

# Significant Disproportionality

Presented by:

New Jersey Department of Education's

Office of Fiscal and Data Services



# Purpose for today

- Participants will:
  - Learn about relevant updates since the previous training session
  - Review the grant application and practical implications for the grant review process



# Significant disproportionality in New Jersey



# What is Significant Disproportionality

- Significant Disproportionality is the overrepresentation of specific racial/ethnic groups for:
  - Identification for special education
  - Classification for special education in certain eligibility categories
  - Discipline (suspension and expulsion)
- Significant disproportionality is a national issue.
- States are required to identify districts with significant disproportionality each year.



# USDE Regulations

- In December 2016, USDE/OSEP published new rules for identifying and addressing significant disproportionality. Changes were made to:
  - Method for determining disproportionality
  - Use of CEIS funds
  - Flexibility in removing districts from identification
- These changes must be implemented by July 1, 2018.
- This will impact the 2018-2019 grant year.



# Significant Disproportionality

- **Changes to the federal regulations require states to:**
- Use a standard methodology (risk ratio or alternate risk ratio) and set a threshold that is reasonable
- Set a reasonable minimum N size (the denominator, presumptively 30)
- Set a reasonable minimum cell size (the numerator, presumptively 10) and
- Determine how many years of data to use for the calculations to improve data volatility (up to three years) and
- Determine whether to use reasonable progress and what measure to use for reasonable progress.



# Analysis Categories

## Identification Ages 6-21\*

- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

## Placement Ages 6-21

- Inside regular class no more than 79 percent of day and no less than 40 percent of the day
- Inside regular class less than 40 percent of day
- Separate schools and residential facilities

## Discipline Ages 3-21

- Out-of-school suspensions/expulsions of 10 days or less
- Out-of-school suspensions (including expulsions) of greater than 10 days
- In-school suspensions of 10 days or less
- In-school suspensions of greater than 10 days
- Total disciplinary removals

\*Ages 3-5 by July 1, 2020



# Significant Disproportionality

- When an LEA/district is identified with significant disproportionality, the LEA must:
- Conduct a review of policies, procedures and practices related to the area of significant disproportionality;
- Publicly report on any changes to policies procedures and practices;
- Reserve 15% of total IDEA allocation (preschool and school age) to provide Comprehensive Coordinated Early Intervening Services (CCEIS)
  - Identify the factors contributing to significant disproportionality
  - Use Comprehensive CEIS funds to address the factors



# Significant Disproportionality – Comprehensive CES

Levels	Explanation
Grade Level/Ages Served	Age 3 through grade 12
Groups Served	<p>Children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment</p> <p>Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group)</p>
Permitted Activities	<p>Professional development and educational and behavioral evaluations, services, and supports</p> <p>The activities must address factors and policies, practices, or procedures contributing to significant disproportionality</p>



# May Stakeholder Meeting

- Established minimum cell size and minimum N size for the calculations
- Stakeholder input was gathered for establishing risk ratio thresholds for:
  - Placement
  - Identification for Special Education & Eligibility Categories
  - Discipline



# Minimum Cell Size = 10

- Cell size is the minimum number of children experiencing a particular outcome. It is used as the **numerator** when calculating risk.

## Example

Number of children from racial/ethnic group in disability category

Number of enrolled children from racial/ethnic group

÷

Number of all other children in disability category

Number of all other enrolled children



# Minimum N Size = 30

- N Size is the minimum number of children enrolled in an LEA with respect to identification, and the minimum number of children with disabilities enrolled in an LEA with respect to placement and discipline. It is used as the *denominator* when calculating risk

