Vermont’s Policy and Procedures: Significant Disproportionality in Special Education

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What Is Significant Disproportionality?

• What does “significant disproportionality” mean?
• What categories are measured?
What Is Significant Disproportionality?

• One of three equity requirements of the IDEA:
  – Disproportionate Representation
  – Significant Discrepancy
  – Significant Disproportionality
What Is Significant Disproportionality?

• Measurement of racial and ethnic disparity in special education outcomes
  – Overrepresentation of a racial or ethnic group in a category
• Disproportionality becomes *significant* when the overrepresentation exceeds a defined threshold
What Is Significant Disproportionality?

- Federal law requires states to annually examine data by race or ethnicity in the state and all districts with respect to:
  - Identification of children as having a disability or one of six particular impairments
  - Placement of children in restrictive educational settings
  - Incidence, duration, and type of disciplinary removals
Categories of Analysis: Identification

For children ages 3 through 21:

• Identification as children with disabilities

• Identification as children with the following impairments:
  – Intellectual disabilities
  – Specific learning disabilities
  – Emotional disturbance
  – Speech or language impairments
  – Other health impairments
  – Autism
Categories of Analysis: Educational Environment

For children with disabilities ages 6 through 21:

• Placement inside a regular class less than 40 percent of the day

• Placement inside separate schools and residential facilities, **not** including:
  – Homebound or hospital settings
  – Correctional facilities
Categories of Analysis: Discipline

For children with disabilities ages 3 through 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, including:
  – In-school and out-of-school suspensions
  – Expulsions
  – Removals by school personnel to an interim alternative education setting
  – Removals by a hearing officer
The Final Rule

- Enforces a standard methodology for all states with some flexibility
- Flexible elements are set with stakeholder input
Standard Methodology: Risk Ratios

- Risk: portion of a racial/ethnic group experiencing an outcome
- Risk Ratio: A racial/ethnic group’s risk of an outcome vs everyone else’s risk of the same outcome
Standard Methodology: Risk Ratios

- **Risk**: portion of a racial/ethnic group experiencing an outcome
- **Risk Ratio**: A racial/ethnic group’s risk of an outcome vs everyone else’s risk of the same outcome

<table>
<thead>
<tr>
<th>Risk Ratio</th>
<th>What does it mean?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Equal or proportionate representation</td>
</tr>
<tr>
<td>&gt; 1</td>
<td>Overrepresentation (greater risk of …)</td>
</tr>
<tr>
<td>&lt; 1</td>
<td>Underrepresentation (less risk of …)</td>
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</tbody>
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State-Selected Variables

- Thresholds
- Minimum cell and n sizes
- Number of years of data
- Reasonable progress
Thresholds
Thresholds

- States **must** determine the threshold for risk ratios over which disproportionality is considered significant

\[
\text{Risk Ratio} > \text{Threshold} = \text{Significant Disproportionality}
\]

- A threshold must be determined for each category of analysis
  - Thresholds can be the same or different across categories of analysis
  - Thresholds must be the same across racial and ethnic groups

- Thresholds must be reasonable
Minimum Cell and N Sizes
What Are Cell and N?

- **Cell size**: number of students experiencing a certain outcome

- **N size**: number of students in the group that *could* experience that outcome
Minimum Cell and N Sizes

- Small populations result in large swings in risk calculations with the entrance or exit of just 1 student
Minimum Cell and N Sizes

• States **must** determine minimum sizes for analysis groups

• Minimum cell and n sizes must be determined for each category of analysis
  – Minimums can be the same or different across categories of analysis
  – Minimums must be the same across racial and ethnic groups
Minimum Cell and N Sizes

- Minimum cell and n sizes must be reasonable
- Range of values considered presumptively reasonable:
  - Cell size: 1 through 10
  - N size: 1 through 30
Number of Years of Data
Number of Years of Data

• States **may** use multiple years of data to perform significant disproportionality analysis

• Only risk ratios above the threshold for the selected number of years would be identified as significantly disproportionate
Reasonable Progress
Reasonable Progress

• If using multiple years of data to perform significant disproportionality analysis, states may set criteria for reasonable progress.

• Only risk ratios above the threshold for the selected number of years and failing to improve by the state-designated reasonable progress standard each year would be identified as significantly disproportionate.