State Performance Plan (SPP)/Annual Performance Report (APR) 2020-2025

Individuals with Disabilities Education Act (IDEA)

Indicator 9:
Disproportionality in Special Education by Race and Ethnicity

&

Indicator 10:
Disproportionality in Classification by Race and Ethnicity
Agenda for Indicators 9 and 10

- Frequently Used Terms
- Indicator 9 How the Measurement Works
- Indicator 9 Data in New York State Trends and Comparisons
- Indicator 10 How the Measurement Works
- Indicator 10 Data in New York State Trends and Comparisons
- Indicator 9 and 10 Improvement Activities
- Next Steps and Closing
# Frequently Used Terms in the Presentation

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Performance Report (APR)</td>
<td>Data reported to the United States Department of Education Office of Special Education Programs (OSEP) against the state’s targets</td>
</tr>
<tr>
<td>Baseline</td>
<td>Data starting point to measure improvement over time</td>
</tr>
<tr>
<td>Comparison Group</td>
<td>Students of all other race and ethnicities or all other race and ethnicity/disability combinations than the focus group</td>
</tr>
<tr>
<td>Federal Fiscal Year (FFY)</td>
<td>Federal Fiscal Year (October 1- September 30)</td>
</tr>
<tr>
<td>Focus Group</td>
<td>Students of a specific race and ethnicity or race and ethnicity/disability combination being evaluated</td>
</tr>
<tr>
<td>OSEP</td>
<td>United States Department of Education Office of Special Education Programs</td>
</tr>
<tr>
<td>Risk Ratio</td>
<td>Comparison of the risk of each race to be identified by specific disabilities compared to the risk of all other races combined to be identified by specific disabilities</td>
</tr>
<tr>
<td>State Performance Plan (SPP)</td>
<td>Evaluates the state’s efforts to implement the requirements and purposes of the IDEA and describes how the state will improve its implementation</td>
</tr>
<tr>
<td>Target</td>
<td>Performance Objective set for the SPP Measurement</td>
</tr>
</tbody>
</table>
Indicator 9: Disproportionality in Special Education by Race and Ethnicity

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
Students Included in Indicator 9

- Students aged 5 enrolled in kindergarten through age 21 identified for special education and related services.

- Seven racial and ethnic categories
  - American Indian or Alaska Native
  - Hispanic/Latino
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White
  - Two or more races
Indicator 9 District Notification Criteria

**Cell Size**

- Have at least 10 students with disabilities of a particular race and ethnicity

**N Size**

- Have at least 30 students with and without disabilities of the particular race and ethnicity

**Relative risk ratio threshold for NYS is 2.5 or higher**
Indicator 9 Calculation of Relative Risk Ratio

**Focus Group Risk Ratio**
- # of students with disabilities of a specific race and ethnicity (minimum of 10)
- # of students with and without disabilities of a specific race and ethnicity (minimum of 30)

**Comparison Group Risk Ratio**
- # of students with disabilities of all other races and ethnicities (minimum of 10)
- # of students with and without disabilities of all other races and ethnicities (minimum of 30)

\[
\text{Focus Group Risk Ratio} \div \text{Comparison Group Risk Ratio} = \text{Relative Risk Ratio}
\]

Any district with a relative risk ratio of 2.5 or higher receives a notification for disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
Indicator 9 Calculation Example 1

Focus Group: A count of 20 Hispanic students with disabilities is divided by a count of 75 Hispanic students with and without disabilities = 0.2666

Comparison Group: A count of 59 non-Hispanic students with disabilities is divided by a count of 400 non-Hispanic students with and without disabilities = 0.1475.