## Example

Number of children from racial/ethnic group in disability category

Number of enrolled children from racial/ethnic group

÷

Number of all other children in disability category

Number of all other enrolled children



# Stakeholder Input - Placement

Table Decision	Rationale
1.5	<ul style="list-style-type: none"><li>• Want to raise awareness of the issue in all districts – including small districts</li><li>• Lower threshold will require more districts to really address this issue</li><li>• Suggest reducing 'n' and cell size to capture more districts</li></ul>
2.0	<ul style="list-style-type: none"><li>• Feel most comfortable using highest threshold</li></ul>
1.75	<ul style="list-style-type: none"><li>• Would capture a sufficient number of districts and not represent too big a change from previous formula and would be a good starting point for systemic change</li></ul>
2.0	<ul style="list-style-type: none"><li>• Want to be sure formula identifies the most significant problem areas</li><li>• Cognizant of state capacity</li></ul>



# Stakeholder Input – Identification/Categories

Table Decision	Rationale
2.0	<ul style="list-style-type: none"><li>• Want to be sure formula identifies the most significant problem areas</li><li>• Cognizant of state capacity</li></ul>
1.75	<ul style="list-style-type: none"><li>• Very complex issue; interested in relationship between identification and special education services</li><li>• Some unexpected patterns</li><li>• Over-identification in one category may not fully explain the issue</li></ul>



# Stakeholder Input - Discipline

Table Decision	Rationale
2.0	<ul style="list-style-type: none"><li>• Start small with areas that are most severe</li><li>• Makes it more manageable for the state to support improvement at the district level</li></ul>
1.75	<ul style="list-style-type: none"><li>• Pushing the envelope a bit – ensuring conversations are happening on many levels</li><li>• Support a tiered approach and “warning system” for districts at the 1.5 level. 1.75 is middle of the road and sends a message.</li></ul>
2.0	<ul style="list-style-type: none"><li>• Support data being shared with all districts – ‘early warning system’.</li></ul>



# Risk Ratio Thresholds

Requirement	Risk Ratio Threshold
Placement	2.0
Identification (overall)	2.0
Identification (eligibility categories)	2.0
Discipline	2.0



# Reasonable progress

What is it?



# Reasonable Progress

- States may decide with the input of stakeholder whether to use the flexibility “reasonable progress”.
- Reasonable progress means a state is not required to identify an LEA with significant disproportionality if the LEA has demonstrated state-defined reasonable progress in lowering the risk ratio (or alternate risk ratio) in the same group or category of analysis for each of the two previous consecutive years.



# Reasonable Progress

- If using reasonable progress, states must set the measure for determining reasonable progress with the advice of stakeholders.
- States may set a different standard for reasonable progress for each of the different categories of analysis.
- States must have data from the three immediately prior consecutive years to conduct this analysis.



# Reasonable Progress

(Progress = .5) State threshold is 3.0

Districts	Year 1	Year 2	Year 3	Exemption	Reason
District A	4.5	5.5	3.5	No	Increase in Year 2
District B	6.0	4.0	4.0	No	No Progress in Year 3
District C	3.5	3.5	3.5	No	No Progress
District D	4.5	4.0	3.5	Yes	.5 progress each year
District E	3.5	3.5	1.5	Yes	Year 3 below threshold
District F	6.0	5.0	4.0	Yes	.5 progress per year



# Supports for identified districts



# What are the fiscal implications?

- Identified LEAs must utilize 15% of the IDEA grant allocations.
- Amount identified in the online application.
- Training currently being conducted for the grant reviewers on the allowable use of funds.
- Ongoing support and technical assistance will be provided throughout the application and final report process for LEAs.



# Required CEIS in the current IDEA Grant Application

- Program to address disproportionality in special education based on overrepresentation to due to racial/ethnic, placement and discipline factors using IDEA funds.
- Use of IDEA grant funds for students not classified grades K-12.
- Use of funds ranges from professional development to specific behavior evaluations and services.



# Required CEIS in the current IDEA Grant Application

- Required LEAs must set aside 15% of the total Basic and Preschool allocations (Currently 23).
- This is shown and budgeted in the Basic IDEA grant.
- The program has many edits to ensure that the funds are budgeted appropriately (amounts only).
- It is up to the reviewer to ensure that a specific group has been targeted and that the services are appropriate for the program.



