****Significant Disproportionality Technical Manual

Criteria and calculations used for determining significant disproportionality in Oregon

March 2024

OREGON DEPARTMENT OF EDUCATION

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# **Significant Disproportionality Overview**

**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.

In Oregon, LEAs are school districts.

**What methodology does Oregon use to determine whether a district is identified with significant disproportionality?**

*Standard methodology*

Oregon uses a risk ratio calculation to determine whether a district has significant disproportionality, consistent with 34 C.F.R. § 300.647. The standard methodology identifies disparities across seven racial and ethnic groups in 14 categories of analysis. A district is identified with significant disproportionality when the risk ratio in any of the analyzed categories exceeds the established threshold for three consecutive years.

*Areas of flexibility*

Despite having a risk ratio in excess of the threshold for three consecutive years, a district may not be identified with significant disproportionality if they demonstrate reasonable progress in reducing the risk ratio. Reasonable progress is defined as a reduction in the risk ratio of 0.25 or greater per year in each of the last two consecutive years. For an example of reasonable progress, please see [Example 8](#_Example_8:_Reasonable) on page 14 of this document.

**What is a risk ratio threshold?**

A risk ratio threshold is a threshold over which disproportionality based on race or ethnicity is significant. Based on stakeholder input, Oregon has established 2.45 as its risk ratio threshold for the 2022-2023 school year and beyond for all categories of identification, placement, and discipline calculations. For more information on past risk ratio thresholds, please see the [Significant Disproportionality Implementation Timeline](https://www.oregon.gov/ode/students-and-family/SpecialEducation/GeneralSupervision/Documents/OregonSignificantDisproportionalityImplementationTimeline.docx).

**What are the 14 categories of analysis?**

As specified by the regulations, the 14 categories for which risk ratios are calculated are as follows:

Identification (ages 3-21)

1. Children with disabilities
2. Children with Intellectual Disability
3. Children with Specific Learning Disability
4. Children with Emotional Behavior Disability
5. Children with Speech/Language Impairment
6. Children with Other Health Impairments
7. Children with Autism

Placement (ages 6-21)

1. Children with disabilities placed Inside Regular Class Less Than 40% of the Day
2. Children with disabilities placed Inside Separate Schools and Residential Facilities

Discipline (age 3-21)

1. Out-of-School Suspensions and expulsions of children with disabilities for 10 days or fewer
2. Out-of-School Suspensions and expulsions of children with disabilities for more than 10 days
3. In-School Suspensions of children with disabilities for 10 days or fewer
4. In-School Suspensions of children with disabilities for more than 10 days
5. Disciplinary removals in total of children with disabilities (in-school and out-of-school suspensions, expulsions, removals to an alternative education settings, and removals by a hearing officer)

**What are the seven racial and 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

**What are the minimum sizes for analysis?**

**Cell size of 10** – The minimum number of students experiencing a particular outcome, which is used as the numerator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

**N-size of 30** – The minimum number of students enrolled in a district with respect to identification and the minimum number of students with disabilities enrolled in a district with respect to placement and discipline, which are used as the denominator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

**What is a risk ratio?**

A risk ratio is a numerical comparison, expressed as a ratio or decimal, between the risks of a specific outcome for two different groups. In the significant disproportionality methodology, the risk ratio compares the risk of a specific outcome for a specific racial or ethnic group in a district and the risk of that same outcome for all other children in the district. For example, if a district has a risk ratio of 3.00 for Hispanic students with disabilities, that means Hispanic students are three times more likely than students of all other races and ethnicities to be identified with disabilities in that district.

To make this comparison, the risk ratio is calculated by dividing the risk of a particular outcome for students in one racial or ethnic group within a district by the risk of that same outcome for students in all other racial or ethnic groups within the district (the comparison group). Note that for risk ratios involving identification, the comparison group is children in all other racial or ethnic groups enrolled in a district. For risk ratios involving placement or discipline, the comparison group is children with disabilities in all other racial or ethnic groups enrolled in a district. (See 34 C.F.R. § 300.647(a)(6).) Example calculations can be found on pages 7-14 of this document.

**What is an alternate risk ratio?**

To account for small sample size, when the district’s comparison data does not meet the minimum cell size (10 students) or the minimum n-size (30 students), state numbers are used for comparison in place of the district numbers. The alternate risk ratio is also a numerical comparison, expressed as a ratio or decimal, between the risk of a specific outcome for a specific racial or ethnic group in a district and the risk of that same outcome for a comparison group — in this case, all other children in the state, instead of all other children in the district. The alternate risk ratio is calculated by dividing the risk of a particular outcome for children in one racial or ethnic group within a district by the risk of that same outcome for children in all other racial or ethnic groups in the state.

