



Identification and Least Restrictive Environment

Topics in Significant Disproportionality

May 13, 2025

May 15, 2025

Agenda

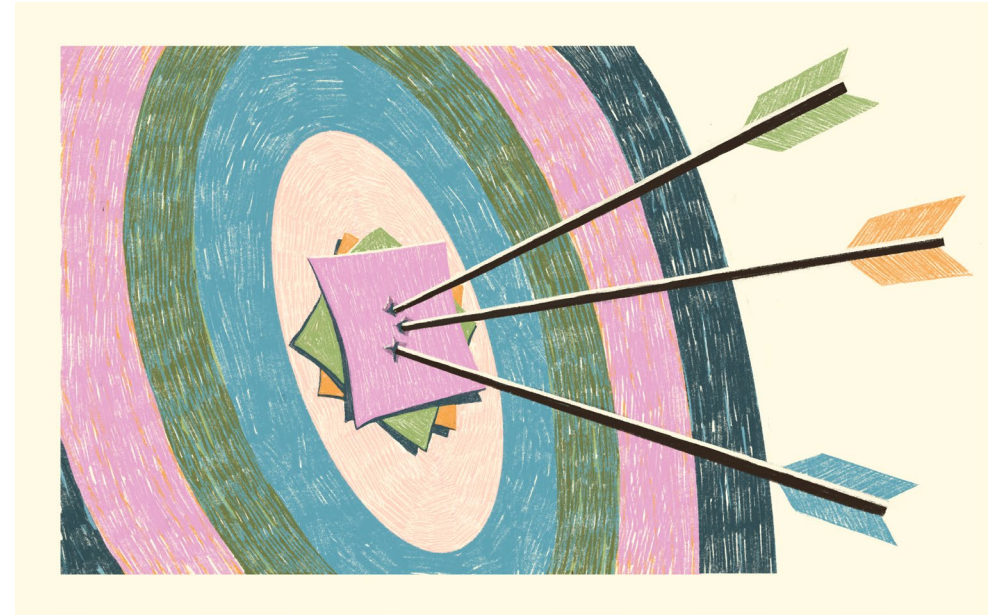


- Overview of significant disproportionality requirements and at-risk status
- Policy, Procedure, Practice Review: What, Why, How
- Identification and Eligibility for Special Education
- Placement in the Least Restrictive Environment
- Root cause analysis techniques
- Timelines and next steps

Introductions and Setting Intentions

Please add your name, district,
and role to the chat.

What do you hope to gain from
today?



Objectives

- Be able to plan for your district's next steps in significant disproportionality identification.
- Pinpoint the specific policies, procedures, and practices to review in your district based on area of identification or risk.
- Identify techniques for conducting a root cause analysis.

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.



Overview of Significant Disproportionality

What is Significant Disproportionality?

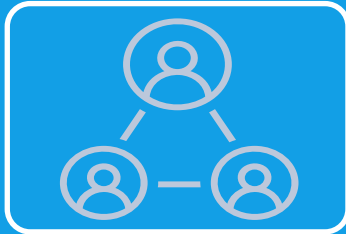
IDEA section 618(d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:

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

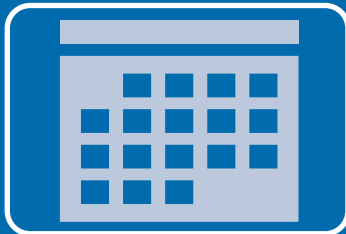
(B) the placement in particular educational settings of such children; and

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

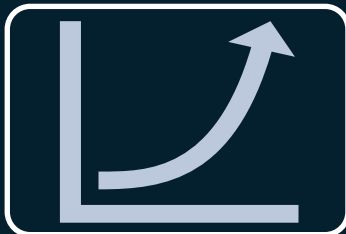
Entry Points for Engagement



Districts seeking resources or support on identification or placement.



Districts identified at risk for significant disproportionality.



Districts identified as having a significant disproportionality.

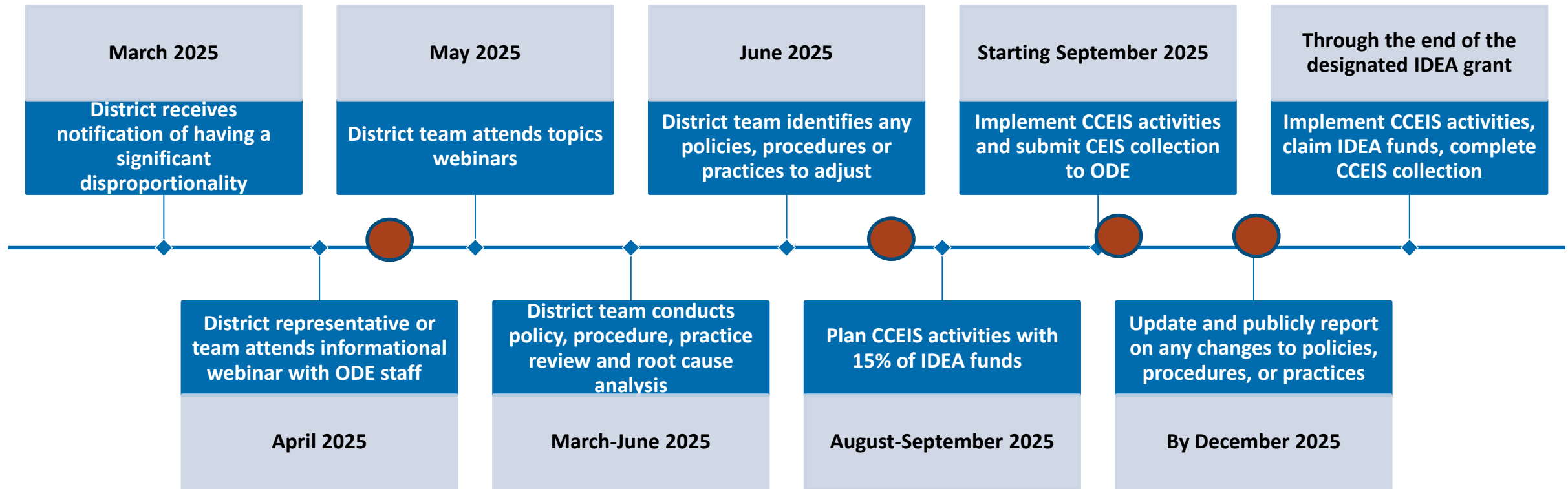
What Happens When a District is Identified

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 District Activity Timeline 2024-25



Districts At Risk for Significant Disproportionality Identification

Do Now:

- Discuss risk of identification with district leadership.
- Plan with leadership and business manager for use of 15% of IDEA funds if identified next year.
- Review data and any current improvement initiatives in areas of potential identification.
- Make immediate changes when possible.

