Disproportionality in Special Education: Strategic thinking around causes and solutions

Oregon Department of Education
Fall Conference 2011
Objectives

• Awareness of Significant Disproportionality as a federal obligation (rationale, district process)
• Consideration of areas of to target when thinking about prevention of racial and ethnic disproportionality in special education and beyond
Disproportionality

• Disproportionality: The state of being disproportional
  – Disproportional: out of proportion

• Disproportionality: The over or under-representation of a specific race or ethnicity in a given category as compared to a standard that is considered typical.
Example

<table>
<thead>
<tr>
<th>W</th>
<th>H</th>
<th>API</th>
<th>AA</th>
<th>M</th>
<th>N</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>67.5%</td>
<td>19.6%</td>
<td>4.6%</td>
<td>2.8%</td>
<td>2.7%</td>
<td>1.9%</td>
<td>1%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>W</th>
<th>H</th>
<th>API</th>
<th>AA</th>
<th>M</th>
<th>N</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>35%</td>
<td>25%</td>
<td>4.6%</td>
<td>22.4%</td>
<td>6%</td>
<td>4%</td>
<td>3%</td>
</tr>
</tbody>
</table>
Significant Disproportionality as a technical term (federal use)

Significant Disproportionality (SDp) refers to the over-identification of special education students by race or ethnicity in one of four areas:

1. Students in special education
2. Students in special education categories
3. Students in restrictive settings in special education
4. Students disciplined (expelled and suspended) in special education
Districts identified with SDp are responsible for:

1) The review (and, if appropriate) revision of policies, procedures, and practices. *Stakeholders; internally driven*

2) The public reporting on the revision of policies, procedures, and practices. *Inform ODE using SPR&I website*

3) Reserving the maximum amount of IDEA funds to be used for Coordinated Early Intervening Services (15%); *Subject to all CEIS monitoring reports and comprehensive budget submission*

In addition: A district with a finding of Significant Disproportionality is unable to reduce its Maintenance of Effort (MOE)
School Year: 2010-11

2010-11 Compliance and Performance Indicators (2009-10 Data)

- **Leaver (B1 & B2)**: Meets Requirements
- **Assessment (B3)**: Improvement Plan Meets Requirements
- **Discipline (B4)**: Corrective Action Plan Meets Requirements
- **Federal Placement (B5)**: Justified To Meet
- **Disproportionality (B9 & B10)**: Worksheet Justified
- **Child Find (B11)**: Improvement Plan Meets Requirements
- **Significant Disproportionality**: Corrective Action Plan Due

Determination Status

- FFY 2007: Meets Requirements

Agency Contacts
Indicator: Significant Disproportionality

This report identifies disproportional representation by ethnicity across four indicators: B9, B10, B5, and B4. A district is flagged if they have a disproportional representation and a composition difference of 20% or more in any ethnic group for any of the four indicators. A district is not flagged for a given category if the disproportion is below 20%.

Identification for Special Education by Race/Ethnicity

<table>
<thead>
<tr>
<th>Asian</th>
<th>%</th>
<th>WRR</th>
<th>Black</th>
<th>%</th>
<th>WRR</th>
<th>Caucasian</th>
<th>%</th>
<th>WRR</th>
<th>Hispanic</th>
<th>%</th>
<th>WRR</th>
<th>Native American</th>
<th>%</th>
<th>WRR</th>
<th>Pacific Islander</th>
<th>%</th>
<th>WRR</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA SECC 2010-11</td>
<td>296</td>
<td>4.7%</td>
<td>0.59</td>
<td>1081</td>
<td>17.2%</td>
<td>1.33</td>
<td>3404</td>
<td>54.0%</td>
<td>0.92</td>
<td>1054</td>
<td>16.7%</td>
<td>1.15</td>
<td>125</td>
<td>2.0%</td>
<td>1.42</td>
<td>42</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

