

# Facts regarding Equity in IDEA (Significant Disproportionality)

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Fact: The federal rule (Equity in IDEA) regarding significant disproportionality was proposed February 16, 2016. The final regulations were submitted to the federal register on December 12, 2016.

From a USDOE press release dated 2/23/16:

“The proposed Equity in IDEA rule would, for the first time, require states to implement a standard approach to compare racial and ethnic groups, with reasonable thresholds for determining when disparities have become significant. That determination is critical to ensuring students get the supports they need and deserve. Once identified as having a significant disproportionality, the district must set aside 15 percent of its IDEA, Part B funds to provide comprehensive coordinated early intervening services. Further, the policies, practices, and procedures of the district must be reviewed, and, if necessary, revised to ensure compliance with IDEA.”

<https://www.ed.gov/news/press-releases/us-department-education-takes-action-deliver-equity-students-disabilities>

The Equity in IDEA (Individuals with Disabilities Education Act) rule was finalized in December, 2016, with a scheduled effective date of July 1, 2018.

<https://www2.ed.gov/policy/speced/reg/idea/part-b/idea-part-b-significant-disproportionality-final-regs-unofficial-copy.pdf>



10968

Federal Register / Vol. 81, No. 41 / Wednesday, March 2, 2016 / Proposed Rules

## DEPARTMENT OF EDUCATION

### 34 CFR Part 300

[Docket ID ED-2015-OSERS-0132]

RIN 1820-AB73

#### Assistance to States for the Education of Children With Disabilities; Preschool Grants for Children With Disabilities

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to amend regulations under Part B of the Individuals with Disabilities Education Act (IDEA) governing the Assistance to States for the Education of Children with Disabilities program and the Preschool Grants for Children with Disabilities program. With the goal of promoting equity in IDEA, the regulations would establish a standard methodology States must use to determine whether significant disproportionality based on race and ethnicity is occurring in the State and in its local educational agencies (LEAs); clarify that States must address significant disproportionality in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, using the

attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. *Please do not submit the PDF in a scanned format.* Using a print-to-PDF format allows the U.S. Department of Education (the Department) to electronically search and copy certain portions of your submissions.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using Regulations.gov, including instructions for finding a rule on the site and submitting comments, is available on the site under “How to use Regulations.gov” in the Help section.

- **Postal Mail, Commercial Delivery, or Hand Delivery:**

The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about these proposed regulations, address them to Kristen Harper, U.S. Department of Education, 550 12th Street SW., Room 5109A, Potomac Center Plaza, Washington, DC 20202-2600.

**Privacy Note:** The Department’s policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov)

and (2) help States and LEAs address and reduce significant disproportionality in the State and the LEAs identified. Specifically, the proposed regulations will help to ensure that States meaningfully identify LEAs with significant disproportionality, and that States assist LEAs in ensuring that children with disabilities are properly identified for services, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements due to disciplinary removals. These proposed regulations specifically address the well-documented and detrimental over-identification of certain students for special education services, with particular concern that over-identification results in children being placed in more restrictive environments and not taught to challenging academic standards. At the same time, there have been significant improvements in the provision of special education, particularly with regard to placing children in general education classrooms with appropriate supports and services, and a commitment to instruction tied to college- and career-ready standards for all children, all of which should play a positive role in improving student outcomes. Therefore, the intention of these proposed regulations is not to limit services for children with disabilities who need

Fact: On June 28, 2017, PDE released a memorandum regarding the significant disproportionality requirements under IDEA. The memo identified next steps and a timeline for state compliance.

According to the memo, the state was only required to make annual determinations regarding significant disproportionality starting in spring of 2019.

The state had no standard methodology at that time and was only in the planning stages of developing that methodology in 2017.

