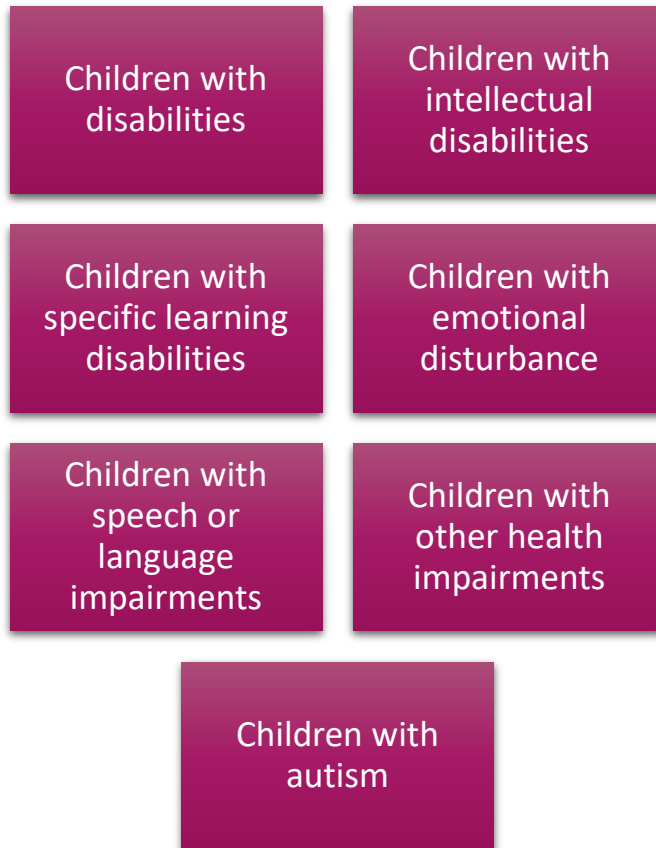
Calculating Significant Disproportionality

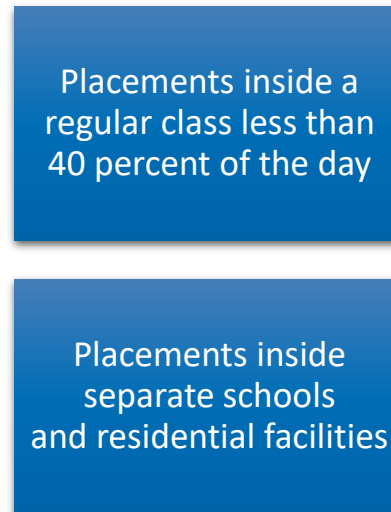## States use a risk ratio to answer the questions:

- What is the risk of a particular outcome for students in this group compared to all other students in the district?

- Are students from this group more likely to experience this particular outcome than all other students?
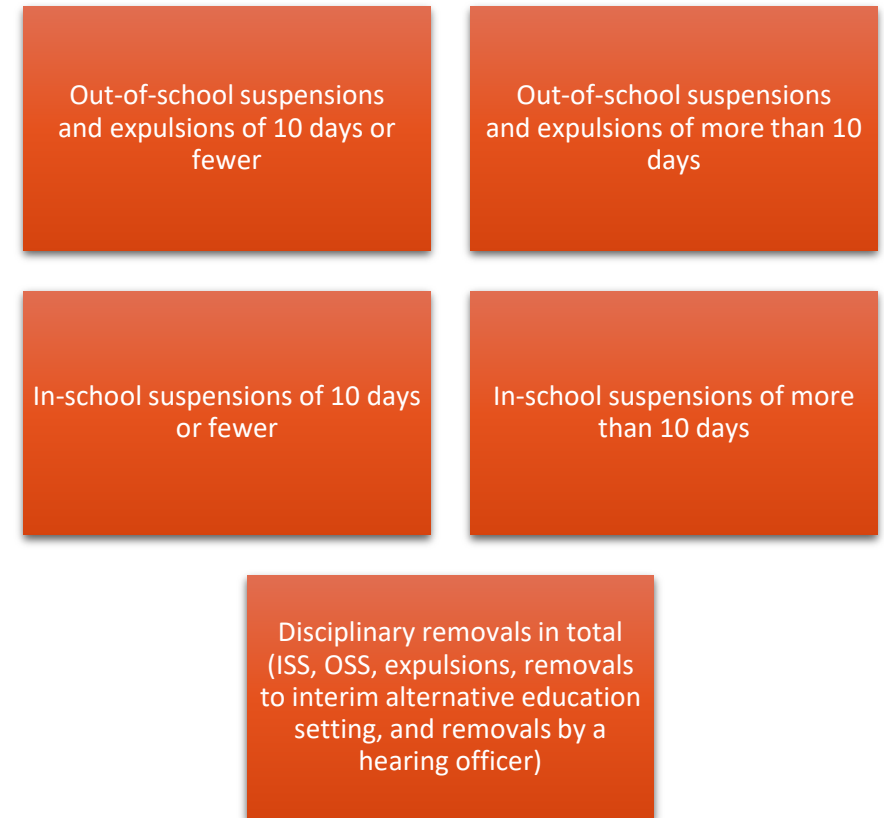
14 Categories of Analysis