Districts At Risk for Significant Disproportionality Identification

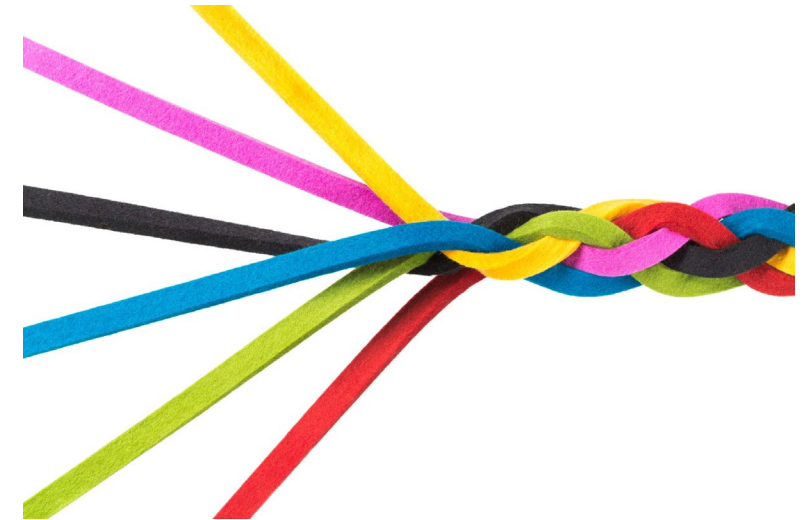
If Identified in 2025-2026:

- District will conduct a policy, procedure, and practice review and root cause analysis in the area of identification.
- District will develop a plan to address the causes of the disproportionality.
- Districts will be required to use 15% of IDEA funds from the SY '25-'26 or SY '26-27 combined 611 and 619 allocations.
- Districts can expect overall timeline to follow this year's timeline for identified districts.

Teaming for Significant Disproportionality

Activities require team members who:

- Allocate resources including general and special education staff and funding.
- Influence policy and communication between the district office and schools.
- Make decisions regarding curriculum, instruction, and teacher practice.
- Represent and direct general education.
- Hold specialized knowledge and are involved in practice in the district's significant disproportionality identification.



Poll

How would you self-rate your district's teaming infrastructure to address significant disproportionality?

- A. You are exploring roles and possible structures. Your district does not yet have an implementation or leadership team in place.
- B. A team may be in place but will require changes. There might be multiple teams or separate general and special education leadership structures to consider.
- C. Your district has an active implementation or leadership team working on the same or similar equity issue and can address significant disproportionality through this team.

Questions

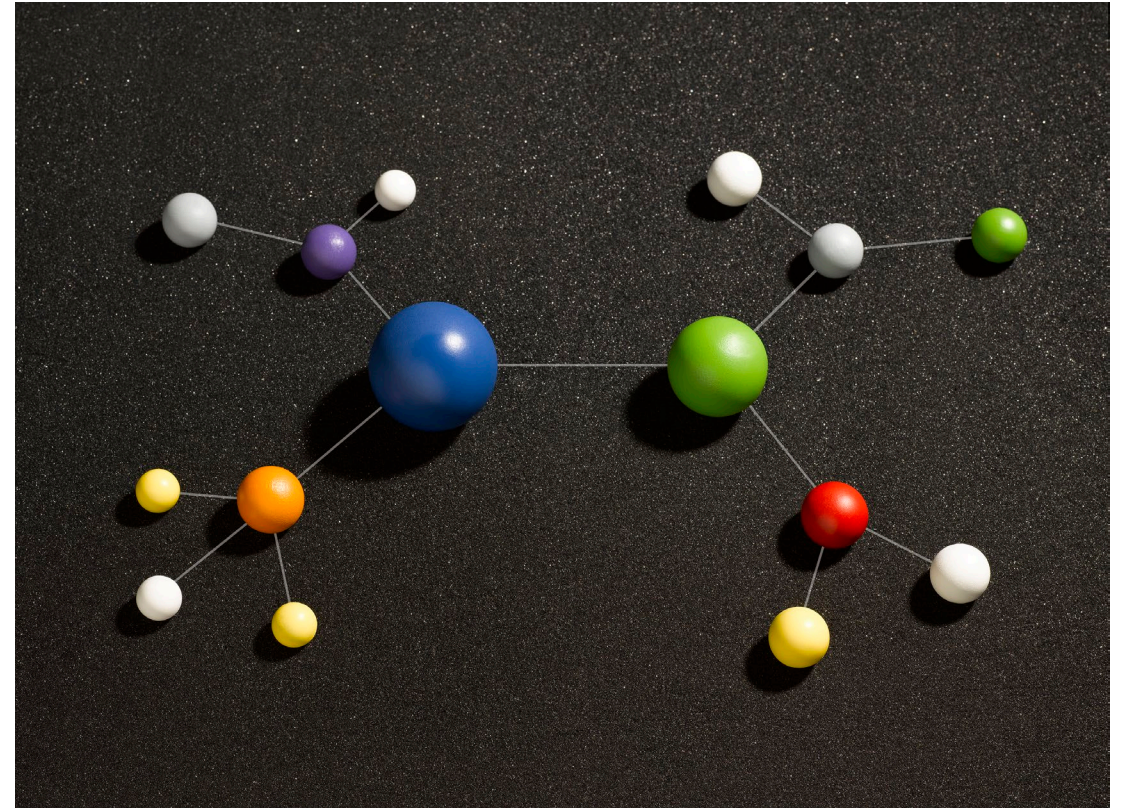




Policy, Procedure, Practice Review

Purpose of Review

- Qualitative data reviewed for compliance with IDEA.
- Used to help identify contributing factors to the disproportionality.
- State requirement to provide for district completion of this review.
- District requirement to update any noncompliant policy and notify ODE of changes.