<https://campussuite-storage.s3.amazonaws.com/prod/1558550/996e2c54-539e-11e8-b9a1-0a0344361b00/1937821/0ed7c5aa-85e3-11e9-954e-125b907f6c20/file/Significant%20Disproportionality%20Requirements%20under%20the%20Individuals%20with%20Disabilities%20Education%20Act.pdf>

FROM: Ann Hinkson-Herrmann, Director  
Bureau of Special Education

SUBJECT: Significant Disproportionality Requirements under the Individuals with Disabilities Education Act

On December 19, 2016, the changes to the Individuals with Disabilities Education Act (IDEA) regarding significant disproportionality were published in the Federal Register. The purpose of the final regulations is to promote equity in IDEA, and they must be implemented by July 1, 2018. Specifically, the final regulations will help to ensure that the Pennsylvania Department of Education (PDE) will identify local educational agencies (LEAs) with significant disproportionality and will assist the LEAs in ensuring that children with disabilities are properly identified, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements by disciplinary removals.

To identify significant disproportionality in the LEAs, the amendments to IDEA require each state to develop a standard methodology to collect and examine data in order to determine whether significant disproportionality based on race or ethnicity is occurring within their LEAs. PDE must make annual determinations of significant disproportionality under the new standard methodology beginning in the spring of 2019.

PDE is currently in the process of planning stakeholder forums to receive their input regarding the development of a standard methodology. These forums will be held in August 2017 at each of the Pennsylvania Training and Technical Assistance Network locations. A separate Penn\*Link will be issued specifically on the topic of the stakeholder forums.

The new regulations on significant disproportionality can be accessed at the following link: <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>.

If you have any questions regarding this information, please contact Patty Todd by e-mail at [patodd@pa.gov](mailto:patodd@pa.gov) or by phone at 717.783.6885, or John Gombocz by e-mail at [jgombocz@pa.gov](mailto:jgombocz@pa.gov) or by phone at 717.772.3745.

Fact: On June 29, 2018, USDOE issued a two-year delay on implementation of the Equity in IDEA rule. In August, 2018 PDE distributed a memo accepting the delay.

In the memo, PDE stated:

“Delaying the implementation date does not disregard this important work. PDE views this two-year delay as an opportunity for our statewide system of support, schools, and community stakeholders to study and work together to address the broad concerns surrounding the issue of, and the root cause of significant disproportionality. In the upcoming 2018-19 school year, PDE/BSE will offer training and technical assistance for equitable practices in the areas of identification, least restrictive environment, and disciplinary removals for students with disabilities.”

<https://www.govinfo.gov/content/pkg/FR-2018-07-03/pdf/2018-14374.pdf>



31306

Federal Register / Vol. 83, No. 128 / Tuesday, July 3, 2018 / Rules and Regulations

## DEPARTMENT OF EDUCATION

### 34 CFR Part 300

RIN 1820-AB77

[Docket ID ED-2017-OSERS-0128]

#### Assistance to States for the Education of Children With Disabilities; Preschool Grants for Children With Disabilities

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Final rule; delay of compliance date.

**SUMMARY:** The Department postpones by two years the date for States to comply with the “Equity in IDEA” or “significant disproportionality” regulations, from July 1, 2018, to July 1, 2020. The Department also postpones the date for including children ages three through five in the analysis of significant disproportionality, with respect to the identification of children as children with disabilities and as children with a particular impairment, from July 1, 2020, to July 1, 2022.

**DATES:** As of June 29, 2018, the date of compliance for recipients of Federal financial assistance to which the regulations published at 81 FR 92376 (December 19, 2016) apply is delayed. Recipients of Federal financial

1, 2020. The NPRM also proposed to postpone the date for including children ages three through five in the analysis of significant disproportionality, with respect to the identification of children as children with disabilities and as children with a particular impairment, from July 1, 2020, to July 1, 2022.

There are no differences between the NPRM and these final regulations. *Public Comment:* In response to our invitation in the NPRM, 390 parties submitted comments on the proposed regulations.

*Analysis of Comments and Changes:* An analysis of the comments follows.

#### Current State Practice and Impacts on Children With Disabilities

*Comments:* Many commenters opposed postponing the compliance date for the 2016 significant disproportionality regulations, stating in various ways that the status quo is unacceptable. A few of these commenters argued that States failed to identify significant disproportionality in the identification, placement, and discipline of children with disabilities, despite the fact that, in the commenters’ view, they should. The commenters argue that, in their view, States’ failure to identify or remedy significant disproportionality under IDEA has been a known civil rights problem for many years, that this failure has received sufficient study, and that the

proven to be successful in, for example, addressing disciplinary issues. These commenters too opposed postponing the compliance date so that the harm to children with disabilities may be addressed as quickly as possible.