Identification

Children with disabilities

Children with intellectual disabilities

Children with specific learning disabilities

Children with emotional disturbance

Children with speech or language impairments

Children with other health impairments

Children with autism

Placement (ages 6-21)

Placements inside a regular class less than 40 percent of the day

Placements inside separate schools and residential facilities

Discipline

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 (ISS, OSS, expulsions, removals to interim alternative education setting, and removals by a hearing officer)

Seven Racial/Ethnic Groups

- American Indian or Alaska Native

- Asian

- Black or African American

- Hispanic/Latino of any Race

- Native Hawaiian or Other Pacific Islander

- Two or more races

- White

Risk Ratios and Alternate Risk Ratios

Minimum cell size of 10
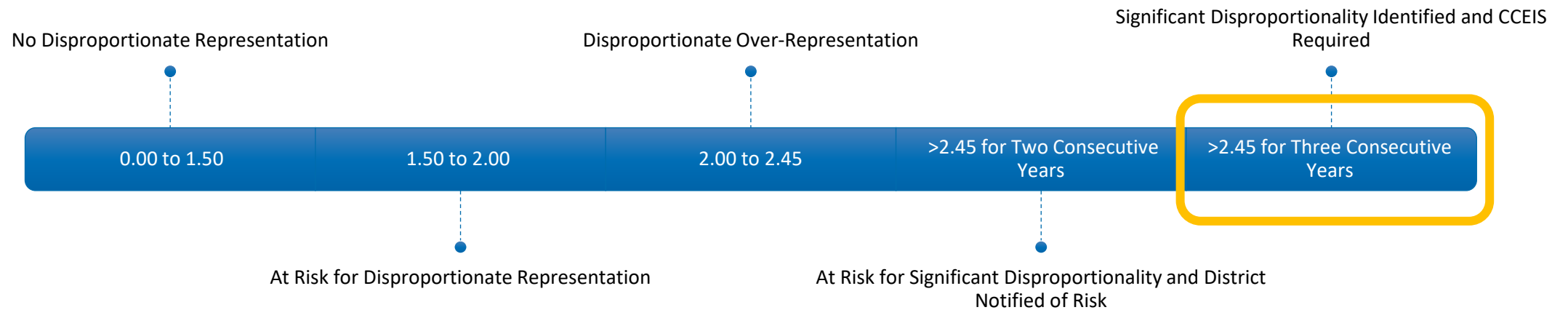
Number of students experiencing a particular outcome

_____

Minimum N Size of 30

Identification uses total number of students enrolled in a district*

Placement and discipline use number of students with disabilities in the district*

*Alternate Risk Ratio: Comparisons using statewide instead of district wide numbers

Risk Ratio Thresholds

Significant Disproportionality Identified and CCEIS Required

No Disproportionate Representation

Disproportionate Over-Representation

| 0.00 to 1.50 | 1.50 to 2.00 | 2.00 to 2.45 | >2.45 for Two Consecutive Years | >2.45 for Three Consecutive Years |

At Risk for Disproportionate Representation

At Risk for Significant Disproportionality and District Notified of Risk

A district may avoid identification if reasonable progress, a decrease of 0.25, is made year over year.