**What happens when a district is identified with significant disproportionality?**

When a district is flagged for significant disproportionality in one or more of the analyzed categories, the district must review its policies, practices, and procedures to ensure compliance with the requirements of IDEA. The district must publicly report any revision to their policies, practices, and procedures that are a result of this review. The district is also required to reserve 15% of its IDEA Part B 611 and 619 allocations to be used for Comprehensive Coordinated Early Intervening Services (CCEIS). These CCEIS funds should be used to address factors contributing to the significant disproportionality. For more information, please see the [Significant Disproportionality webpage](https://www.oregon.gov/ode/students-and-family/SpecialEducation/GeneralSupervision/Pages/Significant-Disproportionality.aspx).

**Who can a district serve with the reserved CCEIS funds?**

A district may use the funds reserved for CCEIS to serve children from age 3 through grade 12, particularly (but not exclusively) children in groups that were significantly over-identified. The district should use the CCEIS funds to identify and address factors contributing to the significant disproportionality in the identified category. A district may not limit CCEIS only to children with disabilities. For more information, please see the [IDC Comparison of Mandatory and Voluntary CEIS](https://ideadata.org/sites/default/files/media/documents/2018-01/51322_IDC_CEIS_vs_CCEIS_Chart_0.pdf).

**What types of notifications does ODE send to districts regarding significant disproportionality?**

*At-Risk*

In addition to the Significant Disproportionality Report in SPR&I, if a district exceeds the threshold for two years, the district receives a notification that they have exceeded the significant disproportionality threshold for one or more categories and are at-risk for future identification for significant disproportionality. The notification includes information on available supports and other essential information.

*Significant Disproportionality*

In addition to the Significant Disproportionality Report in SPR&I, districts that have exceeded the state threshold for three consecutive years in the same category and are not making reasonable progress receive a notification that the district has significant disproportionality in one or more categories. The notification includes information on available supports, requirements for CCEIS, and other regulatory requirements of significant disproportionality.

**Where can I find more information on post-identification requirements?**

For details on information gathering, self-assessment, and planning, please see the [Significant Disproportionality webpage](https://www.oregon.gov/ode/students-and-family/SpecialEducation/GeneralSupervision/Pages/Significant-Disproportionality.aspx).

For details on reporting requirements, please see the [Coordinated Early Intervening Services Data Collection webpage](https://www.oregon.gov/ode/reports-and-data/SpEdReports/Pages/CoordinatedEarlyInterveningServicesDataCollection.aspx).

# **Significant Disproportionality Calculations**

## Example 1: Identification of American Indian/Alaska Native students with disabilities

Standard risk ratio

**Risk calculation for the risk group**

The risk of American Indian/Alaska Native students being identified with a disability in a particular district is equal to

In this district, there are 40 American Indian/Alaska Native students identified with disabilities and 200 enrolled American Indian/Alaska Native students. Because 40 ≥ 10 (minimum cell size) and 200 ≥ 30 (minimum n-size), we can calculate the risk of American Indian/Alaska Native students being identified with a disability in this district.

**Risk calculation for the comparison group**

The risk of students of all other race/ethnicity groups being identified with disabilities is equal to

In this district, there are 200 non-American Indian/Alaska Native students identified with disabilities and 2,000 enrolled non-American Indian/Alaska Native students. Because 200 ≥ 10 (minimum cell size) and 2,000 ≥ 30 (minimum n-size), we can use district data to calculate the risk of non-American Indian/Alaska Native students being identified with disabilities.

**Risk ratio calculation**

Because the comparison group meets the minimum cell size and n-size requirements, we can calculate a standard risk ratio for this category.

The risk ratio of 2.00 indicates that American Indian/Alaska Native students are twice as likely as students from all other race/ethnicity groups to be identified with disabilities in this district.

## Example 2: Identification of Pacific Islander/Native Hawaiian students with autism

Standard risk ratio

**Risk calculation for the risk group**

The risk of Pacific Islander/Native Hawaiian students being identified with autism in a particular district is equal to

In this district, there are 10 Pacific Islander/Native Hawaiian students identified with autism and 290 enrolled Pacific Islander/Native Hawaiian students. Because 10 ≥ 10 (minimum cell size) and 290 ≥ 30 (minimum n-size), we can calculate the risk of Pacific Islander/Native Hawaiian students being identified with autism in this district.