*Discussion:* The Department does not agree with the commenters that the causes of, and remedies for, significant disproportionality based on race and ethnicity in the identification, placement, and discipline of children with disabilities in LEAs across the country have received sufficient study. The Department does agree with those commenters who asserted that the status quo requires further scrutiny and study to, among other things, review the conflicting research regarding significant disproportionality and the over or under identification of children in special education. The Department also believes that the racial disparities in the identification, placement, or discipline of children with disabilities are not necessarily evidence of, or primarily caused by, discrimination, as some research indicates. See, e.g., Paul L. Morgan, et al., “Are Minority Children Disproportionately Represented in Early Intervention and Early Childhood Special Education?”, 41 Educational Researcher 339 (2012) (that higher minority identification and placement rates reflect higher minority need, not racism); John Paul Wright, et al., “Prior problem behavior accounts for the racial



Fact: PASD administration presented preliminary findings on Significant Disproportionality from the Penn State Data Center to the board during a **September 4, 2018** Curriculum Committee meeting.

During this time the two-year delay put forth by the USDOE was in effect. This analysis was based on data for the 2014-2016 school years. An excel workbook with all supporting data was also presented and available to all board members prior to the public meeting for review.

# Significant Disproportionality

School Year 2017-2018

## Phoenixville Area SD

The standard methodology for significant disproportionality utilizes a risk ratio analysis across seven racial and ethnic groups to determine if and where disparities exist. The risk ratio analysis compares the likelihood of a particular outcome for a racial/ethnic group with the likelihood of the same outcome for all other racial/ethnic groups in the LEA. Pennsylvania is using a risk ratio threshold of 3.0 for Identification and Placement categories and a risk ratio threshold of 2.5 for Discipline categories. An LEA that has data exceeding a threshold level for three consecutive years in any of the 14 analysis categories will be identified as displaying significant disproportionality. An LEA may be excluded if it exceeds the threshold for three consecutive years but displays reasonable progress from year to year.

This report shows the outcomes for this LEA for all identification, discipline and placement categories. Where a ✓ appears, the LEA data does not exceed the threshold. Where data is shown it represents the most recent data in the three year data set.

### IDENTIFICATION

All Disabilities	
Risk Ratio	Race/Ethnicity
✓	✓

Autism	
Risk Ratio	Race/Ethnicity
✓	✓

Emotional Disturbance	
Risk Ratio	Race/Ethnicity
✓	✓

Intellectual Disability	
Risk Ratio	Race/Ethnicity
✓	✓

Other Health Impairment	
Risk Ratio	Race/Ethnicity
✓	✓

Specific Learning Disability	
Risk Ratio	Race/Ethnicity
✓	✓

Speech or Language Impairment	
Risk Ratio	Race/Ethnicity
✓	✓

### PLACEMENT

Inside Regular Class <40% of the Day	
Risk Ratio	Race/Ethnicity
✓	✓

Separate School	
Risk Ratio	Race/Ethnicity
✓	✓

### DISCIPLINE

In School Suspension ≤ 10 Days	
Risk Ratio	Race/Ethnicity
2.81	Black

In School Suspension >10 Days	
Risk Ratio	Race/Ethnicity
✓	✓

Out of School Suspension/Expulsion ≤ 10 Days	
Risk Ratio	Race/Ethnicity
✓	✓

Out of School Suspension/Expulsion >10 Days	
Risk Ratio	Race/Ethnicity
✓	✓

Total Removals	
Risk Ratio	Race/Ethnicity
3.55	Black

July 2018

Pennsylvania State Data Center

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Fact: On July 12, 2018 the USDOE was sued by The Council of Parent Attorneys and Advocates (COPAA) over the delay. On March 6, 2019 a judge vacated the department's delaying action.

The USDOE appealed the decision but in September 2019 the Department of Justice dismissed the appeal.

The USDOE announced in May, 2019 that states should comply with the original regulations.