Scenario

A school district has been identified for significant disproportionality for Hispanic students in the area of Significant Learning Disability (SLD). The data is as follows:

School Year	Number of Hispanic Students Identified	Percentage of Students with Disabilities with SLD Eligibility	Risk Ratio
2023-24	25	31.7%	3.1
2022-23	22	29.7%	2.93
2021-22	23	30.7%	3.24
2020-21	26	26.8%	2.28

Policy

Overarching principles, rules, or guidelines established by federal, state, local, or other governing bodies to ensure compliance with the requirements of a law.

Area of Significant Disproportionality	Policy Example
Identification	District child find policy is in alignment with 34 C.F.R. §300.111(a)(1)(i).
Placement	District policy regarding student placement aligns to the requirement for the Least Restrictive Environment in OAR 581-015-2240.
Discipline	District policy regarding student discipline is consistent with 34 C.F.R. § 300.530.

Procedure

Detailed steps on how to implement a policy.

Area of Significant Disproportionality	Procedure Example
Identification	<p>Procedure for how team makes determination of specific learning disability eligibility criteria aligns to OAR 581-015-2170.</p> <p>Procedures for how team determines exclusionary factors aligns to 34 CFR 300.306(b)(1)(i).</p>
Placement	<p>Procedures for placement of students moving into district with existing IEPs are consistent with OAR 581-015-2240.</p>
Discipline	<p>School discipline procedures include process and responsibilities for conducting a manifestation determination in accordance with 34 CFR 300.530(e).</p>

Practice

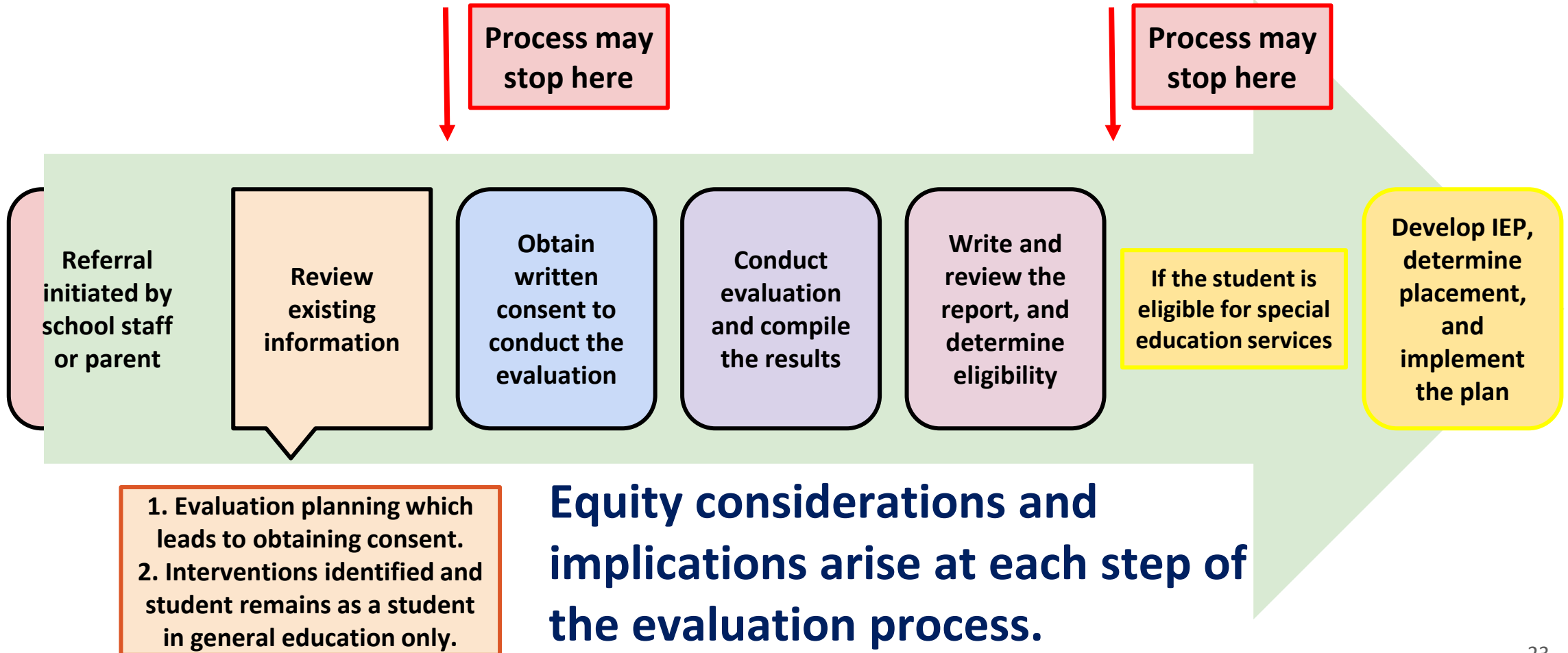
Practices are the activities, interactions, interventions, and strategies that the service providers and educators use to serve students.

Area of Significant Disproportionality	Practice Example
Identification	<p>Review of evaluations conducted and decisions made from evaluation data for students in identified population.</p> <p>Review of student intervention data and intervention fidelity of implementation data.</p>
Placement	<p>Review of placement decisions for students moving into district with existing IEPs.</p> <p>Review of placement decisions for students in most restrictive settings.</p>
Discipline	<p>Review of documentation of participants, conversation, and decisions for a manifestation determination.</p>



Identification and Eligibility

Overview of “Initial Evaluation” Process



Identification Policy, Procedure, Practice Review Considerations

- Does the district have a written policy on child find and evaluation reflective of federal and state regulations?
- Are there written procedures for each step of the pre-referral process, evaluation, eligibility, and re-evaluation process?
- Does the district have a way to determine if the child has received appropriate instruction prior to determining the child experiences a disability?
- Does the district make attempts to provide assessments to students in the language and form most likely to yield accurate information on what the child knows and is able to do academically?
- Does the district provide professional learning and support in areas of differentiated instruction and general education supports to increase access to the general curriculum for all students?