Identification by race/ethnicity across six disability types
### Federal placement distribution (LRE) by setting and race/ethnicity

<table>
<thead>
<tr>
<th>Setting</th>
<th>Asian</th>
<th></th>
<th>Black</th>
<th></th>
<th>Caucasian</th>
<th></th>
<th>Hispanic</th>
<th></th>
<th>Native American</th>
<th></th>
<th>Pacific Island</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
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<td>%</td>
<td>#</td>
<td>%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regular Class 40% to 79%</td>
<td>20</td>
<td>3.7%</td>
<td>138</td>
<td>25.8%</td>
<td>222</td>
<td>41.6%</td>
<td>115</td>
<td>21.5%</td>
<td>10</td>
<td>1.9%</td>
<td>1</td>
</tr>
<tr>
<td>Regular Class less than 40%</td>
<td>30</td>
<td>4.0%</td>
<td>143</td>
<td>19.3%</td>
<td>417</td>
<td>56.3%</td>
<td>112</td>
<td>15.1%</td>
<td>11</td>
<td>1.5%</td>
<td>1</td>
</tr>
<tr>
<td>Separate School or Residential Facility</td>
<td>10</td>
<td>3.7%</td>
<td>48</td>
<td>17.8%</td>
<td>166</td>
<td>61.7%</td>
<td>29</td>
<td>10.8%</td>
<td>8</td>
<td>3.0%</td>
<td>2</td>
</tr>
</tbody>
</table>

### Long-term discipline including incidence, duration and type by race/ethnicity

<table>
<thead>
<tr>
<th></th>
<th>Asian</th>
<th></th>
<th>Black</th>
<th></th>
<th>Caucasian</th>
<th></th>
<th>Hispanic</th>
<th></th>
<th>Native American</th>
<th></th>
<th>Pacific Island</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEA IDEA 2009-10</td>
<td>0</td>
<td>0.0%</td>
<td>42</td>
<td>42.9%</td>
<td>33</td>
<td>33.7%</td>
<td>15</td>
<td>15.3%</td>
<td>2</td>
<td>2.0%</td>
<td>0</td>
</tr>
</tbody>
</table>
School Year: 2010-11

Significant Disproportionality
Corrective Action Plan Due

Policy to Practice Review

Please complete this form to indicate completion of required procedures and acknowledgement of consequences of being flagged for Significant Disproportionality. Additionally, the district may choose to submit an improvement plan to document any planned changes to policies, practices, or procedures. Note: Improvement plans submitted for this work must include a comprehensive budget showing how CEIS funds will be applied.

1. ✔️ Our district acknowledges that we will be unable to reduce Maintenance of Effort (MOE) and that within the next school year, 15% of our IDEA Part B funds must be spent on Coordinated Early Intervening Services (CEIS).

2. ✔️ We have reviewed any policies, practices, and procedures that may have an impact on a finding of Significant Disproportionality in the areas identified.

3. Following a review of our policies, practices, and procedures, we found content that required changes. ☐ Yes ☐ No

4. We have publicly reported the changes we made to policies, practices, or procedures based on the findings from our review and the updated information is posted at:

Save

Back to Top
School Year: 2010-11

**Significant Disproportionality**
Corrective Action Plan Due

Note: Improvement plans submitted for this work must include a comprehensive budget showing how CEIS funds will be applied.

This Corrective Action Plan needs to be completed. When it is finished, click the Submit button to send it to ODE.

**Corrective Action Plan**

- Submit Plan to ODE

[Expand All Items] [Collapse All Items]

**Plan Items**

- [+] Team Members [Edit]
- [+] Data Analysis [Edit]
- [+] Progress Report [Edit]

**Plan Objectives**

- Add Objective

**Uploaded Documents**

Note: Uploaded documents are intended to supplement, not replace, information entered for plan items and objective items.