What Happens When a District is Identified

Districts must:

- Conduct a root cause analysis to determine the root cause of the significant disproportionality

- Update and publicly report on any policy, procedure, or practices that they determined contributed to the significant disproportionality

- Dedicate 15% of IDEA funds to Comprehensive Coordinated Early Intervening Services (CCEIS) to address the cause of the disproportionality

Identified in February 2024

White Students	White Students	
Hispanic Students	White Students	
Hispanic Students	Black/African American Students	White Students
Identification of children with **specific learning disability (SLD)**	Identification of children with **intellectual disability (ID)**	Identification of children with **other health impairment (OHI)**

Each rectangle represents one district and the student group for which the district is identified.

7 Districts Identified in 2024 for Having a Significant Disproportionality

Previous District Identifications

Six districts were identified last year

Districts identified in SY '22-'23 will continue implementing CCEIS plans

Districts re-identified in '23-'24 will conduct all follow up activities and revise/continue implementing CCEIS with funds from a subsequent allocation

Each Identification is Unique
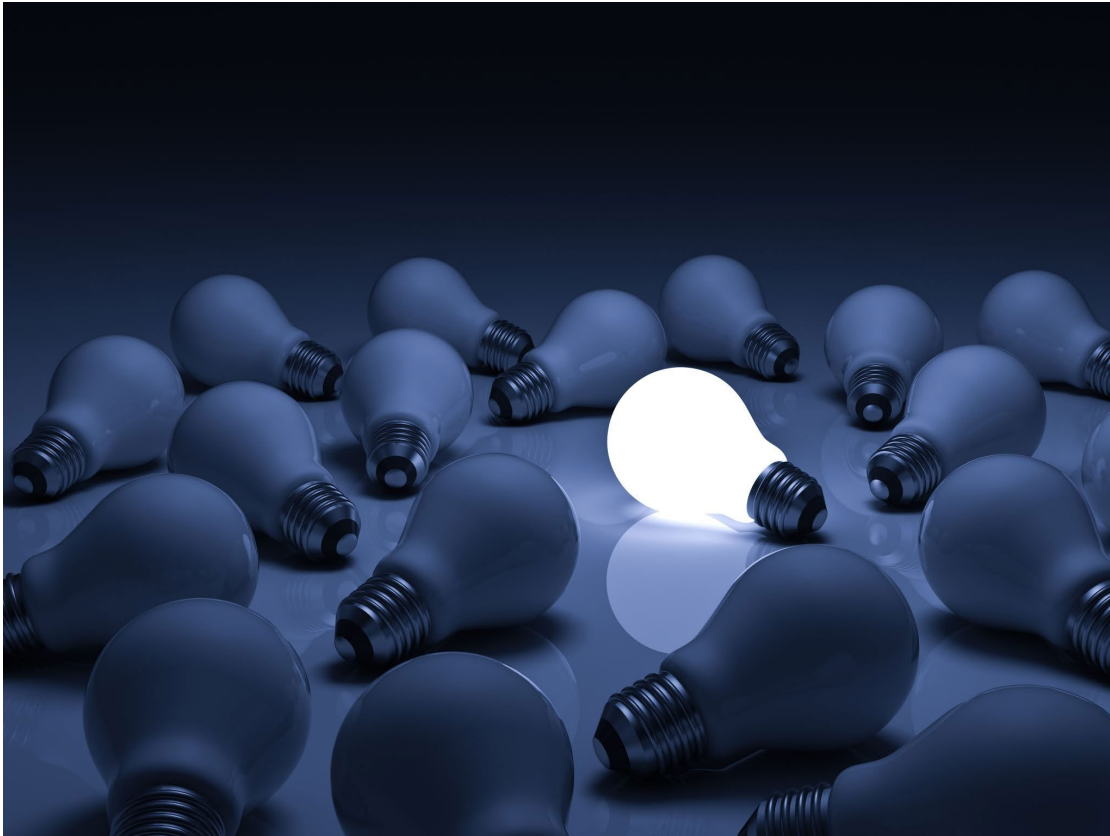
- Data represents comparisons within the district

- Data represents a story unfolding over years and embedded in communities and systems

- We ask, why are students from this group x times more likely to be identified (within whichever eligibility category) than other students in the district?

