

Special Education Update



June 27, 2019



VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

State Board of Education Goals

FIVE-YEAR STRATEGIC PLAN FOR 2016-2020

1

All
Students
Proficient
and Showing
Growth in All
Assessed
Areas



2

Every
Student
Graduates
from High
School and
is Ready for
College and
Career



3

Every
Child Has
Access
to a High-
Quality Early
Childhood
Program



4

Every
School Has
Effective
Teachers and
Leaders



5

Every
Community
Effectively
Uses a
World-Class
Data System
to Improve
Student
Outcomes



6

Every
School and
District is
Rated "C" or
Higher



Endrew F. vs Douglas County School District (2017)

- United States Supreme Court case under the Individuals with Disabilities Education Act (IDEA).
- Unanimous decision held that schools must provide students an Individualized Educational Program (IEP) that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”

- Appropriate progress (educational benefit) for most children would allow them to be fully integrated into the regular classroom and to advance from grade to grade. This requirement is substantially more than the “de minimus” benefit required under Rowley (1982).

Restraint and Seclusion Initiative

The United States Department of Education is launching an initiative to address possible inappropriate use of restraint and seclusion. The Office for Civil Rights will partner with The Office of Special Education and Rehabilitative Services to proactively protect students by providing technical assistance and support to schools, districts, and state education agencies and strengthen enforcement activities.

Results Based (Driven) Accountability



Results Based (Driven) Accountability

- **Principle 1:** *Partnership with stakeholders.*
- **Principle 2:** *Transparent and understandable to educators and families.*
- **Principle 3:** *Drives improved results.*
- **Principle 4:** *Protects children and families.*
- **Principle 5:** *Differentiated incentives and supports to states.*
- **Principle 6:** *Encourages states to target resources and reduces burden.*
- **Principle 7:** *Responsive to needs.*

Significant Disproportionality

Disproportionality exists when students in a racial or ethnic group are more likely to be

- identified as a student with a disability
- identified as a student with a particular disability.
- placed in more restrictive settings
- removed from class for discipline than students in other racial or ethnic groups.

Federal Requirements (34 CFR §300.646)

- State must:
 - *determine if disproportionality is occurring in each district.
 - *review policies, procedures and practices.
- Districts must:
 - *conduct a root cause analysis.
 - *reserve 15% of IDEA funds for comprehensive coordinated early intervening services (CEIS).

Important Distinction

- Two different calculations are done that address equity.
- Three indicators (4b, 9, & 10) in the State's Annual Performance Report address equity.
- A second analysis happens every year to determine if a district is a disproportionate and must reserve 15% of the IDEA budget for Coordinated Early Intervening Services (CEIS).
- Today's discussion deals with the second analysis.

What is Significant Disproportionality?

- Disproportionality is an overrepresentation of a (some) racial or ethnic group(s) in a category.
- Disproportionality becomes *significant* when the overrepresentation exceeds a defined threshold.

Why a Revision?

- Only 2 to 3 percent of districts nationwide are identified with significant disproportionality and required to take action.

Changes to Significant Disproportionality

- Require a standard methodology.
- Clarify that LEAs must review and revise policies, procedures and practices every year significant disproportionality is found.
- Require that districts identify and address factors contributing to significant disproportionality.

Changes to Significant Disproportionality

- New Regulations: 20 U.S.C. 1418(d) and 34 CFR §§300.646 and 300.647
- Determine whether significant disproportionality based on race/ethnicity is occurring with respect to the:

Identification of children as children with disabilities, including identification as children with particular impairments.

Placement of children in particular educational settings.

Incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Timelines

Standard Methodology introduced in December 2016 stated that States must be in compliance by July 1, 2018.

This was put on hold by the Department of Ed and eventually went to litigation in the COPAA v. DeVos.

March 7, 2019 the Court found in favor of COPAA.

Timelines

On May 20, 2019, The U.S. Department of Education's Office of Special Education and Rehabilitative Services issued the guidance below.