Identification Considerations

- Does the district provide training and coaching on administering and interpreting assessment data?
- How does the district ensure evaluation data draws upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, information about the child's physical condition, social or cultural background, and adaptive behavior?
- Are these procedures written and implemented in ways to serve culturally and linguistically diverse students?
- To what extent do student records and artifacts reflect an equitable implementation of these policies and procedures, especially for the identified student group?

Autism Spectrum Disorder

- Cultural awareness, including family culture
- Must be evaluated by a professional who is skilled in the nuances of ASD
- Gathering information in multiple settings
- Using multiple assessment tools that have been found to be accurate in gathering information needed
- Gathering information from people who know the student personally and at school
- Having evaluators calibrate scoring

Other Health Impairment

- Is the student in need of specially-designed instruction or can the student's needs be met through accommodations only? In this case, a 504 Plan may be more appropriate.
- Does the student meet the criteria and demonstrate a need for special education as there is no automatic entitlement for students with a diagnosed medical condition?
- Has the student received a comprehensive evaluation by an IEP team just like other eligibility categories? OHI is not being used as a "back-up" category if the student does not meet eligibility criteria for another disability.

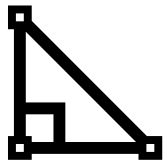
Intellectual Disability

- Does the student's previous instruction indicate the use of high-quality evidence-based practices in the area(s) of concern?
- Is the student's rate of learning different from those of similar background and educational experiences? How do we know this?
- Is the evaluation of culturally and linguistically diverse students conducted in the student's dominant spoken language and/or is proficiency in English and in the child's native language considered?
- Are culturally appropriate assessments and norms being used for identification? Are assessments free of racial and cultural bias?
- Have potentially confounding factors been considered which may impact academic performance such as experiences of trauma, behavioral challenges and personal family challenges.

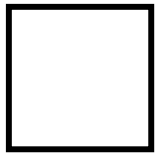
Specific Learning Disability

- Have students have had the opportunity to experience high-quality evidence-based effective core and intervention instruction in the area(s) of concern?
- Has limited English proficiency and its potential effects on academic growth been considered? How do you know?
- Are the assessment methods utilizing multiple reliable and valid sources of data?
- Are culturally appropriate assessments and norms being used for identification? Are assessments free of racial and cultural bias?
- Are meaningful opportunities provided for engagement and participation of culturally and linguistically diverse families in the evaluation process in order to gain a fuller understanding of the student's background and any possible experiences that may be contributing to the student's learning difficulties?

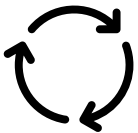
Discussion



What presents a new angle on identification?



What squares with your existing knowledge and district approach?



What do you want to circle back to?



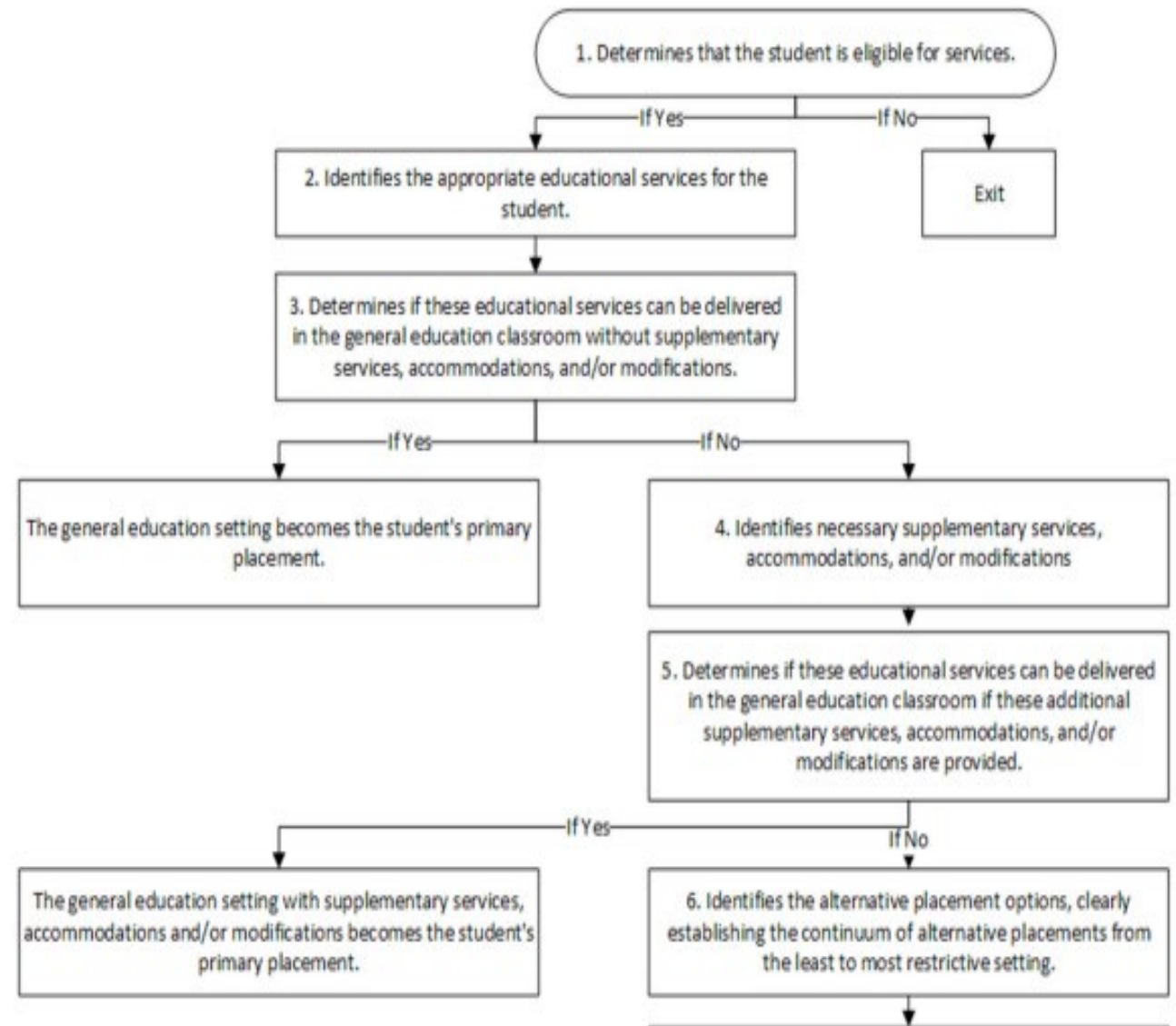
Placement in the Least Restrictive Environment