Significant Disproportionality may be Emotionally Charged

- Equity conversations will inherently disrupt the status quo

- ODE recognizes that districts may be already working to address the inequities that are elevated in the significant disproportionality process
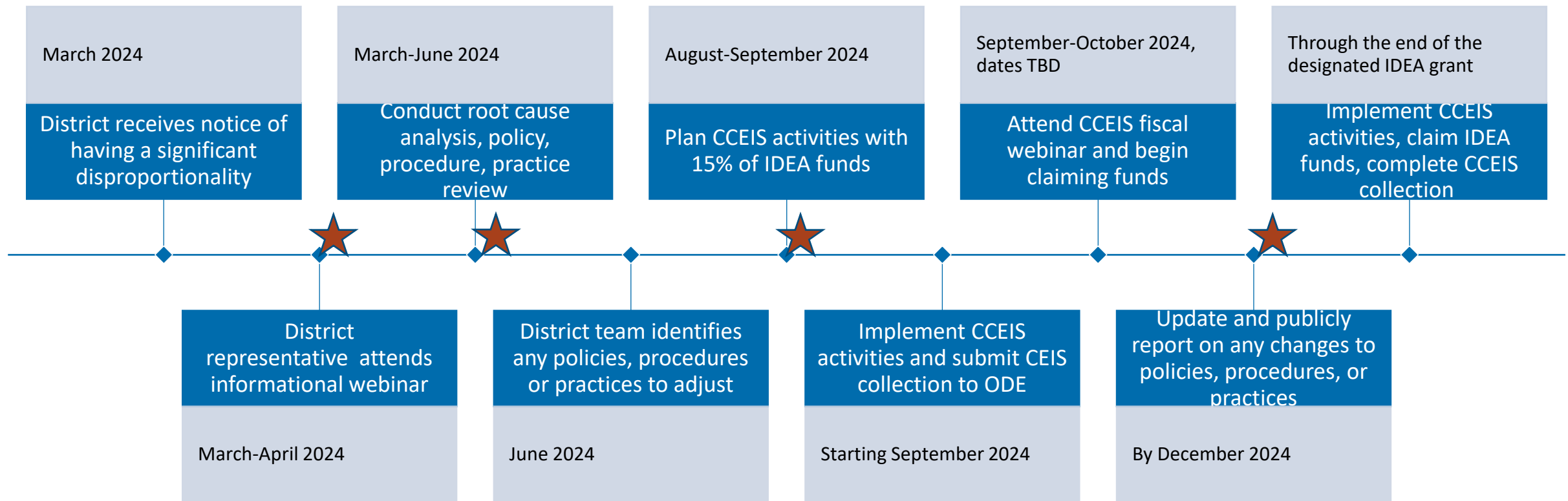
- We are here to partner with you

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What Happens in the First Year a District is Identified as Having a Significant Disproportionality?

March 2024

District receives notice of having a significant disproportionality

March-June 2024

Conduct root cause analysis, policy, procedure, practice review

August-September 2024

Plan CCEIS activities with 15% of IDEA funds

September-October 2024, dates TBD

Attend CCEIS fiscal webinar and begin claiming funds

Through the end of the designated IDEA grant

Implement CCEIS activities, claim IDEA funds, complete CCEIS collection

District representative attends informational webinar

March-April 2024

District team identifies any policies, procedures or practices to adjust

June 2024

Implement CCEIS activities and submit CEIS collection to ODE

Starting September 2024

Update and publicly report on any changes to policies, procedures, or practices

By December 2024

★ Check in conversations with District Support Specialist

Activity Checklist

['23-'24 District and ODE Activity Checklist](#)

- District leads root cause analysis and all policy, procedure and practice reviews
- ODE District Support Specialist and significant disproportionality team provides at least four check ins with the district tied to timing of key activities
- ODE recommends using the IDC Success Gaps Toolkit and root cause analysis tool
- ODE will collect spending and plan information in the C/CEIS collection
- ODE will offer professional learning and support opportunities to your districts

Progress Check-Ins

Conversations to provide support and help accurately identify root cause

Targeted questions based on activities and timeline

Not an additional written plan for ODE

Progress Check Ins

Dates	Significant Disproportionality Activities	B4, B9, B10 Activities
March - April 2024	After district attends training, as district prepares to conduct root cause analysis and PPP review	Review data in SPR&I and for any flagging in B4b, B9, or B10 identify student files and policies/procedures for review
March - May 2024	After district conducts root cause analysis	After district completes tasks associated with B4b, B9, B10
August - September 2024	As district develops plans and strategies, before CCEIS submission	9 or 10: if a flagging was the result of inappropriate identification, DSS provides support
December 2024	As district is implementing CCEIS and before next year's notification	