<https://thehill.com/homenews/administration/433312-federal-judge-rules-devos-illegally-delayed-obama-era-special>

[https://www.washingtonpost.com/local/education/education-department-implements-special-education-rule-after-losing-court-case/2019/05/22/a44aae76-7ca7-11e9-8bb7-0fc796cf2ec0\\_story.html?noredirect=on](https://www.washingtonpost.com/local/education/education-department-implements-special-education-rule-after-losing-court-case/2019/05/22/a44aae76-7ca7-11e9-8bb7-0fc796cf2ec0_story.html?noredirect=on)

#### ▼ Notice of Appeal in COPAA v. DeVos

On May 6, 2019, the Department of Justice filed a Notice of Appeal in *COPAA v. DeVos*. The filing of this Notice of Appeal does not stay the district court order or alter the fact that the December 19, 2016 Equity in IDEA regulation on significant disproportionality is currently in effect.

05/22/2019

#### ▼ Calculating Significant Disproportionality

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.

05/20/2019

<https://www2.ed.gov/about/offices/list/osers/osers-spotlight-2019.html>

## Timeline of PASD Meetings When Disproportionality Was Discussed

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August 29, 2017 – [Curriculum Committee](#) – Equity discussion

October 3, 2017 – [Curriculum Committee](#) – A PASD Equity Indicator Process DRAFT document was presented for discussion. Included in that document was both discipline and special education.

November 1, 2017 – [Curriculum Committee](#) – Equity indicators preliminary dataset presented to board and public, including a breakdown of discipline and special education by racial/ethnic categories with latest 2017-2018 data provided

September 4, 2018 – [Curriculum Committee](#) – Disproportionality materials presented to board and public

September 13, 2018 – [Workshop Meeting](#) – updated from Curriculum Meeting, which included reporting from PDE

November 28, 2018 – [Board Meeting](#) – Comprehensive Plan shared with link to PDE disproportionality for PASD

## Timeline of PASD Meetings When Disproportionality Was Discussed

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April 2, 2019 – [Curriculum Committee](#) – New business discussion about Equity Plan next steps

June 11, 2019 – [Board Meeting](#) – Superintendent's Report

August 13, 2019 – [Curriculum Committee](#) – Informational update on disproportionality provided, spoke about BAM program at SD of Chicago

Aug 15, 2019 – [Board Workshop Meeting](#) – Discussion under Superintendent Goals (Line 59) update stated a board education session would be scheduled for this topic

August 22, 2019 – [Board Meeting](#) – Superintendent's report provided history of topic, noted he will be giving updates – waiting for clarification from PDE

September 3, 2019 – [Curriculum Committee](#) – Disproportionality Board Executive Summary provided



## Timeline of PASD Meetings When Disproportionality Was Discussed

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Sept 12, 2019 – [Board Workshop Meeting](#) – Discussion under Curriculum Committee report

Sept 19, 2019 – [Board Meeting](#) – Discussed in relation to Equity and its definition

Oct 29, 2019 – [Curriculum Meeting](#) – Update given on tracking triggers, responses, suggestion of meditation, yoga etc.

Nov 14, 2019 – [Board Workshop Meeting](#) – Update under Curriculum Committee report

Dec 2, 2019 – [Board Meeting](#) – Update given to board with discussion under Personnel new position

## 2019-2020 PASD Required Spending Based on Disproportionality Finding

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“When a State educational agency (SEA) identifies LEAs with significant disproportionality in one or more of these areas based on the collection and examination of their data, States must: (1) provide for the review (and if appropriate) revision of the LEA’s policies, procedures, and practices for compliance with IDEA; (2) **require the LEA to reserve the maximum amount (15 percent) of its Part B funds to be used for comprehensive coordinated early intervening services (comprehensive CEIS) to serve children in the LEA**, particularly, but not exclusively, children in those groups that were significantly over-identified. . .”