# Required in the FY18 Grant

- One Tab Coordinated Early Intervening Services
- Split functionality based on an uploaded file that indicates the identified LEAs for CEIS and the reason why
- This file adds an edit to the Tab that requires these LEAs to complete the information and create a program reserving the maximum amount (identified for the LEAs on the screen). The edits are also tied into the budget
- The reason(s) for the identification is included on the screen
- The program is then described in the text boxes under professional development or direct service



# Current Screen for a Required LEA

Applicant: 13 3570 NEWARK - Essex

Application: IDEA Consolidated - 00-  
Cycle: Amendment 1

Project Period: 7/1/2017 - 6/30/2018

Application Sections: IDEA Consolidated

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Contact Information	Refusal of Funds	Allocations	LEA Determinations	IDEA Plan	CEIS	MOE/Excess Cost	Nonpublic Certification	IDEA Assurances	Budget Summary	Submit	Application History	Special Conditions	Application Print	Amendment Explanation
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## Coordinated Early Intervening Services

[Instructions](#)

Under 34 CFR §300.646(a) of the IDEA - Part B, states have the obligation to identify local districts having "Significant Disproportionality" based on race or ethnicity with respect to the identification of children as children with disabilities, including identification as children with particular disabilities; the placement of children in particular education settings; and the incidence, duration and type of disciplinary actions, including suspensions and expulsions. States must make this determination on an annual basis. Your district has been identified for "Significant Disproportionality" with regard to the following:

"A continued pattern of "significant disproportionality" of specific racial/ethnic groups determined eligible for special education and related services: Black - Emotionally Disturbed and Black - Other Health Impairments; Black - Placement in Segregated Settings"

Consequently, your district is required to reserve 15% of the district's total IDEA funds to provide and track coordinated early intervening services, see 34 CFR §300.646(b)(2). The following information must be completed showing how the district plans to address the "Significant Disproportionality." In addition, the district must show in the budget details any Coordinated Early Intervening Expenditures.

The LEA is exercising its authority under section 613(a)(4)(ii) to use IDEA funds, in accordance with subsection(f) for the provision of Early Intervening Services.

(A)(ii) Early Intervening Services - To develop and implement coordinated, early intervening educational services in accordance with subsection (f). The maximum amount available for these services is

1525239 which is the calculated value of the allocation \* 0.15 plus any unexpended Early Intervening Funds from the previous year, if applicable.

520000 (a) Enter the amount of allowable maximum that is being used for professional development as described below, in accordance with section 613(f)(2)(A). ( 541 of 1000 characters used.)

NPS will provide teacher professional development in System 44 and iRead, our literacy interventions curriculum. Attending teachers serve general education classrooms in grades 3-11. The professional development will consist of formal sessions and in-classroom coaching services. NPS has allocated funds (amount provided as part of Section B total, below) for one Special Assistant for Literacy, who provides coaching support, classroom visits and observations, in-house PD sessions, and data services for teachers implementing System 44.

1005239 (b) Enter the amount of allowable maximum that is being used for the provision of educational and behavioral evaluations, services, and supports including scientifically based literacy instruction as described below: ( 808 of 1000 characters used.)

NPS has allocated \$671,148 in salary and fringe for five Academic Interventionists, one Behavioral Specialist and 1 Special Assistant for Literacy. The Academic Interventionists and Behavioral Specialist are school-based positions that provide evaluation and support services to at-risk students. In addition to the professional development outline in Section A, the Literacy Special Assistant analyzes intervention and assessment data to identify students in need of literacy supports. NPS also plans to spend \$520,000 on instructional materials and additional coaching services to support the implementation of System 44. This is to purchase System 44 and iRead classroom sets, consumable workbooks and teacher materials in grades 3-11. NPS will also use 334,091 for new program initiatives in 2017-18.