Required: Root Cause Analysis

ODE is encouraging but not requiring districts to use the IDC Success Gaps Rubric, a part of the Success Gaps Toolkit

District starts with a success gaps statement about the area in which they were identified as having a significant disproportionality

Resource Highlight: IDC Success Gaps Toolkit

Success Gaps Toolkit

Includes meeting agendas, slide decks, other resources for districts to facilitate each of the following stages:

- Assemble an appropriate team

- Prepare and share about the success gaps

- Determine actionable root causes (Success Gaps Rubric)

- Create an action plan

- Implement plan and monitor progress

Success Gaps Digital Toolkit and Rubric

Rubric

Toolkit

Success Gap Rubric Elements

1. Data Based Decision Making

2. Cultural Responsiveness

3. Core Instructional Program

4. Assessment

5. Interventions and Supports
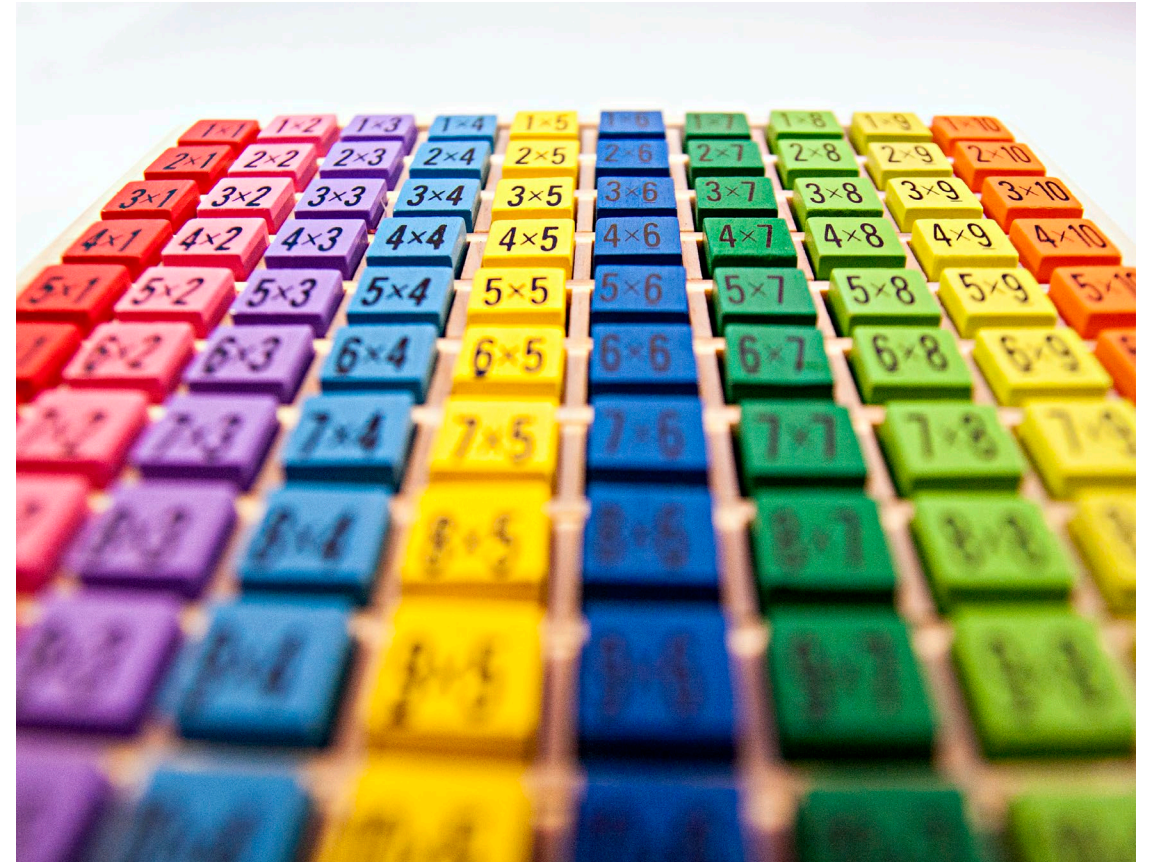
Example: Core instruction

3. Core Instructional Program

Probing questions for Indicator 3a: Use these questions to research and develop answers and ratings for Indicator 3a. Answer the questions based on your success gap statement.