**Risk calculation for the comparison group**

The risk of students of all other race/ethnicity groups being identified with autism is equal to

In this district, there are 790 non-Pacific Islander/Native Hawaiian students identified with autism and 38,115 enrolled non-Pacific Islander/Native Hawaiian students. Because 790 ≥ 10 (minimum cell size) and 38,115 ≥ 30 (minimum n-size), we can use district data to calculate the risk of non-Pacific Islander/Native Hawaiian students being identified with autism.

**Risk ratio calculation**

Because the comparison group meets the minimum cell size and n-size requirements, we can calculate a standard risk ratio for this category.

The risk ratio of 1.66 indicates that Pacific Islander/Native Hawaiian students are 1.66 times as likely as students from all other race/ethnicity groups to be identified with autism in this district.

## Example 3: Placement of Asian students in separate schools or residential facilities

Standard risk ratio

**Risk calculation for the risk group**

The risk of Asian students with disabilities being placed in separate schools or residential facilities (SSRF) in a particular district is equal to

In this district, there are 15 Asian students with disabilities in SSRF and 300 Asian students with disabilities. Because 15 ≥ 10 (minimum cell size) and 300 ≥ 30 (minimum n-size), we can calculate the risk of Asian students with disabilities being placed in SSRF in this district.

**Risk calculation for the comparison group**

The risk of students with disabilities of all other race/ethnicity groups being placed in SSRF is equal to

In this district, there are 60 non-Asian students with disabilities in SSRF and 1,200 non-Asian students with disabilities. Because 60 ≥ 10 (minimum cell size) and 1,200 ≥ 30 (minimum n-size), we can use district data to calculate the risk of non-Asian students with disabilities being placed in SSRF.

**Risk ratio calculation**

Because the comparison group meets the minimum cell size and n-size requirements, we can calculate a standard risk ratio for this category.

The risk ratio of 1.00 indicates that Asian students with disabilities are equally as likely as students with disabilities from all other race/ethnicity groups to be placed in separate schools and residential facilities in this district.

## Example 4: Total disciplinary removals of multiracial students

Standard risk ratio

**Risk calculation for the risk group**

The risk of disciplinary removals for multiracial students with disabilities in a particular district is equal to

In this district, there are 14 multiracial students with disabilities who experienced a disciplinary removal and 42 multiracial students with disabilities. Because 14 ≥ 10 (minimum cell size) and 42 ≥ 30 (minimum n-size), we can calculate the risk of a multiracial student experiencing a disciplinary removal in this district.

**Risk calculation for the comparison group**

The risk of students with disabilities of all other race/ethnicity groups experiencing a disciplinary removal is equal to

In this district, there are 88 non-multiracial students with disabilities who experienced a disciplinary removal and 800 non-multiracial students with disabilities. Because 88 ≥ 10 (minimum cell size) and 800 ≥ 30 (minimum n-size), we can use district data to calculate the risk of non-multiracial students with disabilities experiencing a disciplinary removal.

**Risk ratio calculation**

Because the comparison group meets the minimum cell size and n-size requirements, we can calculate a standard risk ratio for this category.

The risk ratio of 3.03 indicates that multiracial students with disabilities are about three times as likely as students with disabilities from all other race/ethnicity groups to experience a disciplinary removal in this district.

## Example 5: Identification of Hispanic students with specific learning disabilities

Alternate risk ratio

**Risk calculation for the risk group**

The risk of Hispanic students being identified with specific learning disabilities in a particular district is equal to

In this district, there are 16 Hispanic students identified with specific learning disabilities and 128 enrolled Hispanic students. Because 16 ≥ 10 (minimum cell size) and 128 ≥ 30 (minimum n-size), we can calculate the risk of a Hispanic student being identified with specific learning disabilities in this district.

**Risk calculation for the comparison group**

In this district, there are 8 non-Hispanic students identified with specific learning disabilities and 80 non-Hispanic students enrolled. While 80 ≥ 30 (minimum n-size), 8 does not meet the minimum cell size of 10, so we will calculate the risk for the comparison group using state data.

The statewide risk of students of all other race/ethnicity groups being identified with specific learning disabilities is equal to

**Risk ratio calculation**

Because the comparison group in this district does not meet the minimum cell size requirement, we will calculate an alternate risk ratio for this category.