Relative Risk Ratio: 0.2666 divided by 0.1475 = 1.807

This district would not be identified for disproportionate representation of Hispanic students with disabilities because the relative risk ratio is less than the state threshold of 2.5.
Indicator 9 Calculation Example 2

Focus Group: A count of 20 black students with disabilities is divided by a count of 45 black students with and without disabilities = 0.444

Comparison Group: A count of 35 non-black students with disabilities is divided by a count of 200 non-black students with and without disabilities = 0.175

Relative Risk Ratio: 0.444 divided by 0.175 = 2.537

This district would be identified for disproportionate representation of black students with disabilities because the relative risk ratio is at the state threshold of 2.5.
Indicator 9 District Monitoring

Districts receive a notification informing them of the disproportionate identification

District must complete a monitoring protocol within a specified time period

Districts that report noncompliance are determined to have disproportionate representation due to inappropriate identification.
Indicator 9 Inappropriate Identification Examples

It is an inappropriate identification if the assessments and other evaluation materials used to assess a student are **not**:

- provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally,
- administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such assessments; and
- selected and administered so as not to be discriminatory on a racial or cultural basis.

Another inappropriate identification would be to determine a student eligible for special education if the determinant factor is:

- lack of appropriate instruction in reading, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills) and reading comprehension strategies;
- lack of appropriate instruction in math;
- or limited English proficiency.
Indicator 9 Measurement

# of districts that meet the state established n and/or cell size with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification

\[ \frac{\text{# of districts in the state that meet the state established n and/or cell size for one or more racial and ethnic groups}}{\text{# of districts that meet the state established n and/or cell size with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification}} \times 100 \]

% of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification
Are there any questions about the SPP measurement or how the data is used to measure results or outcomes?

Indicator 9
Indicator 9 Data Source

The number of students with disabilities receiving special education by race and ethnicity as reported through the Student Information Repository System (SIRS)

The number of students with and without disabilities in the district by race and ethnicity as reported in SIRS

Collected on the first Wednesday of October each year
New York State Indicator 9 Data

Data Reported in the APRs for FFY 2015-2019

- Number of districts notified for disproportionate representation
- Number of districts that reported disproportionate representation due to inappropriate identification

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Districts</th>
<th>Attractions</th>
</tr>
</thead>
<tbody>
<tr>
<td>FFY 2015</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>FFY 2016</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>FFY 2017</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>FFY 2018</td>
<td>23</td>
<td>6</td>
</tr>
<tr>
<td>FFY 2019</td>
<td>19</td>
<td>2</td>
</tr>
</tbody>
</table>

Decrease = Improvement
New York State Indicator 9 Trend Data

Percentage of Districts with disproportionate representation through inappropriate identification
Indicator 9 National Data

Number of States Reporting Percentages of Districts with Disproportionate Representation That Was the Result of Inappropriate Identification for 2017–18 & 2018–19

<table>
<thead>
<tr>
<th>Percentage of Districts</th>
<th>Number of States Reporting 2017-18</th>
<th>Number of States Reporting 2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>47</td>
<td>43</td>
</tr>
<tr>
<td>0.1-4.9%</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5.0-9.9%</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>10% or greater</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Not reported</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

NY State
2017-18 – 0.53%
2018-19 – 0.90%
Indicator 9 State Comparisons: APR Results

Comparison of New York to PAK 7 States

Decrease = Improvement

New York  California  Florida  Illinois  Ohio  Pennsylvania  Texas

0.00%  0.50%  1.00%  1.50%  2.00%  2.50%  3.00%

2014  2016  2017  2018
As we look at the data, consider:

1. What does the indicator data tell us?
2. How should we use the data to inform our improvement activities?

Stakeholder Considerations
Indicator 10
Disproportionality in Classification by Race and Ethnicity
Indicator 10: Disproportionality in Classification by Race and Ethnicity

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification (20 U.S.C. 1416(a)(3)(C))
Students Included in Indicator 10

• Students with disabilities age 5 enrolled in kindergarten through age 21 of various race and ethnicities who have individualized education programs (IEPs) and are identified as having a disability in any of the following categories:

  - Autism
  - Emotional Disturbance
  - Intellectual Disability
  - Learning Disability
  - Other Health Impairment
  - Speech or Language Impairment
Indicator 10 District Notification Criteria

**Cell Size**
- Have at least 10 students with the specific disability of the race and ethnicity enrolled in the district

**N Size**
- Have at least 30 students of the race and ethnicity enrolled in the district

**Risk Ratio**
- Have a relative risk ratio for any race and ethnicity of 4.0 or higher
Indicator 10 Risk Ratio

The risk ratio is the comparison of the risk of each race to be identified by specific disabilities compared to the risk of all other races combined to be identified by specific disabilities.