Total Amount required:	\$84,281.09
Instructional Coaches:	\$52,000.00
Implicit Bias Training:	\$32,281.09

<https://www2.ed.gov/policy/speced/reg/idea/part-b/idea-part-b-significant-disproportionality-final-regs-unofficial-copy.pdf>

# Initiatives Undertaken by PASD to Address Disproportionality

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## **2016-2017**

- Quarterly Countywide ELD Leadership Meetings – proactive discussions on equity (*ongoing*)
- DVCEE (Delaware Valley Consortium for Excellence & Equity) Trainings (*ongoing*)
  - 20 to 30 people attending per year for various sessions
- Curricular and Behavioral Management
- School/District planning
- Implicit Bias
- District-wide planning

## **2017-2018**

- The HUB Initiative – Implemented Fall 2017
- “Removing Non-Academic Barriers to Application and Matriculation” (April 2018 Webinar)

# Initiatives Undertaken by PASD to Address Disproportionality

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## 2018-2019

- New Teacher Induction Equity Training (*ongoing*)
- Faculty – Race, Culture Class (*ongoing*)
- Differentiation (multiple groups) (*ongoing*)
- White Fragility Book Study Sessions (*ongoing*)
- Monthly Administration Learning Sessions (*ongoing*)
- Creation of District Equity Team (*ongoing*)
- Staff and faculty training on instructional equity with Matt Kay (Fall 2018)
- Members of school board attended Equity Summit and Sessions (PSBA)
- “How to Improve Equity and Excellence in Strategic Planning” (October 2018 Webinar)
- PLC Explicit Equity / Disproportionality Related Studies
- Opening Day (Presentation on Disproportionality / Equity) (August 2019)

# Initiatives Undertaken by PASD to Address Disproportionality

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## **2019-2020**

- Monthly faculty meetings addressing cultural awareness and implicit bias (*ongoing*)
- Discussions at Administration Leadership Summer Retreat
- CCIU session on ELL and Disproportionality (PATTAN) (January 2020)
- PLC Explicit Equity / Disproportionality Related Studies
- Working with EL's for 2019-2020



# Appendix

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# October 3, 2017 Curriculum Committee Equity Presentation

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## PASD Equity Indicator Process- **DRAFT**

### **Achievement Data- (As Defined by PA ESSA Consolidated State Plan)**

Data from the assessments below with a comparison of the historically underperforming students as defined by the state (below)

PSSA's-

Keystones

### **Student Attendance**

Student attendance data broken down by: race, gender, special education status

### **Discipline**

Student discipline data broken down by: race, gender, special education status

### **Safe Schools Data**

Safe schools reporting is already required to be broken down by race, gender, special education status

### **Special Education**

Percent of students identified as compared to the total population of students

Current population of special education broken down by race, gender, ethnicity

# November 1, 2017 Curriculum Committee Equity Presentation

PASD Equity Indicator Process 2017-2018 Based on the Latest Data Available																
Source	All Students	Historically Underperforming	IEP	EL	ED	Amer. Indian Alaskan Native	Asian	Black	Hispanic	Multi-Racial	White	Native Hawaiian Other Pac. Isl.	Male	Female		
Assessments																
PSSAs Proficiency Percentage	eMetric															
ELA	eMetric	78.1	51.4	34.1	22.2	53.4	50	96.5	56.4	50	84.3	83.4		71.7	84.4	
Math	eMetric	55.2	27.2	18.5	6.2	27.2	50	80.7	23.8	28.6	62.9	60.7		55.4	55.1	
Science	eMetric	75.9	53.7	50	24	52.7	100	90.5	36.1	47.1	81.3	82.8		74.6	77.2	
Keystones 11th Graders 16-17																
Algebra	Performance Plus -11th graders in 16-17	68.4						88.9	14.3	56.3		73.2		63.4	74.2	
Biology	Performance Plus -11th graders in 16-17	70.4						77.8	29.4	57.1		73.9		63.9	77.8	
Literature	Performance Plus -11th graders in 16-17	75.8						77.8	42.9	55.6		80.1		67.9	85	
Discipline																
Habitual Truancy Rate of all Incidents	Safe Schools Report	1.95						0.05	0.4	0.66	0.11	0.73		0.79	1.16	
*State Reported Incidents - Percent of all Incidents	Safe Schools Report	63		40.74			1.85		33.3	11.11	5.56	48.15		81.48	18.52	
**OSS - Number of Events	Safe Schools Report	170		20		26	3	1	53	21	10	82		34	136	
Special Education																
Percent Identified	Enrollment Report 10/2/17	3925		14.6			0.18	2.1	11.2	13.43	3.67	69.45	0	67.54	32.46	
Title I - 17-18 Number of Students	Oct. 1st PIMS Upload	414		80	79	214		5	40	132	23	214		219	195	
Title III - 17-18 Number of Students	Oct. 1st PIMS Upload	234				192		15	2	204	0	11	2	116	118	
Courses																
AP	Skyward															
Honors	Skyward															
ACP	Skyward															
CP	Skyward															
Extra-Curricular																
	Skyward	534		8.2	0	14.4	0	4.4	5.7	4.9	1.4	83.6	0.38	50.2	49.8	
Total Population	Enrollment Report 10/2/17	3925		14.6	5.96	26.7	0.1	3.59	6.09	13.17	4.23	72.74	0.08	51.84	48.16	