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# LEAs who Elect in the Current IDEA Grant Application

- Program to address disproportionality in special education based on overrepresentation to due to racial/ethnic, placement and discipline factors using IDEA funds.
- Use of IDEA grant funds for students not classified grades K-12.
- Use of funds ranges from professional development to specific behavior evaluations and services.



# LEAs who Elect in the Current IDEA Grant Application

- LEAs who elect to conduct a CEIS program may set aside up to 15% of the total Basic and Preschool allocations (Currently 10).
- This is shown and budgeted in the Basic IDEA grant.
- The program has many edits to ensure that the funds are budgeted appropriately (amounts only).
- It is up to the reviewer to ensure that a specific group has been targeted and that the services are appropriate for the program.



# LEAs who Elect in the Current IDEA Grant Application

- One Tab Coordinated Early Intervening Services
- This Tab permits LEAs not identified in the file upload to complete the information and create a program reserving up to maximum amount (identified for the LEAs on the screen). The edits are also tied into the budget
- The top of the screen shows that they are not identified
- The program is then described in the text boxes under professional development or direct service



# Current Screen for an LEA who Elects

Applicant: 01 0110 ATLANTIC CITY - Atlantic

Application Sections **IDEA Consolidated**

Application: IDEA Consolidated - 00-  
 Cycle: Original Application

Project Period: 7/1/2017 - 6/30/2018

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Contact Information	Refusal of Funds	Allocations	LEA Determinations	IDEA Plan	CEIS	MOE/Excess Cost	Nonpublic Certification	IDEA Assurances	Budget Summary	Submit	Application History	Special Conditions	Application Print	Amendment Explanation
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The application has been submitted. No more updates will be saved for the application.

## Coordinated Early Intervening Services

[Instruc](#)

Your district has not been identified for significant disproportionality but has the option to use up to 15% of the district's total IDEA funds for this purpose. Read the instructions for guidance. This tab is not a required tab for this district.

The LEA is exercising its authority under section 613(a)(4)(ii) to use IDEA funds, in accordance with subsection(f) for the provision of Early Intervening Services.

(A)(ii) Early Intervening Services - To develop and implement coordinated, early intervening educational services in accordance with subsection (f). The maximum amount available for these services is

263321 which is the calculated value of the allocation \* 0.15 plus any unexpended Early Intervening Funds from the previous year, if applicable.

(a) Enter the amount of allowable maximum that is being used for professional development as described below, in accordance with section 613(f)(2)(A). ( 0 of 1000 characters used.)

262623 (b) Enter the amount of allowable maximum that is being used for the provision of educational and behavioral evaluations, services, and supports including scientifically based literacy instruction as described below: ( 577 of 1000 characters used.)

2 Early Intervention Teachers working with identified at risk students in the areas of Literacy/Language Art and Mathematics. The teachers funded by the grant will provide coordinated intervening services to a specific group of at risk students identified by the INRS process. These teachers will provide reading programs designed to help students that are far below grade level. They will assist the students by providing instruction on their grade level and monitor their progress on a daily basis. This information will be filtered back to the committee for further options.

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# Appearance of CEIS in Budget Summary (Basic Only)

Applicant: 13 3570 NEWARK - Essex  
 Application: IDEA Consolidated - 00-  
 Cycle: Amendment 1

Project Period: 7/1/2017 - 6/30/2018

Application Sections  IDEA Consolidated   
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Contact Information	Refusal of Funds	Allocations	LEA Determinations	IDEA Plan	CEIS	MOE/Excess Cost	Nonpublic Certification	IDEA Assurances	Budget Summary	Submit	Application History	Special Conditions	Application Print	Amendment Explanation
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## Budget Summary