- Upload Document

**Plan History**

No history is available for this plan.
Caveat: Data Only

• A State's definition of significant disproportionality needs to be based on an analysis of numerical information, and may not include consideration of the State's or LEA's policies, procedures or practices.
ODE requires

- Policy to Practice reviews
- Improvement Plans
- Corrective Action Plans
Typical variables used in calculating disproportionality in Oregon

- Establish a minimum n size in the category
- Establish a minimum n size outside of the category
- Identify a difference in SPED as compared to General education (by race/ethnicity)
- Apply a ratio or index calculation to document the likelihood of the difference (by race/ethnicity)
Identification for special education by race/ethnicity:

Significant Disproportionality

- ≥10 students in special education by race/ethnicity category, and
- ≥10 students in special education across other race/ethnicity categories, and
- +20% difference in the identified special education population from the overall district population by race/ethnicity category, and
- Weighted risk ratio of >4.0 by race/ethnicity category

B9 Inappropriate Identification Special Education

- Same
- N/A
- Same
- A Weighted Risk Ratio analysis shows a value of >2.0 or <0.25 in the same race/ethnicity category.
Identification by race/ethnicity by disability type:

**Significant Disproportionality**
- ≥10 students in disability category by race/ethnicity, and
- ≥10 students in disability category across other race/ethnicity categories, and
- +20% difference in the disability category from the overall district population by race/ethnicity category, and
- Weighted risk ratio of >4.0 by race/ethnicity category

**B10 Inappropriate Identification Disability**
- Yes
- N/A
- +/- 20% from the percentage of all students within the district disaggregated by race/ethnicity in at least one race/ethnicity and disability category
- A Weighted Risk Ratio analysis shows a value of >2.0 or <0.25 in the same race/ethnicity category and disability category;
Federal placement distribution (LRE) by setting and race/ethnicity:

**Significant Disproportionality**
- ≥10 students in setting by race/ethnicity, and
- ≥10 students in setting across other race/ethnicity categories, and
- +20% difference in the special education setting from the overall district special education population by race/ethnicity category, and
- Weighted risk ratio of >4.0 by race/ethnicity category

Both B5 and Significant Disproportionality refer to:
- Regular Class 40% to 79%
- Regular Class less than 40%
- Separate School or Residential Facility
Long-term discipline including incidence, duration and type by race/ethnicity:

Significant Disproportionality
• ≥10 students in special education by race/ethnicity category who received long-term discipline, and
• +20% difference in the special education race/ethnicity population who received long-term discipline from the overall district population by race/ethnicity category
• Weighted risk ratio of >4.0 by race/ethnicity category

Both B4 and Significant Disproportionality refer to:
• Incidence = cumulative # of suspension or expulsion incidents
• Duration = suspension or expulsion totaling greater than 10 days
• Type = out of school suspension or expulsion
Why monitor for Significant Disproportionality?
USDE explanation

- USDE letter from Alexa Posny
  - There was a 35% increase in minority students in public education between 2000 and 2007.
  - African American Students are identified with [Intellectual Disabilities] and Emotional Disturbance at greater rates than their White counterparts.
  - In 1998-1999 African American children were 14.8% of the population but comprised 20.2% of students with disabilities.
Where can disproportionality occur?

• Discipline
  – Out of school suspensions
  – In school suspensions
• Drop out rates
• Graduation rates
• Special Education distribution
• Special Education category
• Accountability test scores
• Where else?
Moving Forward

• Is (Significant) Disproportionality real? What do the data show?
• Why does it occur?
• Is it a problem if the data don’t support it? Is it a problem in Oregon?
• What actions can I take to respond?
Disproportionality in General

• Students from African American families are 2.19 (elementary) to 3.78 (middle) times as likely to be referred to the office for problem behavior as their White peers.

