

## Equity in the Individuals with Disabilities Act: Preparing Districts for New Significant Disproportionality Regulations

### What is significant disproportionality?

Disproportionality is one measure of educational equity. It occurs when students of any racial or ethnic subgroup are identified for special education, placed in more restrictive settings or disciplined at a markedly higher rate than their peers. The federal government considers disproportionality “significant” when overrepresentation of a group exceeds a threshold defined by each state.

According to revised regulations in the Individuals with Disabilities Education Act, districts with significant disproportionality must:

- 1) Review their policies, procedures and practices for identifying, placing and disciplining students with disabilities;
- 2) Identify the factors that may be contributing to significant disproportionality; and
- 3) Provide services to address the contributing factors, including professional development for adults and educational and behavioral interventions for students, using **15 percent of their federal special education funds**.

### Why have federal requirements changed?

National and state longitudinal data show significant racial inequities in the educational experience of students with disabilities. In comparison to their peers, **Black students in Ohio** are:

- More than **twice as likely** to be identified with intellectual disabilities, placed in restrictive settings or removed from educational settings for discipline; and
- More than **three times as likely** to be identified as having an emotional disturbance.

The federal government revised its regulations to establish a standard method of analysis across states, so it can more accurately identify and address significant disproportionality nationwide. All states now must use the risk-ratio method for calculating disproportionality. This method compares the likelihood that students of a racial or ethnic group will be identified as having a disability to the likelihood that students of all other races will experience the same outcome.

### How have federal requirements changed?

In December 2016, the U.S. Department of Education announced new regulations to further address equity through the [Individuals with Disabilities Education Act](#). The changes require all states to use the same methodology to identify significant disproportionality, expand the categories to be analyzed and include racially homogenous districts in the analysis.

In July 2018, the U.S. Department of Education postponed for two years the date for states to comply with the regulations. A 2019 court ruling vacated the 2018 decision, making the 2016 regulations effective immediately. Ohio must comply with those regulations this school year through its publication of Special Education Profiles.

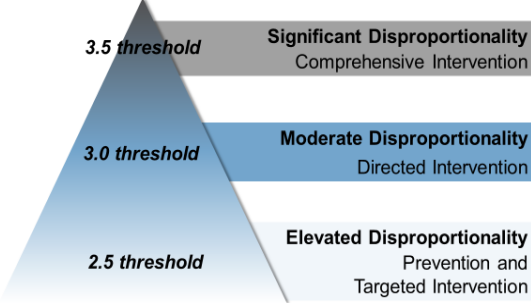
### Categories for Analysis: Significant Disproportionality (new categories in blue text):

Identification (All students ages 6-21)	Placement (Students with disabilities ages 6-21)	Discipline (Students with disabilities ages 3-21)
1. All Disabilities 2. Intellectual Disabilities 3. Specific Learning Disabilities 4. Emotional Disturbance 5. Speech or Language Impairments 6. Other Health Impairments 7. Autism	8. Inside a regular class for less than 40 percent of the day 9. Inside separate schools and residential facilities	10. <b>Out-of-school suspensions and expulsions of 10 days or fewer</b> 11. Out-of-school suspensions and expulsions of more than 10 days 12. <b>In-school suspensions of 10 days or fewer</b> 13. <b>In-school suspensions of more than 10 days</b> 14. <b>Total disciplinary removals</b>

The new regulations require states to calculate disproportionality in 14 categories for each of the seven racial and ethnic groups identified in the Individuals with Disabilities Education Act: American Indian, Asian, Black, Hispanic, Multiracial, Pacific Islander and White.

### How will Ohio meet the requirements?

The Ohio Department of Education asked a stakeholder group in August 2017 to provide recommendations on Ohio's methodology for calculating disproportionality. The group included administrators, educators, state support team members, parents, and professional and advocacy organizations. Based on their input and federal requirements, the Department will use the methods described below.

1. **Set a risk-ratio threshold:** Ohio will continue using the state's current **risk-ratio threshold of 3.5 for identification of districts as significantly disproportionate**. For instance, Black students with disabilities in a specific district might be 3.5 times more likely to be expelled from school than their peers of all other races. That district will receive comprehensive intervention. Districts above the threshold of 2.5 will receive graduating levels of prevention and intervention.
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2. **Set a reasonable minimum cell size and n-size:** Federal guidance **approves 10 and 30** as reasonable and statistically sound. This means, for example, the Department will calculate whether a district's Asian students are disproportionately identified as students with disabilities *only* if the district enrolls at least 10 Asian students with disabilities (minimum cell size) and at least 30 Asian students total (minimum n-size).
  3. **Use alternate risk ratios:** When a racially homogeneous district does not enroll enough students of all other races to form a comparison group, states **must calculate an alternate risk ratio** that compares the district to the whole state. The state-level risk then provides a comparison for district-level risk.
  4. **Use three consecutive years of data:** Continue to use **three consecutive years of risk ratios** that are higher than the established 3.5 threshold to prevent false findings, account for anomalies and identify systemic patterns.
  5. **Apply reasonable progress calculation:** Grant districts flexibility if they are making reasonable progress in reducing their risk ratios by at least **0.25 for two consecutive years**. Though they still exhibit risk ratios higher than 3.5, these districts will have demonstrated progress in reducing disproportionality and will not be required to use 15 percent of their federal special education funds to address the problem.

### How will these changes affect districts and schools in Ohio?

- Ohio will require more districts than ever before to address inequities through the redirection of funds.
- Ohio is likely to identify more districts for being disproportionate in discipline due to the expanded number of categories.
- Ohio may flag many districts of predominantly one racial group based on the new alternate risk-ratio calculation, which compares the experiences of students in a district to the state.
- These changes will equally affect community schools and traditional districts, including urban, suburban, rural and small-town districts.
- Districts will receive additional supports to ensure equitable access to high-quality academic experiences for all students.

### How can I get more information and answers to questions?

For more information about the federal regulations and Ohio's resources and supports, [click here](#). For questions, please contact the [Office for Exceptional Children](#).