\* Number of Incidents - Breakdown in this category is percentage of students involved in the incidents.

\*\*Number of Out of School Suspensions - Breakdown in this category reflects the number of events by a student in each category. One student may have more than one event.

# September 4, 2018 Curriculum Committee Significant Disproportionality Presentation

## Significant Disproportionality - Discipline - In School Suspension/Expulsion Less than 10 Days

### Special Education Student Data

School Year	IU	AUN	LEA Name	Type	Spec Ed Total	Spec Ed - American Indian	Spec Ed - Asian	Spec Ed - Black	Spec Ed - Pacific Islander	Spec Ed - Hispanic	Spec Ed - White	Spec Ed - Multi	Spec Ed - Not American Indian	Spec Ed - Not Asian	Spec Ed - Not Black	Spec Ed - Not Pacific Islander	Spec Ed - Not Hispanic	Spec Ed - Not White	Spec Ed - Not Multi
2014	24	124157203	Phoenixville Area SD	SD	590	0	16	75	0	56	425	18	590	574	515	590	534	165	572
2015	24	124157203	Phoenixville Area SD	SD	559	0	12	64	0	66	397	20	559	547	495	559	493	162	539
2016	24	124157203	Phoenixville Area SD	SD	577	2	13	65	0	66	410	21	575	564	512	577	511	167	556

### Discipline Data

School Year	IU	AUN	LEA Name	Type	ISS<10 Discipline Total	ISS<10 Discipline - American Indian	ISS<10 Discipline - Asian	ISS<10 Discipline - Black	ISS<10 Discipline - Pacific Islander	ISS<10 Discipline - Hispanic	ISS<10 Discipline - White	ISS<10 Discipline - Multi	ISS<10 Discipline - Not American Indian	ISS<10 Discipline - Not Asian	ISS<10 Discipline - Not Black	ISS<10 Discipline - Not Pacific Islander	ISS<10 Discipline - Not Hispanic	ISS<10 Discipline - Not White	ISS<10 Discipline - Not Multi
2014	24	124157203	Phoenixville Area SD	SD	79	4	1	22	0	8	44	0	75	78	57	79	71	35	79
2015	24	124157203	Phoenixville Area SD	SD	61	1	0	17	0	8	35	0	60	61	44	61	53	26	61
2016	24	124157203	Phoenixville Area SD	SD	38	0	0	10	0	3	25	0	38	38	28	38	35	13	38

### Risk Ratio

School Year	IU	AUN	LEA Name	Type	ISS<10 Risk Ratio - American Indian	ISS<10 Risk Ratio - Asian	ISS<10 Risk Ratio - Black	ISS<10 Risk Ratio - Pacific Islander	ISS<10 Risk Ratio - Hispanic	ISS<10 Risk Ratio - White	ISS<10 Risk Ratio - Multi
2014	24	124157203	Phoenixville Area SD	SD			2.65			0.49	
2015	24	124157203	Phoenixville Area SD	SD			2.99			0.55	
2016	24	124157203	Phoenixville Area SD	SD			2.81			0.78	