- How do we ensure children in the group experiencing the success gap receive high-quality instruction based on the principles of Universal Design for Learning (UDL) that use different methods of engagement, representation, as well as action and expression?

- How do we support our teachers to utilize principles of UDL for all children?

- How do we ensure our teachers are skilled in teaching a classroom filled with learners who are diverse culturally, linguistically, and in learning needs? How do we support those teachers who need to improve their skills?

- How do we ensure that we have equally high expectations for all groups of children, especially those experiencing the success gap?

Implementation-Based Scoring

Select your rating for this indicator:

Indicator 3a	Planning ▪	Partially implemented ▪	Implemented ▪	Exemplary ▪
A consistent, well-articulated, bias-free, and fully representative curriculum is in place and implemented with fidelity, and the district and schools incorporate the principles of Universal Design for Learning (UDL) for all children, including those in the group experiencing the success gap.	Some children do not have access to a rigorous core curriculum taught by effective content teachers, nor does the district or school incorporate the principles of UDL effectively. The core curriculum does not include representation of all children in the district or school.	Inconsistent curriculum planning prevents most children from experiencing a rigorous curriculum that is horizontally and vertically aligned and that demands depth of understanding. The curriculum reflects consistent representation of the majority population across core content areas, but not representation of the children in the group experiencing the success gap. Effective teachers who incorporate some UDL strategies teach some children experiencing the success gap.	Most children in the group experiencing the success gap participate in a curriculum that is rigorous, demands depth of understanding, and is also beginning to be horizontally and vertically aligned and implemented with fidelity. The curriculum reflects some representation of all groups of children, including children in the group experiencing the success gap, across core content areas. Effective teachers who incorporate UDL strategies teach all children, including those experiencing the success gap.	All children, including those in the group experiencing the success gap, participate in a curriculum that is rigorous and demands depth of understanding that has been horizontally and vertically aligned and implemented with fidelity. The curriculum reflects consistent representation of all children, including children in the group experiencing the success gap, across core content areas. All children experiencing success gaps are taught by effective teachers who effectively incorporate UDL strategies.

What is the evidence to support your rating? What data do you still need?

Priority Setting Tool

Component	Indicator	What gaps and actionable root causes have you identified?	Factor: Implementation status (1=Exemplary, 2=Implemented, 3=Partially implemented, 4=Planning)	Factor: Urgency (1=Not urgent, 2=Low urgency, 3=Urgent, 4=Critical)	Factor: Availability of resources needed (1=Unavailable, 2=Might be available with substantial effort, 3=Resources exist, just need approval, 4=Resources available now)	Factor: Level of effort required (1=Very low, 2=Low, 3=Somewhat high, 4=High)	Factor: Likelihood of a serious risk to improvement efforts (1=Very low, 2=Low, 3=Somewhat high, 4=High)	Priority rating	Include in current action plan (Y/N)?	Strategies to reduce risks to improvement efforts
Data-based decisionmaking	1a. District or school bases decisions about the school curriculum, instructional programs, academic and behavioral supports, and school improvement initiatives on data.									
	1b. District or school regularly disaggregates and analyzes data to compare the progress of the group experiencing the success gap with all other subgroups of children.									
Cultural responsiveness	2a. Staff use culturally responsive instructional interventions and teaching strategies to support children throughout the district or school, including the group experiencing the success gap.									

Required: Policy, Procedure, Practice Review

In an LEA identified with significant disproportionality with respect to identification, the State must provide for the review of policies, practices, and procedures used in identification. This should include a review of child find and evaluation policies, practices, and procedures to ensure they comply with IDEA.

