



# West Virginia DEPARTMENT OF EDUCATION

## Office of Special Education and Student Support Guidance and Procedures for Calculating Significant Disproportionality

### Citation:

Regulation § 300.646 of the *Individuals with Disabilities Education Act* (IDEA) requires that each state that receives assistance under Part B of the IDEA must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the local education agencies (LEA) of the state with respect to:

- the **identification** of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment
- the **placement** of children in particular educational environments; and
- the incidence, duration, and type of **disciplinary actions**, including suspensions and expulsions.

### Definitions:

- **Identification:**  
Significant disproportionality in “identification”: is defined as students ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being:
  1. Identified as a student with a disability or
  2. Identified within a particular disability category

When examining data to determine if significant disproportionality exists with respect to the Identification of children ages 3-21 with particular impairments, the following categories will be reviewed:

- Intellectual Disability (ID)
- Specific Learning Disability (SLD)
- Emotional/Behavioral Disability (EBD)
- Speech/Language Impairment (CD)
- Other Health Impairment (OHI)
- Autism Spectrum Disorder (ASD)

Because the remaining disability categories typically have very small numbers of children, OSEP does not deem disproportionality in the number of children with these disabilities to be significant.

WV's definition of significant disproportionality in Identification:

Significant Disproportionality is determined to exist when the percentages of students within a racial/ethnic group or racial/ethnic group within a specific disability category exceeds a risk ratio 3.0 for two consecutive years (three consecutive years beginning SY2019-20). A minimum "n" size has been established of 30 or more students.

- ***Placement in Particular Education Settings:***

Significant disproportionality in "placement" is defined as students ages 3-21 in a particular racial/ethnic group (i.e.,) being at a considerably greater risk of being placed in one of the following Educational Environment placement categories than all other racial/ethnic groups:

- Inside the regular classroom less than 40 percent of the school day (LRE Code 2)
- In separate schools and residential (LRE Codes 3 and 6)

Placements in homebound/hospital settings, correctional facilities, or placements by the parent of a student in private schools are not included in this examination. Placements inside the regular classroom for more than 41 percent of the day are not examined, nor are residential placements by the court system.

WV's definition of significant disproportionality in Placement:

Significant Disproportionality is determined to exist when the percentages of students within a racial/ethnic group or racial/ethnic group within an educational setting exceeds a risk ratio of 3.0 for two consecutive years (three consecutive years beginning SY2019-20). A minimum "n" size has been established of 30 or more students.

- ***Discipline:***

Significant disproportionality in "discipline" is defined as students with disabilities ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being subjected to disciplinary action during the school year than all other racial/ethnic groups. The discipline categories used to calculate significant disproportionality are listed below:

- In-school suspensions of 10 days or less (ISS ≤ 10 days)
- In-school suspension of greater than 10 days (ISS > 10 days)
- Out-of-school suspensions/expulsions of 10 days or less (OSS ≤ 10 Days)
- Out-of-school suspensions/expulsions of greater than 10 days (OSS >10 days)
- Total number of disciplinary removals

All discipline data is reviewed based on cumulative days during the school year

WV's definition of significant disproportionality in Discipline:

Significant Disproportionality is determined to exist when the percentages of disciplinary action for students within a race/ethnicity group or racial/ethnic group when the disciplinary action exceeds a risk ratio of 3.0 for two consecutive years (three consecutive years beginning SY2019-20). A minimum "n" size has been established of 30 or more students.

**Alternate Risk Ratio: Calculated for Identification, Placement and Discipline**

In cases where either the numerator or denominator of the LEA comparison group fails to meet the minimum n-size (30) or minimum cell size (10) the Alternate Risk Ratio is used. The Risk of the particular race/ethnic is still calculated, but it is divided by the Risk of other students in the entire state.

## **Calculations/Business Rules:**

- **Identification:**

- Calculations use data from WV's Unit Count (Total Enrollment) and the Special Education Child Count (Total Population) files. Only students with an Individualized Education Plan (IEP), ages 3-21, are counted. The calculations are based on residency within the LEA.
- Calculations are performed for all LEAs with 30 or more students with an IEP.
- Calculations are performed for each given racial/ethnic subgroup ( American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
- Calculations are performed for each racial/ethnic subgroups with 10 or more students in a given disability category (All disabilities, Intellectual Disability, Specific Learning Disability, Emotional Disability, Speech or Language Impaired, Other Health Impairment, Autism)
- A risk ratio of 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within each of the six designated disability categories.