Placement Determination Process

The LRE Decision Tree

Adapted from Rozalski, Stewart, & Miller, 2010

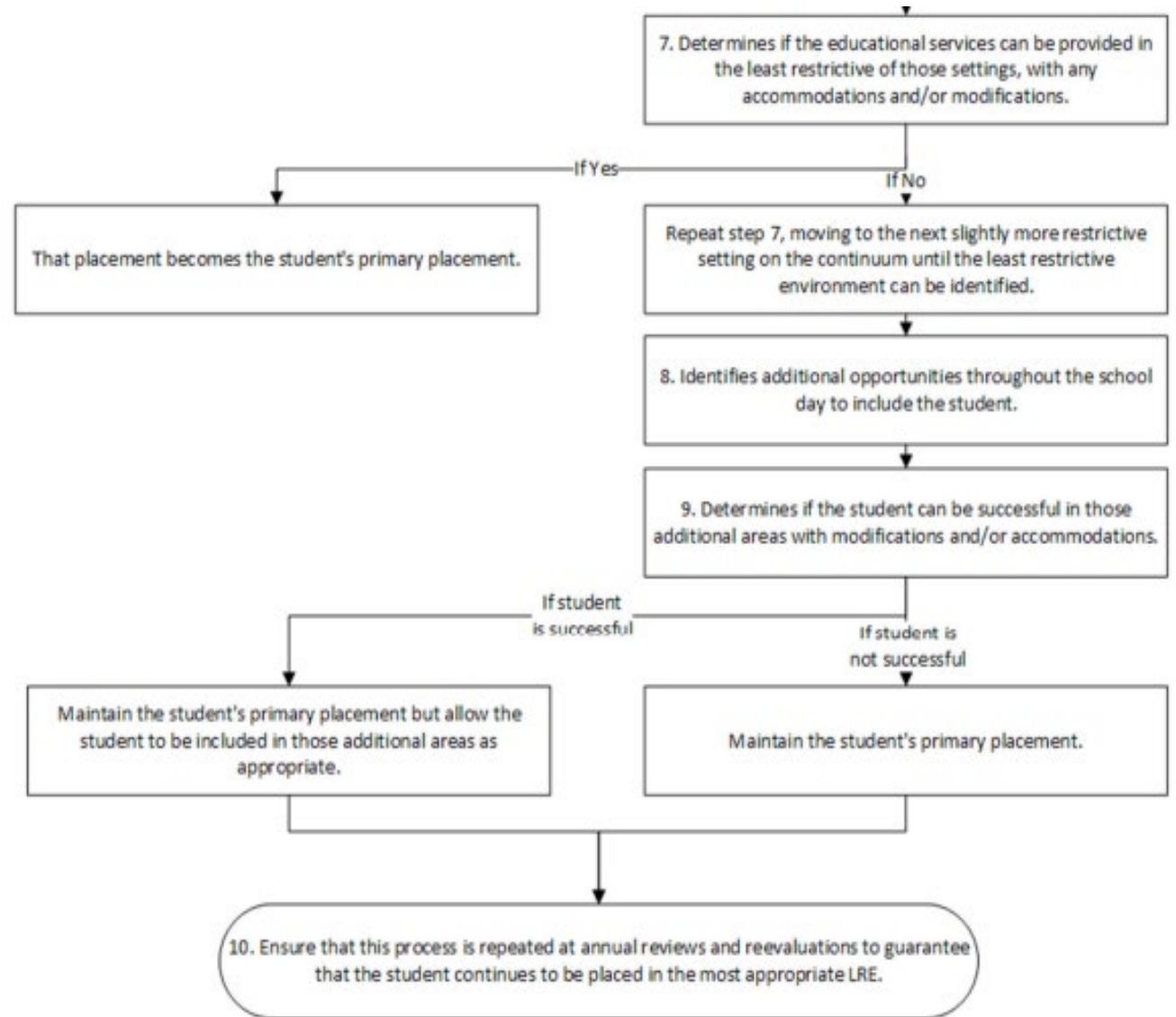
Equity considerations and implications arise at each step of the placement process.



Placement Determination Process

The LRE Decision Tree

Adapted from Rozalski, Stewart, & Miller, 2010



Placement Policy, Procedure, Practice Review Considerations

- Does the district have a written policy on placement, including a continuum of supports, reflective of federal and state regulations?
- Are there written procedures for IEP teams to use during initial placement, re-evaluation, and when students with IEPs move in?
- To what extent are student placements determined by the student IEP rather than by the student's eligibility category?
- Does the district have a procedure to determine if the nature or severity of a student's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily?

Placement Considerations

- Do the LEA's policies, practices, and procedures support the return of students placed in the separate facility to a general education environment?
- How does the district ensure that students are not removed solely because of modifications needed to the general education curriculum?
- Are these procedures written and implemented consistently and in ways to serve culturally and linguistically diverse students?
- To what extent do student records and artifacts reflect an equitable implementation of these policies and procedures, especially for the identified student group?

