Special Education Update

June 27, 2019



VISION

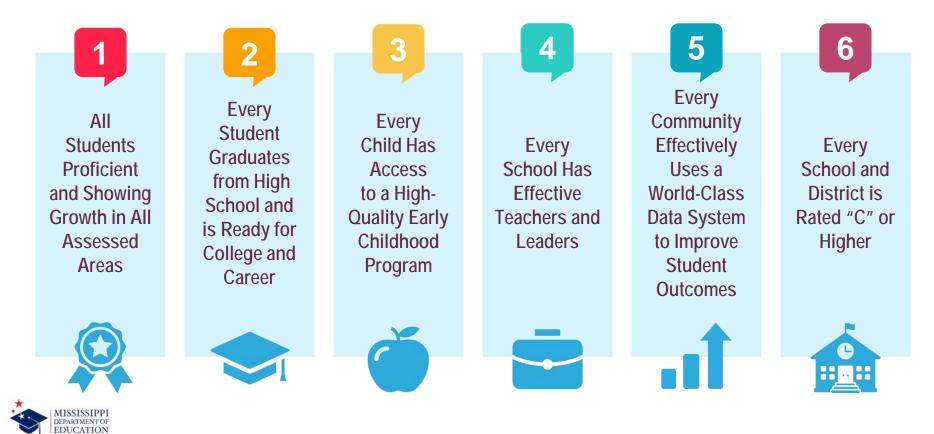
To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

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



Ensuring a bright future for every child

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 "<u>reasonably calculated</u> to enable a child to <u>make</u> <u>progress appropriate</u> 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).



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.



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 reserve15% 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 over representation exceeds a defined threshold.



• 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.



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.



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	 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	 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	 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.



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 • Presumably reasonable at 10	Select a reasonable minimum n-size for each of the 14 measures • Presumably reasonable at 30.

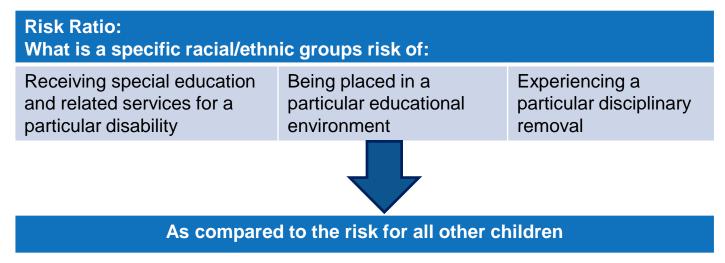


- Consecutive Years: States can choose to identify an LEA as having Significant Disproportionality only after an LEA exceeds the risk ratio threshold for up to three prior consecutive years, including the current reporting year.
- Reasonable Progress: A state need not identify an LEA with Significant 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 ration for each LEA for each of the racial/ethnic groups for each analysis category (98 calculations)





Methodology – Risk Ratio - Identification

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

Number of enrolled children from same racial/ethnic group

•

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

•

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

•

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

•

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

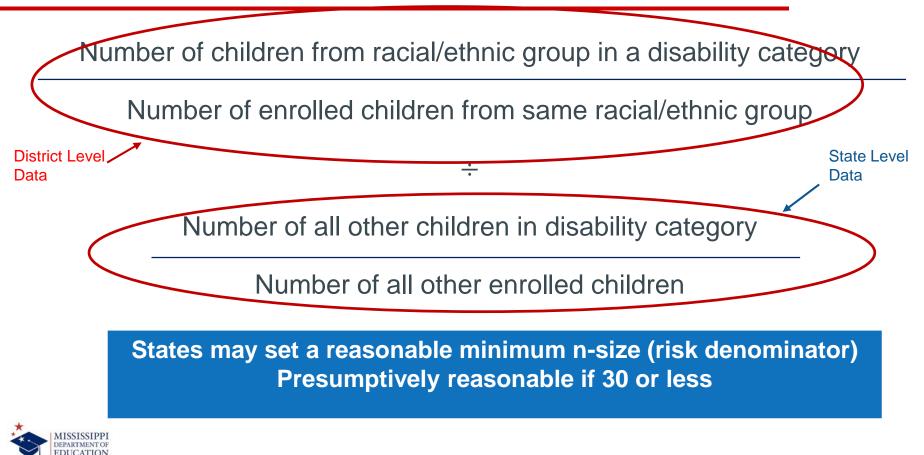
Number of all other enrolled children

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



Alternate Risk Ratio

future for every chik



Mississippi's Methodology

FY 20 (2019-2020 SY)	FY21 (2020-2021 SY)	FY 22 (2021-2022)
 N-Size – 40 Cell Size – 40 Risk Ratio Threshold – 4.0 3 consecutive years including current year 	 N-Size – 30 Cell Size – 10 Risk Ratio Threshold – 3.0 3 consecutive years including current year 	 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





Robin Lemonis

State Director - Office of Special Education

P.O. Box 771 Jackson, MS 39205-0771 Phone 601-359-3498 www.mdek12.org/ose

Contact Information

Dr. Margaret Ellmer

Bureau Director – District Services

margaret.ellmer@mdek12.org

Dr. Armerita Tell

Bureau Director – Parent

atell@mdek12.org



Sharon Coon Office Director <u>scoon@mdek12.org</u>.

Teresa Laney Office Director tlaney@mdek12.org Yvonne Ellis Office Director yellis@mdek12.org

Bobby Richardson Office Director <u>brichardson@mdek12.org</u>