• Students from African American and Latino families are more likely than their White peers to receive expulsion or out of school suspension as consequences for the same or similar problem behavior. Skiba, R. J., Horner, R. H. Chung, C. G., Rausch, M. K., May, S. L., & Tobin, T. (2011).
National Data

• In 2009-10 African Americans comprised 12.6% of the national population, but the average identification of African American students with Intellectual disabilities across states was 25.5%.
Disproportionality in General

- Racial disparities appear to begin at initial classroom referral.
- Teachers referred minority children more often and tended to refer [them] for behavioral rather than academic issues (Gottlieb, Gottlieb, and Trongone (1991))
Why does disproportionality occur

• Test bias?
• Poverty?
• Unequal Educational Opportunity?
• Special Education Eligibility Process?
• Classroom Behavior/Management?
• Cultural Issues?
• Institutional habit? Institutional apathy?
Why does disproportionality occur

- Test bias?
- Poverty?
- Unequal Educational Opportunity?

- Current research
  - Poverty to achievement - yes, poverty to minority status - yes, poverty to special education - no
  - Children achieve in direct proportion to their opportunity to learn
Why does disproportionality occur

- Special Education Eligibility Process?
- Classroom Behavior/Management?
- Cultural Issues?
- Institutional habit? Institutional apathy?
- Racial disparity exists even at the time of referral (research inconsistent)
- Wait to fail models exacerbate the ability and the ease of interventions
- Brave racial and cultural studies in the 70s and 80s
Why talk about disproportionality in SPED?

- Disproportionate representation is greater in the judgmental or “soft” disability categories of MR, ED, or LD than in the nonjudgmental or “hard” disability categories, such as hearing impairment, visual impairment, or orthopedic impairment (Donovan & Cross, 2002; Parrish, 2002).

- This means that you have the opportunity in numerous daily situations to influence the decisions that impact these outcomes.
Decision-Making Discussion

• What decisions influence or potentially influence disproportionality in a school district?
What about districts where there are no (or few) students from minority populations?
## Oregon Relevance

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Number of students</td>
<td>Number of students</td>
<td>Change in number of students</td>
</tr>
<tr>
<td>White</td>
<td>452,163</td>
<td>379,038</td>
<td>-73,125</td>
</tr>
<tr>
<td>African American</td>
<td>14,139</td>
<td>15,485</td>
<td>1,346</td>
</tr>
<tr>
<td>Hispanic</td>
<td>43,712</td>
<td>109,842</td>
<td>66,130</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>19,189</td>
<td>25,927</td>
<td>6,738</td>
</tr>
<tr>
<td>Native American</td>
<td>11,156</td>
<td>10,850</td>
<td>-306</td>
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<tr>
<td>Multi-race/ethnic</td>
<td>N/A</td>
<td>15,190</td>
<td>2.7%</td>
</tr>
<tr>
<td>Not reported</td>
<td>N/A</td>
<td>5,366</td>
<td>1.0%</td>
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</table>
# U.S. Population Change by Race & Ethnicity, 2000-2009

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>307,806,550</td>
<td>24,834,539</td>
<td>8.8</td>
</tr>
<tr>
<td>Non-Hispanic</td>
<td>258,587,226</td>
<td>12,057,648</td>
<td>4.9</td>
</tr>
<tr>
<td>White</td>
<td>199,851,240</td>
<td>4,088,448</td>
<td>2.1</td>
</tr>
<tr>
<td>Black</td>
<td>37,681,544</td>
<td>3,276,661</td>
<td>9.5</td>
</tr>
<tr>
<td>AIAN</td>
<td>2,360,807</td>
<td>256,564</td>
<td>12.2</td>
</tr>
<tr>
<td>Asian</td>
<td>13,686,083</td>
<td>3,233,417</td>
<td>30.9</td>
</tr>
<tr>
<td>NHPI</td>
<td>448,510</td>
<td>79,260</td>
<td>21.5</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>4,559,042</td>
<td>1,123,298</td>
<td>32.7</td>
</tr>
<tr>
<td>Hispanic</td>
<td>48,419,324</td>
<td>12,776,945</td>
<td>35.8</td>
</tr>
<tr>
<td>Race</td>
<td>Absolute Change 2000 - 2009</td>
<td>Percent of Total</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>24,834,539</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Non-Hispanic</td>
<td>12,057,648</td>
<td>48.6</td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>4,088,448</td>
<td>16.5</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>3,276,661</td>
<td>13.4</td>
<td></td>
</tr>
<tr>
<td>American Indian</td>
<td>256,564</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>3,233,417</td>
<td>13.0</td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian</td>
<td>79,260</td>
<td>0.3</td>
<td></td>
</tr>
<tr>
<td>Two or More Races</td>
<td>1,123,298</td>
<td>4.5</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>12,776,945</td>
<td>51.4</td>
<td></td>
</tr>
</tbody>
</table>
DEMAND FOR CULTURAL ELASTICITY

