

# Equity in Special Education: Addressing Significant Disproportionality

## DID YOU KNOW?

- Educators in Ohio are more than two times as likely to identify Black students with intellectual disabilities, place Black students in more restrictive settings and remove Black students for discipline.
- Educators in Ohio are more than three times as likely to identify Black students with an emotional disturbance and expel Black students.

## WHAT IS SIGNIFICANT DISPROPORTIONALITY?

Disproportionality is one measure of educational inequity. It occurs when students of any racial subgroup are identified for special education, placed in more restrictive settings or disciplined at a markedly higher rate than their peers. The federal Individuals with Disabilities Education Act (IDEA) considers disproportionality to be significant when overrepresentation of a group exceeds a threshold defined by each state. The Ohio Department of Education has set Ohio’s threshold at a ratio of 2.50 in order to more fully identify and address racial disparities in special education across the state.

According to federal [IDEA regulations](#), 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.

Federal regulations require states to calculate disproportionality using risk ratios in 14 categories for each of the seven racial groups identified by IDEA: American Indian, Asian, Black, Hispanic, Multiracial, Pacific Islander and White.

Table 1. Categories of analysis for significant disproportionality.

Identification (All students ages 3-21)	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. Out-of-school suspensions and expulsions of 10 days or fewer 11. Out-of-school suspensions and expulsions of more than 10 days 12. In-school suspensions of 10 days or fewer 13. In-school suspensions of more than 10 days 14. Total disciplinary removals

## HOW IS SIGNIFICANT DISPROPORTIONALITY CALCULATED?

Disproportionality is computed using a risk ratio which compares the likelihood of a student in a particular group to be identified for special education, be placed in a restrictive setting or be disciplined as compared to the likelihood for a non-group peer. The Department convened stakeholders on multiple occasions to provide recommendations on Ohio’s methodology for calculating disproportionality. The stakeholders 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 has set the state’s risk ratio threshold to 2.50. This means that districts will be identified with significant disproportionality when students in a specific racial group are more than 2.5 times as likely as their peers to be identified for special education, placed in more

restrictive settings or disciplined. A general consensus exists among stakeholders that if a particular group of students is subject to disproportionate identification or consequences at a rate that is 2.5 times their peers, this is of sufficient significance to require a district to deliberately and aggressively focus on addressing the causes.

2. **Set a reasonable minimum cell size and n-size:** For a ratio to be considered, Ohio has established the threshold for the number of students in a subgroup at **30 students (minimum n-size)**, and the threshold for the number of students impacted at **10 students (cell size)**. These levels are within federally defined parameters and are 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 in the total student population (minimum n-size).
3. **Use alternate risk ratios:** When a racially homogeneous district does not enroll enough students of other races to form a comparison group, federal regulations require states to **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. For example, if a district's predominant racial group is white students, such that they do not enroll enough non-white students to form a comparison group, the risk for their white students is compared to the risk for all non-white students in the state.
4. **Use three consecutive years of data:** Ohio will continue to use **three consecutive years of risk ratios** that exceed the 2.50 threshold to prevent false findings, account for anomalies and identify systemic patterns.
5. **Apply reasonable progress calculation:** Ohio will 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 2.50, 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 MANY DISTRICTS WILL HAVE REQUIRED ACTIONS AT THE IDENTIFIED THRESHOLD?

Based on data from the 2018-2019, 2019-2020, and 2020-2021 school years, the number of districts and community schools with significant disproportionality above the 2.5 threshold is 73 public school districts (about 8% of all districts) and 25 community schools (about 3% of all community schools), for a total of 98 entities. The district count will be updated with 2021-2022 school year data prior to district notification.

## HOW WILL DISTRICTS & SCHOOLS WITH SIGNIFICANT DISPROPORTIONALITY BE SUPPORTED?

Districts and community schools will be notified of significant disproportionality through their 2022-2023 Special Education Profiles, targeted for release in December 2022. The various supports available are described below.

### State Support Teams

The Office for Exceptional Children has worked extensively with Ohio's state support teams to build capacity, processes and resources for supporting districts and schools with significant disproportionality. Supports are designed to help districts and schools more deeply understand their data, review their policies, procedures, and practices, complete root cause analyses to identify factors contributing to disproportionality, develop improvement plans to address contributing factors and target funds accordingly.

### What Does Support from a State Support Team Include?

1. **Needs Analysis:** Upon identification by the Department, districts and schools with significant disproportionality findings will complete a self-review of local data, policies and practices to pinpoint potential root causes of disproportionality. Conducting a comprehensive root cause analysis is an essential first step, in order to ensure that the school or district identifies improvement strategies that can meaningfully increase educational equity. Ohio's state support teams (SSTs) can assist with the root cause analysis process by answering technical questions, supporting data reviews and coaching teams through meaningful conversations about policy and practice to uncover where change is needed.