The ratio indicates how much more likely each race and ethnicity is to be identified by specific disabilities compared to all other race and ethnicities combined.

Six risk ratios are calculated for each race and ethnicity.
Indicator 10 Calculation of Relative Risk Ratio

Focus Group Risk Ratio

# of students with disabilities in a specific race and ethnicity group in a specific disability category

Total # of students (with and without disabilities) of a specific race and ethnicity

Comparison Group Risk Ratio

# of students with disabilities of all other races and ethnicities in a specific disability category

Total # of students (with and without disabilities) of all other races and ethnicities

Focus Group Risk Ratio

Comparison Group Risk Ratio

= Relative Risk Ratio

Any district with a relative risk ratio of 4.0 or higher for any race and ethnicity of a specific disability category receives notification of disproportionality in classification by race and ethnicity.
Indicator 10 District Monitoring

• Districts notified of having a disproportionate representation of a racial and ethnic group in a specific disability category are required by the State to participate in a monitoring activity to determine if the disproportionate overrepresentation of the racial and ethnic group by disability was a result of inappropriate identification.

• This includes a review of the district’s:

  - Policies
  - Procedures
  - Practices
Indicator 10 Measurement

\[
\text{# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of } \text{inappropriate identification} \times 100 = \%
\]

\[
\text{# of districts in the State}
\]

% of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification
Facilitator check for understanding on the SPP measurement or how the data is used to measure results or outcomes.
As we look at the data, consider:

1. What does the indicator data tell us?
2. How should we use the data to inform our improvement activities?

Stakeholder Considerations
Indicator 10 Data Source

The number of students with disabilities receiving special education by race and ethnicity and specific disability as reported through the Student Information Repository System (SIRS)

The number of students with and without disabilities in the district by race and ethnicity as reported in SIRS

Collected on the first Wednesday of October each year
New York State Indicator 10 Data

<table>
<thead>
<tr>
<th>Year</th>
<th># of Districts with disproportionate representation of racial and ethnic groups in specific disability categories</th>
<th># of Districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>16</td>
<td>4</td>
</tr>
<tr>
<td>2017</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>2018</td>
<td>29</td>
<td>6</td>
</tr>
<tr>
<td>2019</td>
<td>28</td>
<td>3</td>
</tr>
</tbody>
</table>

Decrease = Improvement
New York State Indicator 10 Trend Data

% of Districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification

<table>
<thead>
<tr>
<th>Year</th>
<th>Target</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0%</td>
<td>1.18%</td>
</tr>
<tr>
<td>2015</td>
<td>0%</td>
<td>0.44%</td>
</tr>
<tr>
<td>2016</td>
<td>0%</td>
<td>0.71%</td>
</tr>
<tr>
<td>2017</td>
<td>0%</td>
<td>1.24%</td>
</tr>
<tr>
<td>2018</td>
<td>0%</td>
<td>0.92%</td>
</tr>
<tr>
<td>2019</td>
<td>0%</td>
<td>0.45%</td>
</tr>
</tbody>
</table>

Decrease = Improvement
Number of States Reporting Various Percentages of Districts with Disproportionate Representation That Was the Result of Inappropriate Identification for 2017–18 & 2018–19

<table>
<thead>
<tr>
<th>Percentage of districts with disproportionate representation due to inappropriate identification</th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>39</td>
<td>38</td>
</tr>
<tr>
<td>0.1-4.9%</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>5.0-9.9%</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>10% or greater</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Not reported</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

NY State:
- 2017-18: 0.92%
- 2018-19: 0.45%
## Indicator 10 State Comparisons: APR Results

<table>
<thead>
<tr>
<th>FFY</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>New York</td>
<td>1.18%</td>
<td>0.44%</td>
<td>0.71%</td>
<td>1.24%</td>
<td>0.92%</td>
</tr>
<tr>
<td>California</td>
<td>0.88%</td>
<td>0.73%</td>
<td>17.14%</td>
<td>27.76%</td>
<td>9.91%</td>
</tr>
<tr>
<td>Florida</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Illinois</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Ohio</td>
<td>0.10%</td>
<td>0%</td>
<td>0%</td>
<td>0.68%</td>
<td>0.95%</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Texas</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
1) What did the indicator data tell us?