The risk ratio of 4.17 indicates that Hispanic students are over four times as likely as students from all other race/ethnicity groups to be identified with specific learning disabilities in this district.

## Example 6: Out-of-school suspension for more than 10 days of white students

Alternate risk ratio

**Risk calculation for the risk group**

The risk of white students with disabilities receiving out-of-school suspension for more than 10 days (OSS > 10) in a particular district is equal to

In this district, there are 11 white students with disabilities suspended out-of-school for more than 10 days and 66 white students with disabilities. Because 11 ≥ 10 (minimum cell size) and 66 ≥ 30 (minimum n-size), we can calculate the risk of white students with disabilities being suspended out-of-school for more than 10 days in this district.

**Risk calculation for the comparison group**

In this district, there are 7 non-white students with disabilities suspended out-of-school for more than 10 days and 21 non-white students with disabilities. Because neither the minimum cell size nor the minimum n-size requirement are met (7 < 10 and 21 < 30), we will calculate the risk for the comparison group using state data.

The statewide risk of students of all other race/ethnicity groups being suspended out-of-school more than 10 days is equal to

**Risk ratio calculation**

Because the comparison group in this district does not meet the minimum cell size or minimum n-size requirements, we will calculate an alternate risk ratio for this category.

The risk ratio of 1.67 indicates that white students with disabilities are 1.67 times as likely as students with disabilities from all other race/ethnicity groups to receive out-of-school suspension for more than 10 days in this district.

## Example 7: Placement of Black students in regular class less than 40% of the day

No risk ratio calculated – small cell size/n-size

**Small cell size**

In District A, out of 31 Black students with disabilities, 3 are placed in regular class less than 40% of the day. This district meets the minimum n-size to calculate the risk of Black students with disabilities being placed in regular class less than 40% of the day (31 ≥ 30), but it does not meet the minimum cell size for this calculation because 3 < 10.

Therefore, no risk ratio can be calculated for District A for the placement of Black students with disabilities in regular class less than 40% of the day.

**Small n-size**

In District B, out of 28 Black students with disabilities, 12 are placed in regular class less than 40% of the day. This district meets the minimum cell size to calculate the risk of Black students with disabilities being placed in regular class less than 40% of the day (12 ≥ 10), but it does not meet the minimum n-size for this calculation because 28 < 30.

Therefore, no risk ratio can be calculated for District B for the placement of Black students with disabilities in regular class less than 40% of the day. In addition, no risk ratios can be calculated for District B for the placement of Black students with disabilities in separate schools and residential facilities or for Black students in any of the discipline categories. This is because the number of Black students with disabilities in the district is the denominator of the risk calculation for Black students for each of the placement and discipline categories.

## Example 8: Reasonable progress

Consider two districts with the following risk ratios for Hispanic students identified with disabilities in the past three school years, all of them over 2.45.

| **District Name** | **2020-2021** | **Year-to-year difference** | **2021-2022** | **Year-to-year difference** | **2022-2023** |
| --- | --- | --- | --- | --- | --- |
| **District A** | 3.90 | -0.40 | 3.50 | -0.90 | 2.60 |
| **District B** | 3.90 | -1.30 | 2.60 | 0.90 | 3.50 |
| **District C** | 3.90 | -1.20 | 2.70 | -0.20 | 2.50 |

Oregon defines reasonable progress as a decrease in a risk ratio of 0.25 or more for each of the two prior consecutive years. As a result, District A **would not** **be identified** with significant disproportionality for Hispanic students identified with disabilities. The decrease in risk ratio from school years 2020-2021 to 2021-2022 was 0.40, and the decrease in risk ratio from school years 2021-2022 to 2022-2023 was 0.90, both greater than 0.25.

District B, however, **would be identified** with significant disproportionality. Even though the risk ratio decreased by 1.30 from school years 2020-2021 to 2021-2022, the risk ratio increased by 0.90 from school years 2021-2022 to 2022-2023. Because District B did not show a decrease in the risk ratio of 0.25 or more for each of the two prior consecutive years, District B did not make reasonable progress in lowering the risk ratio for Hispanic students identified with disabilities.

District C **would be identified** with significant disproportionality as well. Even though the risk ratio decreased by 1.20 from school years 2020-2021 to 2021-2022, the risk ratio only decreased by 0.20 from school years 2021-2022 to 2022-2023. Therefore, District C did not meet the reasonable progress standard of a decrease in the risk ratio of 0.25 or more for each of the two prior consecutive years.