2. **Improvement Plan:** Once one or more root causes of disproportionality are identified, the district will create a systemic improvement plan to strategically address areas of need. The plan also explains how redirected funds will be used to support the improvement plan. SSTs have extensive expertise in supporting continuous improvement planning and will work closely with districts and schools to develop action plans, revise or create policies and deliver professional learning for teachers and administrators. In addition, Ohio's entire State System of Support, including Educational Service Centers (ESCs), Information Technology Centers (ITCs), and the Department's online Learning Management System offer a wide array of learning opportunities that may be aligned to district needs identified through the root cause analysis. Community agencies and organizations can also be excellent partners by offering additional support services to districts and schools.
3. **Monitoring:** Most importantly, training and new policies must result in changes in practice in order to improve equitable educational outcomes for students with disabilities. SSTs continue to be partners by assisting districts and schools with the process of monitoring the application of new strategies, evaluating whether they are having the intended impact on adult practices and student outcomes, and making mid-course adjustments as needed. SSTs serve districts and schools in a capacity building function, meaning they work to build the knowledge and skills of educators to use new evidence-based practices successfully and independently over time. Additionally, SSTs help district teams integrate their disproportionality improvement plan with the district's overall improvement planning efforts, in recognition that disproportionality is most effectively addressed through partnerships between general and special educators and support from district and building leaders.

### Districts and Schools That Have Lowered Risk Ratios and/or Discipline Discrepancy Rates

Districts who take the necessary steps to address disproportionality can experience significant improvement. The following are four examples that illustrate the type of activities that can be successful in achieving improvement.

#### *District A*

A public district in southwest Ohio was identified with significant disproportionality in discipline for Black students with disabilities. A root cause analysis revealed the district's code of conduct was punitive and lacked a clear intervention process to support students, such as positive behavioral intervention and supports (PBIS). Staff were not aware of the impacts of trauma or prepared to address student issues regarding trauma and the brain. As a result, working with the State Support Team and the Educational Service Center, the district made the following changes:

- Updated the code of conduct to add tiered interventions.
- Trained all staff in restorative practices and offered restorative alternative options for students who were suspended;
- Partnered with the Children's Home of Cincinnati to provide targeted professional development in trauma-informed care;
- Developed a K-4 intensive behavioral intervention program with the Educational Service Center;
- Created alternative learning programs using social skills curriculum based on the Aggression Replacement Therapy Model;
- Created calming rooms in buildings through community partnerships; and
- Hired a social worker and behavior specialist.

As a result, the district reduced its risk ratio for discipline of Black students with disabilities from 4.70 to 1.97.

#### *District B*

For multiple years, a public district in northeast Ohio was flagged with significant disproportionality for Black students identified with Specific Learning Disabilities. A root cause analysis revealed patterns of disproportionality throughout the district as a whole, not just in special education. These patterns are closely tied to the city's history of racial inequities and efforts to form an integrated community. The school district engaged their community in an equity task force that resulted in an equity policy. The equity policy prioritized disrupting societal and historic inequities, acknowledging implicit biases, data-based decision making to limit bias, systems of support, and culture and climate. The district has:

- Taken a systems approach to address disproportionality in special education as part of a district-wide equity focus;
- Worked with State Support Team Region 3 to commit to deep and open discussions about the district's data, policies, and practices;
- Adopted an equity tool for data-driven decision making;
- Implemented targeted universalism to emphasize equity and target resources through a multi-tiered system of support;
- Worked with an equity partner to provide training on equity, implicit bias, and anti-racism for district staff and the community;
- Added an Executive Director of Equity, Diversity and Inclusion to the district's senior leadership team; and
- Partnered with the teachers' association to conduct book studies on equity, inclusion, and anti-racism.

Through these efforts, the district has demonstrated progress over time in reducing disproportionality for Black students identified with Specific Learning Disabilities. As a result, the district is no longer required to redirect funds in that area. The district continues its efforts to address disproportionality in other disability categories and in discipline rates for Black students.

### **District C**

A community school in northwest Ohio faced an upward trend of being flagged for disproportionality in discipline discrepancies until they made extensive changes to discipline practices. Through root cause analysis based on the Office for Exceptional Children's Self-Review Summary Report, school leaders discovered that training was needed for all staff regarding proper documentation of behavioral services and interventions. In addition to training, the school also adopted a school-wide restorative practices model. The school has not been flagged for discipline disproportionality in subsequent years.

### **District D**

A community school in northeast Ohio was flagged for a significant discipline disproportionality issue between suspension of students with disabilities and students without disabilities. Their root cause analysis identified transitions and unstructured times in the school day as significant problem areas in need of behavioral interventions. School leaders provided training and implemented interventions instead of going directly to discipline consequences. These changes in adult behaviors and practices reduced the disproportionality, such that the school has not been flagged in subsequent years.

### **Other Supports**

The following resources can provide additional information to schools and districts challenged by issues of disproportionality:

- Multiple components of *Each Child, Our Future* promote equity and can support the reduction of disproportionality. Specifically, the [Whole Child Framework](#) is designed around systemic practices for learning and health: equity, cultural responsiveness, coordination of policies, processes and practices, and continuous improvement.
- The framework's tenet of safety for each child provides support through [social-emotional learning standards](#) and resources, [trauma-informed practices](#), and implementation of [Positive Behavioral Interventions and Supports](#).
- The Department [compiled resources](#) for developing culturally competent and responsive practices, including a [Culturally Responsive Practices Training Program](#) available to educators throughout Ohio.
- The Department will continue to add information and resources to the Department's [Equity in Special Education: Disproportionality](#) website, which currently features a [technical document](#) for understanding data calculations, [early intervening services fiscal guidance](#), and [frequently asked questions](#).
- Addressing significant disproportionality is a focus area for [Ohio's Plan to Improve Learning Experiences and Outcomes for Students with Disabilities](#).