Better Practices to **FOLLOW** When Determining Placement

Rule 1 – Ensure individualization and program appropriateness

- *“... IEP Teams must base a student’s placement on his or her unique individual needs, and the placement must enable him or her to receive an appropriate education that meets those needs.” (p. 145)*

Rule 2 – Provide supplementary aids, services, and program modifications

- *“The IEP Team is to determine the setting with the greatest degree of integration in which an appropriate education is available, and a key to ensuring that this occurs is by including supplementary aids and services and program modifications... [and] implemented as intended.” (p. 146)*

Yell, Bateman, & Shriner (2022)

Better Practices to **FOLLOW** When Determining Placement

Rule 3 – Adhere to the continuum of alternative placements

- *“When using this continuum, teams must go through in a stepwise progression, one step at a time, and give careful thought to the placement that is most appropriate for a student.” (p. 147)*

Rule 4 – Provide opportunities for integration

- *“...students with disabilities,... should be educated with students who are not disabled” (p. 147)*
- Academic and nonacademic settings and services

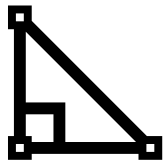
Yell, Bateman, & Shriner (2022)

Practices to **AVOID** When Determining Placement

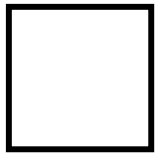
1. Failing to individualize a student's placement
2. Predetermining a student's placement
3. Placing a student prior to developing his or her IEP
4. Failing to adhere to the continuum of alternative placements
5. Failing to use supplementary aids and services before moving a student to a more restrictive setting
6. Adopting a placement policy for “all” students such as all students with autism attend a special school or all students with disabilities will be educated in general education classrooms (p. 147)

Yell, Bateman, & Shriner (2022)

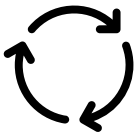
Discussion



What presents a new angle on placement?



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Root Cause Analysis

Scenario

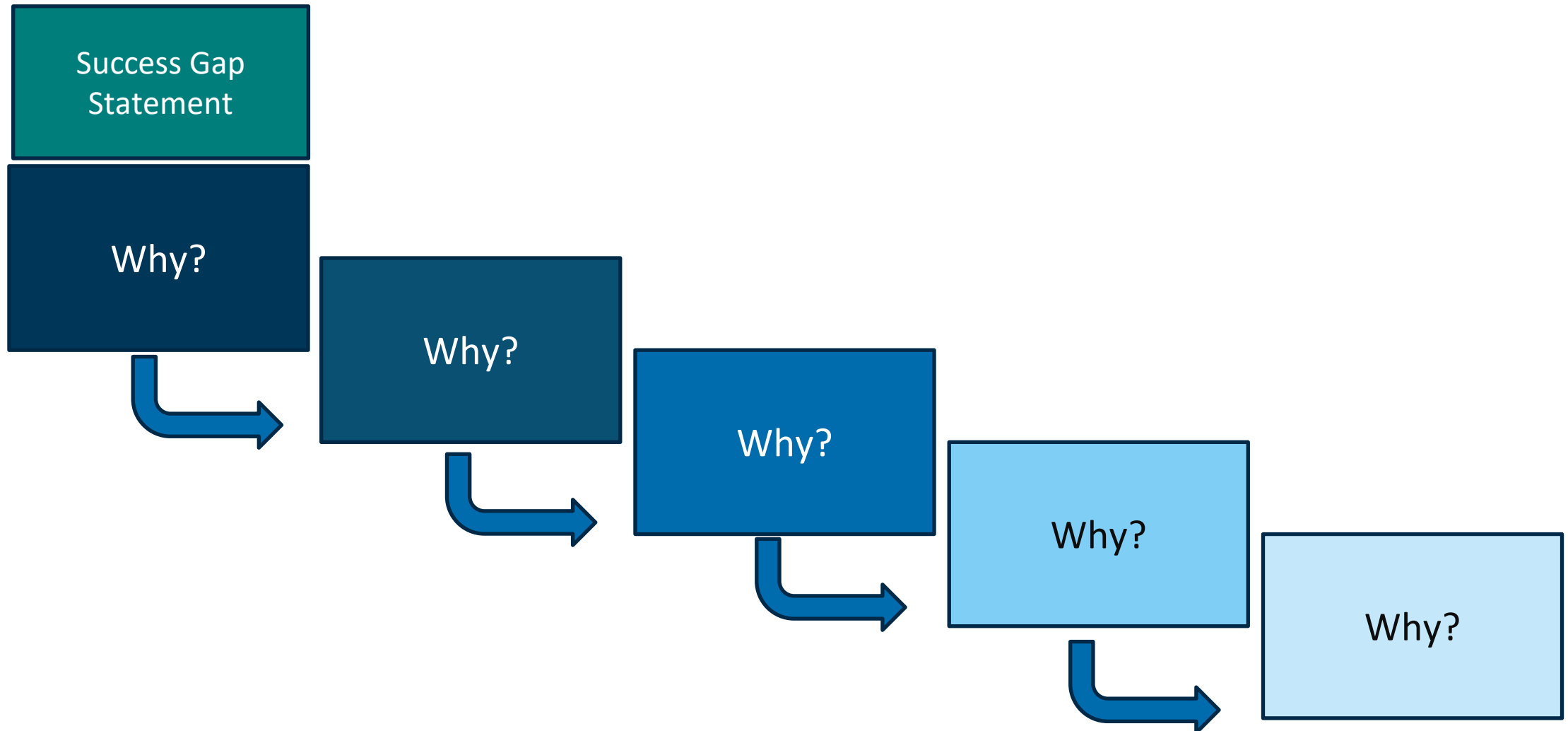
- Policy, procedure, practice review will illuminate strengths and specific gaps in current systems
- For the example, examined policies, procedures and practices in the following categories:
 - Core Reading and Math Programs
 - MTSS/Schoolwide System of Supports
 - Assessment Systems
 - Cultural Responsiveness
 - Family Involvement

Select a Root Cause Method

- Five Whys
- Fishbone
- Demonstration of Technique for Root Cause Analysis with Example Scenario



The Five Whys



The Five Whys

Hispanic Students are at a high risk for being identified as having a specific learning disability in our district.

Why?

Why?

Why?

Why?

Why?

The Five Whys

Hispanic Students are at a high risk for being identified as having a specific learning disability in our district.

Why?

Students are referred for special education evaluation.

Why?

Why?

Why?

Why?

The Five Whys

Hispanic Students are at a high risk for being identified as having a specific learning disability in our district.

Why?

Students are referred for evaluation for special education.

Why?

Students are performing below grade level academically.

Why?

Why?

Why?