### Risk Ratio - Black

Risk	ISS<10 Discipline - Black	22	0.29	17	0.27	10	0.15
	Spec Ed - Black	75		64		65	
Comparison	ISS<10 Discipline - Not Black	57	0.11	44	0.09	28	0.05
	Spec Ed - Not Black	515		495		512	
Risk Ratio	Risk	0.29	2.65	0.27	2.99	0.15	2.81
	Comparison	0.11		0.09		0.05	

\* Where this symbol is displayed an Alternate Risk Ratio used due to small sample size in comparison group - State totals used for comparison group

# September 4, 2018 Curriculum Committee Significant Disproportionality Presentation

## Resources for Significant Disproportionality



### Websites

Pennsylvania Training and Technical Assistance Network (PaTTAN)

[www.pattan.net](http://www.pattan.net)

#### The 2018 MTSS Academic Implementers' Forum

This forum will provide practitioners with the opportunity to deepen their knowledge and skills through focused strands and direct collaboration with persons who are already implementing MTSS concepts and effective practices. Join other stakeholders to discuss current issues related to leadership; problem-solving; curriculum and instruction; assessment and progress monitoring; positive school climate and culture; and family, school, and community partnering, featuring national, state and local MTSS implementers!

#### Resources

The Pennsylvania Training and Technical Assistance Network has developed a broad array of web-based publications, materials, and streaming media resources addressing the topic of cultural responsiveness. These materials span an array of educational topics and can be accessed by using the keyword "Culture" or "Cultural" in the search box.

FROM THE  
PENNSYLVANIA  
DEPARTMENT OF  
EDUCATION  
\*  
BUREAU OF SPECIAL  
EDUCATION



### Documents

*Significant Disproportionality:  
Essential Questions and  
Answers*

<https://tinyurl.com/SigDisQ-A>

*Significant Disproportionality: Essential Questions and Answers* is a federal publication regarding significant disproportionality. This document describes in detail the methodology used for calculation, the regulatory requirements (now delayed), and the remedies recommended when a local educational agency (LEA) is identified as having significant disproportionality for students with disabilities.

Continued...

### The Pennsylvania Equity and Inclusion Toolkit

<https://tinyurl.com/PAequitytoolkit>

This toolkit is designed to assist all school entities in their efforts to prevent and address bias and discrimination. Everyone – from the state level of government to school entities and the community at large – has a moral and legal obligation to ensure the safety of all children placed under their care. The Toolkit was designed to provide relevant, evidence-based resources and information for school leaders and administrators to ensure that all students feel safe, respected, and welcomed in classrooms across the commonwealth. This Toolkit has three focus areas – prevention, response, and recovery – aimed at helping educators address and eliminate bias, discrimination, and harassment and promote equity and inclusion in schools.

### The NYU Metro Center

<https://steinhardt.nyu.edu/metrocenter/>

The NYU Metro Center is nationally and internationally renowned for its work on educational equity and school improvement. It brings together scholars, educators, and innovators from diverse backgrounds to collaborate on a range of projects to strengthen and improve access, opportunity, and educational quality across varied setting, but particularly in striving communities.

NYU Metro Center promotes equity and opportunity in education through engaged science work: applied research, program evaluation, policy analysis, community engagement, and professional assistance to educational, governmental, and community agencies serving vulnerable populations.

### The Future of IDEA:

*Monitoring Disproportionate Representation of Minority Students in Special Education and Intentional Discrimination Claims*

By Natasha M. Strassfeld

<https://tinyurl.com/Strassfeld>

In this article, the author addresses the pursuit of equity regarding proportional placement for minority students with disabilities. She states that the continuing difficulties faced by parents of racial and ethnic minority students who reside in districts that have run afoul of IDEA regulations must be viewed as a continuing civil rights concern where civil rights continue to be at stake. The author concludes by examining the potential impact of new regulatory changes and offering recommendations for future best practices.