Function / Object	Expenditure Category	BASIC				PRESCHOOL		
		Public Amount	CEIS	Nonpublic Amount	Total Amount	Public Amount	Nonpublic Amount	Total Amount
<b>100</b>	<b>Instruction</b>							
100-100	Personal Services - Salaries	1247392	0	0	1247392	155000	0	155000
100-300	Instruction Purchased Services	307500	307500	0	307500	0	0	0
100-500	Other Purchased Services	0	0	0	0	0	0	0
100-600	Instructional Supplies	120000	0	0	120000	13347	2009	15356
100-800	Instruction Other objects	0	0	0	0	0	0	0
<b>200</b>	<b>Support Services</b>							
200-100	Personal Services - Salaries	3710272	621638	0	3710272	0	0	0
200-200	Employee Benefits	1986864	145681	0	1986864	90088	0	90088
200-300	Prof & Tech Services	1639062	0	146123	1785185	0	0	0
200-400	Purchased Property Services	0	0	0	0	0	0	0
200-500	Other Purchased Services	10000	0	0	10000	0	0	0
200-600	Supplies and Materials	486500	486500	0	486500	0	0	0
200-800	Other Objects	0	0	0	0	0	0	0
200-860	Indirect Cost	0	0	0	0	0	0	0
<b>400</b>	<b>Fac. Acq. and Construction Ser.</b>							
400-720	Building/Renovation	0	0	0	0	0	0	0
400-731	Instructional Equipment	34436	0	0	34436	0	0	0
400-732	Non Instructional Equipment	0	0	0	0	0	0	0
<b>520</b>	<b>Other</b>							
520-930	Schoolwide	0	0	0	0	0	0	0
	<b>Total Project Budgeted</b>	9542026	1561319	146123	9688149	258435	2009	260444
	Allocation				9907819			260444
	Difference between allocation and total budget				219670			0
	Nonpub proportionate share				146123			2009

PRD 2.0 user ID: pgray

New Jersey Department of Education



# How does the use of CEIS funds impact other areas of the grant?

- The program must supplement other current programs not supplant.
- If an LEA Meets Requirements (LEA Determinations Tab) and experiences an increase in their federal award they may reduce their Maintenance of Effort by up to 50% of the federal award increase minus the amounts used for the provision of early intervening services, if applicable.
- The grant has many edits and show/hide capabilities to allow for the correct use of funds.



# Use of Allowable Reduction in MOE

he application has been submitted. No more updates will be saved for the application.

Contact Information	Refusal of Funds	Allocations	LEA Determinations	IDEA Plan	CEIS	MOE/Excess Cost	Nonpublic Certification	IDEA Assurances	Budget Summary	Submit	Application History	Special Conditions	Application Print	Amend Explor
Maintenance of Effort					Reasons for MOE Reduction					Excess Cost				

## Reasons for MOE Reduction

All choices a-d, if appropriate, must be completed even if 0. Enter the amount of the reduction attributable to the appropriate allowable reasons.

1. Increase from 2017 to 2018. -62178
2. Funds expended on special education and related services (from the MOE Table) for students with disabilities in the 2015-2016 school year. 22755602
3. Amount of IDEA funds that may be treated as local funds for the purpose of meeting the maintenance of fiscal effort and non supplanting requirements for the FY 2018 school year (50% of line 1). 0
4. Minimum amount of funds required to be budgeted for special education and related services in the 2017-2018 school year. 22755602
5. Amount of funds budgeted for special education and related services (from the MOE Table) in the 2017-2018 school year. 25070660

### Line 5 does not equal or exceed line 4, check all that apply:

- a. Decrease in enrollment of children with disabilities [ ]
- b. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment and the construction of school facilities [ ]
- c. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel [ ]
- d. Termination of an exceptionally costly program for a particular child due to aging out, left jurisdiction or no longer in need of such program of special education [ ]
- e. The LEA is exercising its authority under Section 613(a)(2)(C)(i-ii) to reduce the local expenditures for special education and apply those funds to authorized activities under the Elementary and Secondary Education Act of 1965 (ESEA).

Enter the amount used from the Federal increase to reduce the local expenditures -this amount can not exceed 50% of the increase in the district's IDEA allocation minus the amounts used for the provision of early intervening services above, if applicable.