Pursuant to the plain language of the December 19, 2016 Equity in IDEA regulation on significant disproportionality, and in conjunction with the March 7, 2019 decision in COPAA v. Devos, the Department expects States to calculate significant disproportionality for the 2018–2019 school year using the 2016 rule's standard methodology, or to recalculate using the 2016 rule's standard methodology if a different methodology has already been used for this school year.

Analysis Categories

IDENTIFICATION	
Age Range	Categories
Children ages 6-21 Must also include children ages 3-5 by July 1 2020	<ul style="list-style-type: none">• All Disabilities• Autism• Emotional Disabilities• Intellectual Disabilities• Other Health Impairment• Specific Learning Disability• Speech or Language Impairments

Analysis Categories

PLACEMENT	
Age Range	Categories
Children ages 6-21	<ul style="list-style-type: none">• Inside a regular class for less than 40 percent of the day• Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities or private schools)

Analysis Categories

DISCIPLINE	
Age Range	Categories
Children ages 6-21	<ul style="list-style-type: none">• 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

What's Different?

- No longer examine students in "resource" placements (SB).
- Discipline expanded to in-school suspensions.
- Discipline expanded to include students with less than 10 days of in-school or out-of-school suspension.
- Discipline expanded to look at discipline in the aggregate.

States Must...

SELECT	SELECT	SELECT
Select a reasonable threshold for each of the 14 measures	Select a reasonable minimum cell size for each of the 14 measures <ul style="list-style-type: none">• Presumably reasonable at 10	Select a reasonable minimum n-size for each of the 14 measures <ul style="list-style-type: none">• Presumably reasonable at 30.

Additional Flexibilities

- **Consecutive Years:** States can choose to identify an LEA as having Significant Disproportionality only after an LEA exceeds the risk ratio threshold for up to three prior consecutive years, including the current reporting year.
- **Reasonable Progress:** A state need not identify an LEA with Significant Disproportionality if the LEA is making “reasonable progress” in lowering the risk ratios, where reasonable progress is determined by the state.

Methodology – Risk Ratio

Must calculate a risk ratio for each LEA for each of the racial/ethnic groups for each analysis category (98 calculations)

Risk Ratio:

What is a specific racial/ethnic groups risk of:

Receiving special education and related services for a particular disability

Being placed in a particular educational environment

Experiencing a particular disciplinary removal



As compared to the risk for all other children

Methodology – Risk Ratio - Identification

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

Methodology – Risk Ratio - Placement

Number of children from racial/ethnic group in a placement category

Number of children with disabilities from same racial/ethnic group

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Number of all other children in placement category

Number of all other children with disabilities

Methodology – Risk Ratio - Discipline

Number of children from racial/ethnic group in a discipline category

Number of children with disabilities from same racial/ethnic group

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Number of all other children in discipline category

Number of all other children with disabilities

Minimum Cell Size

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum cell size (risk numerator)
Presumptively reasonable if 10 or less**

Minimum N-Size

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

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Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum n-size (risk denominator)
Presumptively reasonable if 30 or less**

Alternate Risk Ratio

Number of children from racial/ethnic group in a disability category

Number of enrolled children from same racial/ethnic group

District Level
Data

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State Level
Data

Number of all other children in disability category

Number of all other enrolled children

**States may set a reasonable minimum n-size (risk denominator)
Presumptively reasonable if 30 or less**

Mississippi's Methodology

FY 20 (2019-2020 SY)	FY21 (2020-2021 SY)	FY 22 (2021-2022)
<ul style="list-style-type: none">• N-Size – 40• Cell Size – 40• Risk Ratio Threshold – 4.0• 3 consecutive years including current year	<ul style="list-style-type: none">• N-Size – 30• Cell Size – 10• Risk Ratio Threshold – 3.0• 3 consecutive years including current year	<ul style="list-style-type: none">• N-Size –30• Cell Size – 10• Risk Ratio Threshold – 2.0• 3 consecutive years including current year
* 6 districts	*approximately 45 districts	*approximately 99 districts

Questions





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