2) How should we use the data to inform our improvement activities?

Stakeholder Discussion
State Performance Plan (SPP)/Annual Performance Report (APR) 2020-2025

Individuals with Disabilities Education Act (IDEA)

Indicators 9 and 10: Improvement Strategies
NYSED’s Monitoring Activity

- Districts notified for Indicators 9 or 10 are required to complete a State developed monitoring protocol.

- If any noncompliance is identified, the district’s disproportionality in identification or classification by race and ethnicity is a result of inappropriate identification.

- Districts are required to correct all issues of noncompliance identified in their policies, practices and procedures.
Office of Special Education Educational Partnership
Tiered Support & Professional Development

12 Regional Partnership Centers
14 School-Age Family and Community Engagement Centers
14 Early Childhood Family and Community Engagement Centers

Systems Change Work Providing a Variety of Supports to Educational Organizations in New York State

1. Regional Learning
2. Targeted Skills/Support Groups
3. Support Plans
OSE Educational Partnership
Targeted Skills Group (TSG)

A TSG is professional development and technical assistance provided to a small group to build awareness, learn or develop new skills and problem solve to improve outcomes for students with disabilities.

Any district that receives a notification regarding disproportionality in classification by race and ethnicity is required to participate in a TSG.
### Regional Learnings

<table>
<thead>
<tr>
<th>Educational Partnership Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Targeted Professional Development</td>
</tr>
<tr>
<td>Improvement Strategies</td>
</tr>
</tbody>
</table>

- Committee on Preschool Special Education (CPSE)/Committee Special Education (CSE) Chairperson Training
- Dimensions of Equity in Education
- Family Engagement: Community Culture
- Fundamentals in Equity: Exploring Equity and Cultural Responsiveness
- Identifying and Intensifying Interventions: What To Do and How To Do It
- Universal Screening: Best Practices in Screening for Academic Deficits
- What Does It Mean to be Culturally Responsive
## Improvement Activities for Consideration

<table>
<thead>
<tr>
<th><strong>Offer</strong></th>
<th>Enhanced Trainings on the Referral, Evaluation and Eligibility Processes for Special Education</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Support</strong></td>
<td>District understanding and analysis of State data reporting and the verification process</td>
</tr>
<tr>
<td><strong>Strengthen</strong></td>
<td>District understanding and implementation of the <a href="#">Culturally-Responsive and Sustaining Education Framework</a>, <a href="#">Response to Intervention</a> (RtI), and multi-tiered systems of supports</td>
</tr>
<tr>
<td><strong>Evaluate</strong></td>
<td>Monitoring activities and protocol to better align with regulations and federal reporting requirements</td>
</tr>
<tr>
<td><strong>Collaborate</strong></td>
<td>Among regional information centers (RICs), general and special education stakeholders, and parents to ensure understanding and implementation of culturally responsive district practices, policies and procedures</td>
</tr>
</tbody>
</table>
What activities could be considered, maintained, or strengthened to address improvements in Indicator 9 Disproportionality in Special Education by Race and Ethnicity and Indicator 10 Disproportionality in Classification by Race and Ethnicity?

Stakeholder Discussion
Each SPP Indicator has an online survey to collect input on NYS’s target-setting and/or improvement activities.

The online surveys are intended to collect feedback from interested stakeholders. They are available for those who are not attending a virtual meeting or for those who have additional information to share beyond the virtual meetings.

Please visit the SPP/APR webpage to submit your survey.
THANK YOU FOR YOUR CONTRIBUTION

Your Voice is Important to New York State’s Efforts to Improve Outcomes for our Students with Disabilities