OSEP Q&A on Significant Disproportionality

Policy, Procedure, Practice Review

DSS and ODE Staff Will Support the District to:

- Review written documentation of policies, procedures, practices related to specific area flagged
- This review may include tasks such as:
  - Observing practices related to child find and identification criteria for eligibility area flagged
  - Reviewing individual student records as artifacts of practice and for use of policies
  - Reviewing any fidelity data collected related to schoolwide or program wide practices
- Remember to include all policies, practices, and procedures used with children ages 3-5 with school age review

Identification

Of children as children with disabilities

Of children within specific disability categories

Referrals for evaluation due to suspected disability can come from schools or families

Schools must gather relevant functional, developmental, academic information

Schools must use more than a single measure to determine if the student experiences disability or in determining appropriate supports

Factors Contributing to Accurate Identification

- General education instruction and assessment practices

- Interventions and pre-referral systems

- Culturally relevant and responsive evaluation practices

- Adult expectations and biases

- Thorough and culturally responsive examination of all possible eligibility areas
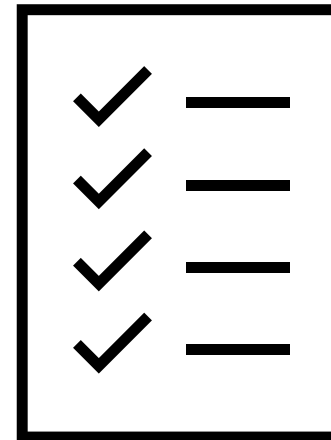
Policy, Procedure, and Practice Revisions

The LEA has discretion as to how best to address the policy, practice, or procedure, including by eliminating, revising or changing how it is implemented, as long as it does so in a manner consistent with the requirements of the IDEA and its implementing regulations.

OSEP Q&A on Significant Disproportionality
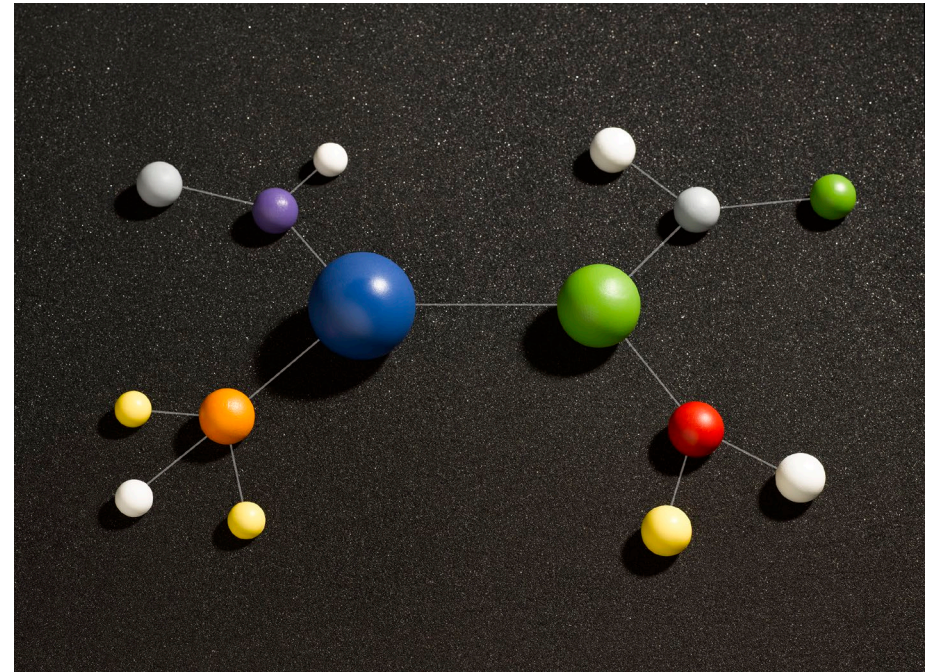
Comprehensive Coordinated Early Intervening Services (CCEIS)
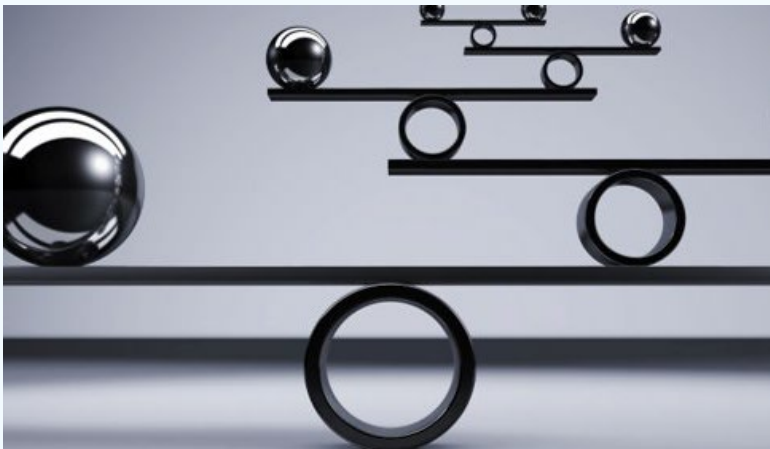
15% of IDEA Funds (611 and 619) reserved for Coordinated Early Intervening Services