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# September 4, 2018 Curriculum Committee Significant Disproportionality Presentation

# Significant Disproportionality

School Year 2017-2018

## Phoenixville Area SD

The standard methodology for significant disproportionality utilizes a risk ratio analysis across seven racial and ethnic groups to determine if and where disparities exist. The risk ratio analysis compares the likelihood of a particular outcome for a racial/ethnic group with the likelihood of the same outcome for all other racial/ethnic groups in the LEA. Pennsylvania is using a risk ratio threshold of 3.0 for Identification and Placement categories and a risk ratio threshold of 2.5 for Discipline categories. An LEA that has data exceeding a threshold level for three consecutive years in any of the 14 analysis categories will be identified as displaying significant disproportionality. An LEA may be excluded if it exceeds the threshold for three consecutive years but displays reasonable progress from year to year.

This report shows the outcomes for this LEA for all identification, discipline and placement categories. Where a **•** appears, the LEA data does not exceed the threshold. Where data is shown it represents the most recent data in the three year data set.

### IDENTIFICATION

All Disabilities	Autism	Emotional Disturbance	Intellectual Disability
Risk Ratio	Risk Ratio	Risk Ratio	Risk Ratio
Race/Ethnicity	Race/Ethnicity	Race/Ethnicity	Race/Ethnicity
✓	✓	✓	✓
✓	✓	✓	✓

Other Health Impairment	Specific Learning Disability	Speech or Language Impairment
Risk Ratio	Risk Ratio	Risk Ratio
Race/Ethnicity	Race/Ethnicity	Race/Ethnicity
✓	✓	✓
✓	✓	✓

### PLACEMENT

Inside Regular Class <40% of the Day	Separate School
Risk Ratio	Risk Ratio
Race/Ethnicity	Race/Ethnicity
✓	✓
✓	✓

### DISCIPLINE

In School Suspension ≤ 10 Days	In School Suspension >10 Days	Out of School Suspension/Expulsion ≤ 10 Days	Out of School Suspension/Expulsion >10 Days	Total Removals
Risk Ratio	Risk Ratio	Risk Ratio	Risk Ratio	Risk Ratio
Race/Ethnicity	Race/Ethnicity	Race/Ethnicity	Race/Ethnicity	Race/Ethnicity
2.81	✓	✓	✓	3.55
Black	✓	✓	✓	Black

July 2018

Pennsylvania State Data Center

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# September 3, 2019 Curriculum Committee - Disproportionality Board Executive Summary

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## Disproportionality Board Executive Summary

### Definition/Formula:

A district will be “disproportionate” under the mandated formula if the rate at which members of a particular minority group in the district (e.g., black, Hispanic, native American) are identified as eligible for special education, or are placed outside the regular classroom for more than 60 percent of the average school day is 3 times or more greater than the rate at which the members of all other groups are so identified or placed. Stated in accordance with the formula, a district is disproportionate if—

$(\text{ID rate for minority group}) \div (\text{ID rate for whole population} - \text{minority group}) \geq 3.0$

or if—

$(\text{restrictive placement rate for minority group}) \div (\text{restrictive placement rate for whole population} - \text{minority group}) \geq 3.0$

A district is also disproportionate if the rate at which students with disabilities in the district are subject to exclusionary discipline is 2.5 times or more greater than the rate at which the members of all other groups are so disciplined. Therefore, a district is disproportionate if—

$(\text{Exclusionary discipline rate for disability group}) \div (\text{exclusionary discipline rate for whole population} - \text{disability group}) \geq 2.5$

**Phoenixville Identification Reason:** Exclusionary discipline

AUN	Description	Risk Category	Race
124157203	Phoenixville Area SD	ISS<=10	Black
124157203	Phoenixville Area SD	TOT REM	Black

**Number Districts in Chester County Identified:** Six (some exclusionary/discipline some over identification)

**Special Education Pass-Through Funds Required to be spent:**

IDEA 619 funds: 15% = \$240.00

IDEA 611 funds: 15% = \$74,663

**Parameters:** Required to be a new initiative that addresses either the pre-referral process of disproportionate exclusion.

**Process:**

- Meetings held with building principals for input

- Cabinet-level discussion
- Administrative sub-committee established

### Proposed Plan:

- Allocation to be divided equally between the two new instructional coach positions
- Professional development in the area of understanding implicit bias
- Increased professional development in our already established equity professional development (DVCEE, outside presenters, etc.)

**Timeline:** Timeline determination not yet established. Working with a coalition from the CCTU