• Linguistic
• Religious
• Family Structure
• Lifestyle
• Sexual Orientation
• Generational
## CHILDREN LIVING IN NON-GRANDPARENT AND GRANDPARENT-HEADED HOUSEHOLDS BY PRESENCE OF PARENTS, 2010

<table>
<thead>
<tr>
<th>Household Type</th>
<th>All Children (in thousands)</th>
<th>Living with Both Parents</th>
<th>Living with Mother Only</th>
<th>Living with Father Only</th>
<th>Living with Neither parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>74,718</td>
<td>69.3%</td>
<td>23.1%</td>
<td>3.4%</td>
<td>4.0%</td>
</tr>
<tr>
<td>No Grandparents</td>
<td>67,209</td>
<td>73.4%</td>
<td>21.2%</td>
<td>3.3%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Both Grandparents</td>
<td>2,610</td>
<td>18.1%</td>
<td>40.6%</td>
<td>5.2%</td>
<td>36.1%</td>
</tr>
<tr>
<td>Grandmother Only</td>
<td>1,922</td>
<td>13.8%</td>
<td>48.4%</td>
<td>4.5%</td>
<td>33.2%</td>
</tr>
<tr>
<td>Grandfather Only</td>
<td>318</td>
<td>26.4%</td>
<td>45.9%</td>
<td>4.4%</td>
<td>23.6%</td>
</tr>
</tbody>
</table>
Why talk about disproportionality in SPED?

• Disproportionate representation is greater in the judgmental or “soft” disability categories (Donovan & Cross, 2002; Parrish, 2002).

• Decision-making
Does disproportionality have to mean racism?

• Decision making
• What influences decisions at the point of referral?
• Consider teacher workload
• Historical tendency toward focusing on the middle (The edges typically require more intense focus and attention)
What can be done?

- Are special education referrals being made for appropriate reasons?
- Is there a noticeable pattern in which teachers refer students regularly?
- Do certain teachers/schools have particularly high referral rates?
- Is there a high percentage of students from low income homes or who are culturally or linguistically diverse in special education classes?
- Is there a pattern in classroom placement for culturally and linguistically diverse students?
- Have other possible sources of the problem been investigated?
- What documented interventions were attempted before the student was evaluated for special education?

(Truth in Labeling, King-Johnston, Gates, NEA, IDEA)
Next Steps

✓ Involve stakeholders
✓ Be proactive in considering other races/ethnicities
✓ Consider the spirit of the law
✓ Seek out additional resources & support, such as:
  http://idea.ed.gov/explore/home
  http://www.nccrest.org/
ODE Contact

• For specific questions, please contact:

  dianna.carrizales-engelmann@ode.state.or.us
  (503) 947-5634
  Special Education Monitoring, Systems, & Outcomes - Director of Monitoring, Systems, and Outcomes
References

• Achieving Equity in Special Education: History, Status, and Current Challenges
• By Skiba, Russell J Simmons, Ada B; Ritter, Shana; Gibb, Ashley C; Rausch, M Karega; Cuadrado, Jason; Chung, Choong-Geun April 2008
• http://www.nccrest.org/