Maximum Amount

List the authorized ESEA activities that the funds are to be used for. (0 of 1000 maximum characters used)

These activities can only supplement ESEA funded activities.

Function/Object	Expenditure Category	Local Special Ed. Transferred In	Use of Released Funds
100			
100-100	Personal Services - Salaries	<input type="text"/>	<input type="text"/>
100-300	Instruction Purchased Services	<input type="text"/>	<input type="text"/>
100-500	Other Purchased Services	<input type="text"/>	<input type="text"/>
100-600	Instructional Supplies	<input type="text"/>	<input type="text"/>
100-800	Instruction Other Objects	<input type="text"/>	<input type="text"/>



# Meeting 2.0: Actions by NJDOE

- The state must annually:
  - Provide for the review and, if appropriate, the revision of policies, practices and procedures within the LEA to ensure compliance with the requirements of IDEA; and
  - Require the LEA to publicly report on the revision of policies, practices and procedures within the LEA to ensure compliance with the requirements of IDEA.
- This review may be conducted by the LEA.
- It is not a monitoring and noncompliance if not identified.



# Exceeding 2.0: Actions by NJDOE

- LEAs that meet or exceed a risk ratio of 2.5 will be identified for further activities.
- Activities may include:
  - Self-Assessment through review of recent files
  - On-site monitoring activities (file review and interviews)
  - Required actions for Correction of Noncompliance
  - On-going training to develop strategies for long-term improvement



# Timeline

- New formula will be used for the FY19 grant year (spring of '18, '18-19 school year) to **identify** LEAs with significant disproportionality.
- Identified LEAs **may** reserve the funds (under the new rules) in the FY19 grant year (spring of '18, '18-19 school year).
- Identified LEAs will have one year to reserve the funds. **Must** reserve the funds beginning in the FY20 grant year (spring of '19, '19-20 school year).



# Impact on the FY19 IDEA Grant Program

- Program to address disproportionality in special education based on overrepresentation to due to racial/ethnic, placement and discipline factors using IDEA funds.
- Differences are between the identified and not identified LEAs.
- Not identified LEAs must follow the original rules on the use of IDEA grant funds for students not classified grades K-12 (reflected in the current screens).



# Impact on the FY19 IDEA Grant Program

- Use ranges from professional development to specific behavior evaluations and services.
- Identified LEAs may set aside 15% of the total Basic and Preschool allocations according to the new rules (Possible increase to over 200).
- The program will still control what is completed and the maximum amounts shown and budgeted in the basic grant.
- The program has many edits to ensure that the funds are budgeted appropriately (amounts only).



# Potential Changes to the FY19 IDEA Grant Program

- The program will need to be modified to have two entry screens one for identified and one for not identified (show/hide).
- The not identified LEAs who elect to conduct a CEIS program will use the old functionality screen based on CEIS rules that are currently in place.
- The **identified** LEAs who elect to run a CCEIS program will have a new screen available to them where the new rules apply.
  - Include information on revised policies and procedures
  - Determinations of participants (3-5 or 3-21 year olds)
  - Reporting on how many students with disabilities will be supported as well as how many general education students. Identified LEAs **may not** use their entire CCEIS funds for special education
  - A detailed description of the factors contributing to disproportionality and how the program will address determined factors
  - Two text boxes that describe the programs and services
  - The reviewer will be making evaluative decisions related to what is included in the descriptions



# Resources

- <https://cifr.wested.org/resources/ceis/>
  - [Coordinated Early Intervening Services \(CEIS\) Resources: Step by Step](#)
  - [Crosswalk of Current Significant Disproportionality Regulations with Prior Significant Disproportionality Regulations](#)
  - [Quick Reference Guide on IDEA Coordinated Early Intervening Services](#)
  - [A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services \(CCEIS\) and Voluntary Coordinated Early Intervening Services \(CEIS\)](#)