- **Placement in Particular Education Settings:**

- Calculations use data from WV's Unit Count or Total Population data and the Special Education Child Count Data files. Only students with an Individualized Education Plan (IEP), ages 3-21, are counted. The calculations are based on residency within the LEA.
- Calculations are performed for all LEAs with 30 or more students with an IEP.
- Calculations are performed for each given racial/ethnic subgroup ( American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
- Calculations are performed for each racial/ethnic subgroups with 10 or more students in a given setting (Residential and Separate, Inside Regular Education Class < 40% of the day)
- A risk ratio of 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given setting.

- **Discipline:**

- Calculations use data from Special Education Child Count data and discipline data submitted by the LEAs in December of the previous year. All students with an Individualized Education Plan (IEP), ages 3-21, are counted.
- Calculations are performed for all LEAs with 30 or more students with an IEP.
- Calculations are performed for each given racial/ethnic subgroup ( American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
- Calculations are performed for each racial/ethnic subgroup with 10 or more students in a discipline category (ISS > 10 days, ISS ≤ 10 days, OSS > 10 days, OSS ≥10 days, total removals)
- A risk ratio of 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given discipline category.
- For the purpose of this IDEA data collection, a day includes ≥½ day. Days are cumulative over the course of a school year and need not be consecutive.
- A suspension is considered a removal from the student’s designated instructional environment for disciplinary purposes.

### **What happens if an LEA is identified with Significant Disproportionality?**

The WVDE requires that LEAs identified with Significant Disproportionality must:

1. Conduct a Root-Cause Analysis; (toolkit and technical assistance provided by the OSESS)
2. Review/Revise Policies, Procedures and Practices related to the identification;
3. Publicly Report Revisions of Policies, Procedures and Practices related to the identification;
4. Allocate 15% of IDEA Special Education (Part B, Section 611 & 619) funds within the upcoming Consolidated Grant Application (CGA) Process for Comprehensive Coordinated Early Intervening Services (CCEIS) to address the root cause of the determination. Students with and without Special Education Services can be supported, not Students with Disabilities only.
  - a. These early intervening services can support students in ages 3-21 for identification and placement; and
  - b. Students ages 3-21 for discipline.
5. Reporting requirement: LEA is required to track the number of students receiving CCEIS support for a two-year period. (toolkit and technical assistance provided by the OSESS)

### **Must a school LEA meet the definition for significant disproportionality in each of the categories before being identified with significant disproportionality?**

No. The LEA only needs to meet the definition for one of the categories to be identified with significant disproportionality.

### **How will a school LEA be notified if they have significant disproportionality?**

LEAs will be notified in writing by the OSESS if any category meets the risk ratio or alternate risk ration for significant disproportionality. Once the LEA has been made aware, OSESS staff will be available to offer assistance and specific tools to the LEA to assist with CCEIS.

### **Where can I find additional information about Comprehensive Coordinated Early Intervening Services (CCEIS) and Coordinated Early Intervening Services (CEIS)?**

Information around CCEIS and CEIS is available through the WVDE website, Office of Special Education, Resources. Resources for conducting Root-Cause Analysis is also provided.

## Methodology – Risk Ratio

### Identification:

$$\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}}$$
$$\div$$
$$\frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}$$

### Placement:

$$\frac{\text{Number of children from racial/ethnic group in placement category}}{\text{Number of children with disabilities from racial/ethnic group}}$$
$$\div$$
$$\frac{\text{Number of all other children in placement category}}{\text{Number of all other children with disabilities}}$$

### Discipline:

$$\frac{\text{Number of children from racial/ethnic group in discipline category}}{\text{Number of children with disabilities from racial/ethnic group}}$$
$$\div$$
$$\frac{\text{Number of all other children in discipline category}}{\text{Number of all other children with disabilities}}$$