The Five Whys

Hispanic Students are at a high risk for being identified as having a specific learning disability in our district.

Why?

Students are referred for special education evaluation.

Why?

Students are performing below grade level academically.

Why?

Students are not making progress in reading interventions.

Why?

Why?

The Five Whys

Hispanic Students are at a high risk for being identified as having a specific learning disability in our district.

Why?

Students are referred for special education evaluation.

Why?

Students are performing below grade level academically.

Why?

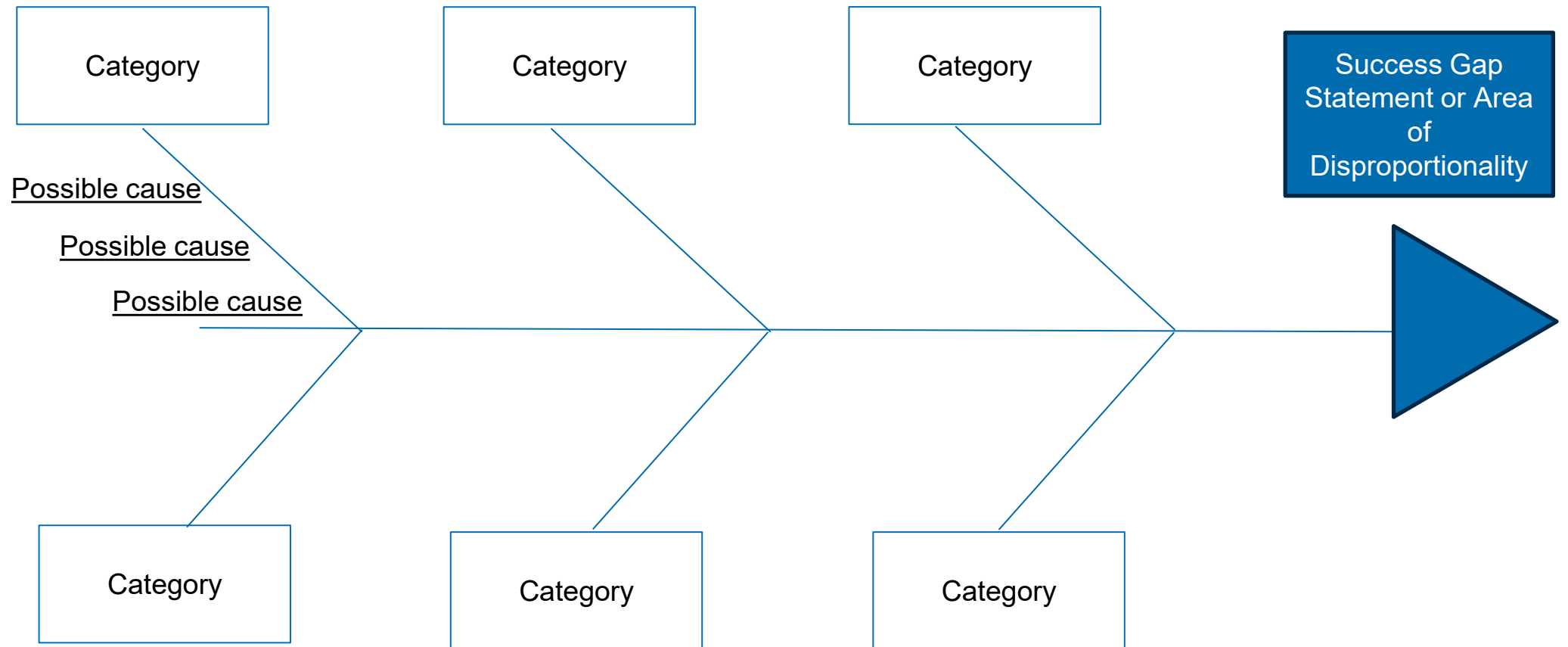
Students are not making progress in reading interventions.

Why?

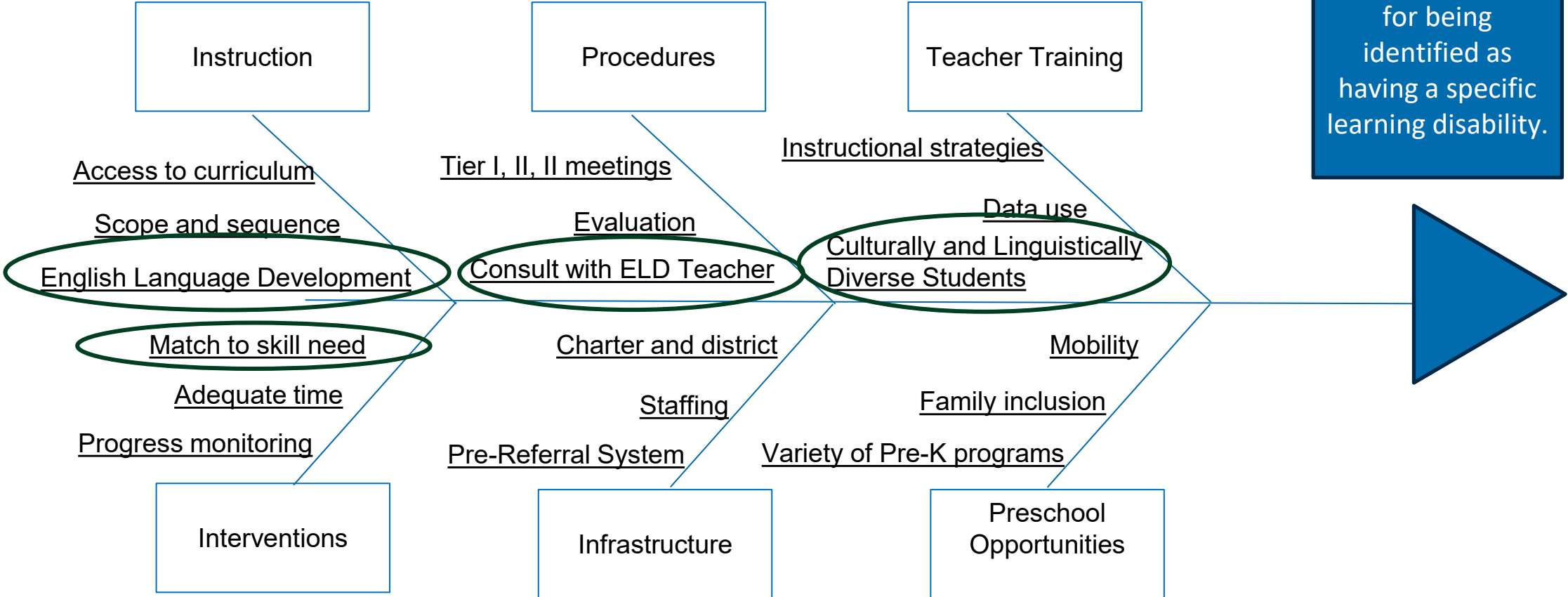
Students are not placed in interventions by skill area.