Age 3 - Grade 12

Activities targeting the student groups and areas of identification

Activities target children who are *and* are not currently identified as needing special education or related services

CCEIS Funding

- Must use 15% of IDEA Part B funds (611 and 619)

- Districts may use available funds from one of three available grant years

- Selecting funding from 2022-23 or 2023-24 will result in the district needing to amend their budget and follow required processes

- Districts report grant year to DSS in fall check in before CCEIS collection

- ODE confirms this year is available for district to use

- ODE CEIS Webpage

Identification year	Subgrant Year In EGMS	Funds must be obligated by and funded activities must be completed by
2023-24	2022-23	September 30, 2024
	2023-24	September 30, 2025
	2024-25	September 30, 2026

CCEIS and Maintenance Of Effort Impacts

- When an LEA is identified as having a significant disproportionality, the LEA cannot take a reduction in MOE if the following year's IDEA 611 allocation exceeds the prior year's allocation

- LEAs identified as having a significant disproportionality can still use any of the approved methods to calculate MOE

- MOE may be impacted for districts when the reduction in the amount of IDEA funds available necessitates using state, local, or a combination of state and local funds to provide special education and related services
  - ➢If an additional amount is needed from state and local funds, then this becomes the new level of spending required to meet MOE

CCEIS Reporting

$ Districts must prepare to be able to report the dollar amounts and number of children who received CCEIS services

Data collection for all districts will be open from September 26, 2024 – November 15, 2024

✓   CEIS carries different parameters and also is reported to ODE in this collection

CCEIS Initial Collection

Information collected in Fall 2024 for Districts identified in March 2024

- Projected number of students

- Grade levels

- Academic or behavioral areas of support

- Student group: with or without disabilities

- Activity type: Professional development, academic supports or behavioral supports

CCEIS Tracking

LEAs identified in March 2024 will report to ODE during September 2025 CCEIS collection:

Number of students who received CCEIS

Number of students who received special education services and CCEIS

Amount of funds reserved for CCEIS

Amount of funds expended on CCEIS

CCEIS Claiming Funds

Districts claim IDEA funds using the EGMS process

Districts must claim exactly 15% for CCEIS

ODE will collect additional documentation from districts detailing expenditures

Training to come on claiming CCEIS expenditures on 4/10 for districts identified last year and in fall 2024 for those identified this year

Examples of CCEIS Activities

A district has been identified with significant disproportionality for Hispanic students identified with a specific learning disability.

The district identified a root cause to be a lack of culturally relevant instruction and supports within core instruction. The district also identified a lack of a systematic pre-referral system across schools.

The district plans to provide:

- Schoolwide training for all staff on culturally responsive practices

- Purchase of screening assessments in reading and math to use with all students K-3, three times a year

- Professional learning for teaching staff and assistants on explicit instructional practices

- Use of coaching services to support staff in creating culturally responsive classroom communities and in delivering explicit instruction

Significant Disproportionality and CCEIS Resources

To use with your team

IDC Success Gaps Toolkit

- Success gaps toolkit checklist

- Success Gaps Rubric PDF

- Priority setting tool

- IDC resource page: includes PPTs and facilitation tools

To grow background knowledge

Equity Requirements in IDEA: PDF comparing significant disproportionality requirements to indicators B4b, B9, B10

OSEP Q&A on significant disproportionality

CIFR WestEd Significant Disproportionality Step By Step Guide: Steps with resources

IDC/CIFR/WestEd CEIS Practice Guide: Examples of CCEIS scenarios

Professional Learning Opportunities for Districts

- April 2024 NWPBIS and ORTII conferences
- National Center on Intensive Intervention: [Data Based Individualization Self-Paced Modules](#)

Questions

Contact Sarah Soltz
Sarah.soltz@ode.oregon.gov
(503) 881-2120

Or

Contact your district support specialist

Thank You