Why?

Fishbone Diagram



Fishbone Diagram



Poll



Which method of root cause analysis are you leaning toward?

- A. Fishbone
- B. Five Whys
- C. Other
- D. Uncertain



Next Steps

At Risk Districts

- **Share information about this identification with district leadership.**
- **Review resources provided and identify possible resources to use with team.**
- **Prepare a team to conduct this work if identified.**
- **Take stock of improvement initiatives, plans, and any other district priorities related to this area of risk.**
- **Begin identifying data sources and questions for policy, procedure, practice review and root cause analysis.**

Identified Districts

- **Establish your district team and share information about this identification.**
- **Conduct policy, procedure practice review.**
- **Use data from PPP review to inform root cause analysis.**
- **Plan check ins with your District Support Specialist.**
 - **Check in 1: Before completing policy, procedure, practice review and root cause analysis.**
 - **Check in 2: Prior to June 16 and after completing above tasks.**

Questions



Reflection

Share in the chat or tell the group one thing that:

- Today's session confirmed for you.
- Made you think differently about something.
- You want to share with your district.



Significant Disproportionality Resources

To Guide Activity Planning and Requirements for ODE

[Identified District Activity Checklist school year 2024-2025](#)

To Support Districts in Teaming

[Serving on Groups: Leading by Convening, by IDEAs that Work](#)

To Grow Background Knowledge

[Equity Requirements in IDEA](#): PDF comparing significant disproportionality requirements to indicators B4b, B9, B10

[OSEP IDEA Significant Disproportionality Regulations](#)

[CIFR WestEd Significant Disproportionality Step By Step Guide](#): Steps with resources

[IDC/CIFR/WestEd CEIS Practice Guide: Examples of CCEIS scenarios](#)

Resources For District Use in Improvement Planning



National Center on PBIS

Wise Use of Coordinated Early Intervening Services to Achieve Equity in School Discipline

West Ed

Research-Based Strategies for Addressing Disproportionality in Special Education

Progress Center

IDEA Disability Category Tip Sheet Series

Evidence-Based Instructional Practices Course Collection

Includes multiple online modules, including
Teaching Social Behaviors online self-paced course

National Center on Intensive Intervention

Introduction to Intensive Intervention

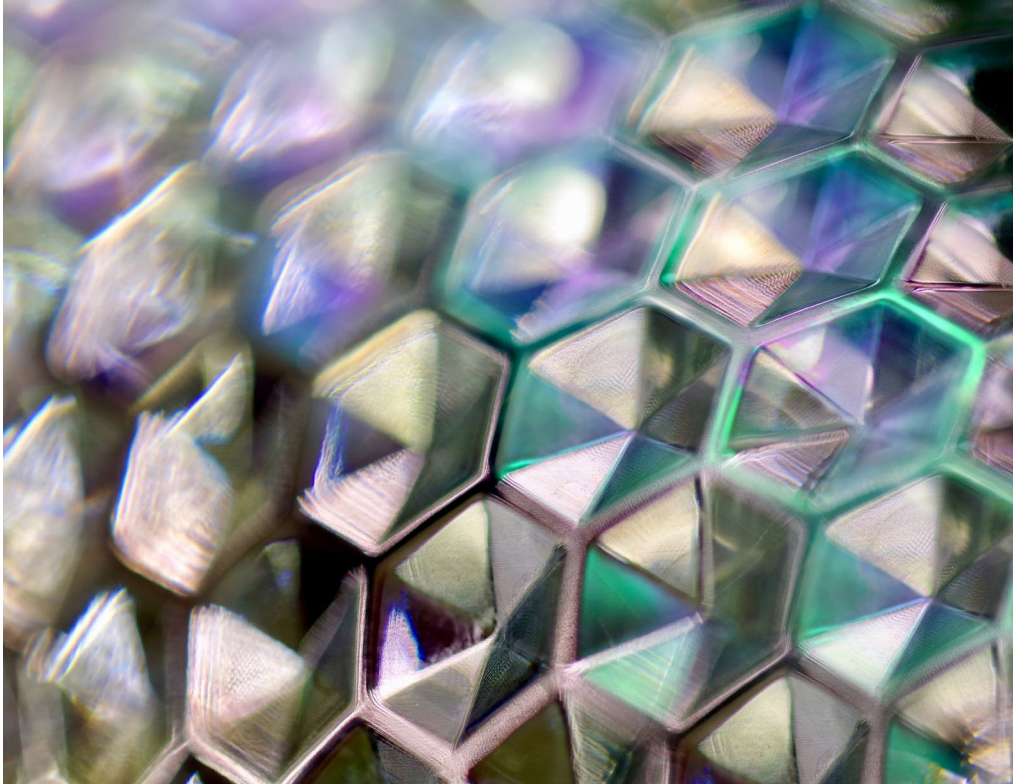
Tools chart overview

TIES

PBIS and Students with significant cognitive disabilities

Inclusive Instruction resources

Contact Information



ODE Staff are Available to Assist with the Different Aspects of Significant Disproportionality.

Data Questions

Cynthia Garton

Cynthia.garton@ode.oregon.gov

CCEIS or Financial Questions

Thea Donovan

Thea.donnovan@ode.oregon.gov

Program and Planning Questions

Sarah Soltz

Sarah.soltz@ode.oregon.gov

Or your district support specialist