Equity in Special Education: Disproportionate Representation (Indicators 9 & 10) and Significant Disproportionality

Disproportionate representation (Indicators 9 & 10) (20 U.S.C. 1416(a)(3)(c)) and significant disproportionality in special education identification (20 U.S.C. 1418(d) and 34 §§ CFR 300.646-647) represent two distinct federal Individuals with Disabilities Education Act (IDEA) requirements around equity. This resource explains the differences and similarities between these two equity requirements and will enable users to compare the methodology. A comparison summary chart is provided at the end of the document for quick reference.

What is Disproportionate Representation (Indicators 9 & 10)?

Disproportionate representation is one measure of educational equity. It occurs when students from a racial group are identified for special education, including within specific disability categories, at a markedly higher rate than their peers of other races.

In What Categories is Disproportionate Representation Measured?

- Indicator 9 measures disproportionate representation in all disability categories that is the result of inappropriate identification.
- Indicator 10 measures disproportionate representation in specific disability categories that is the result of inappropriate identification. The specific disability categories measured by Indicator 10 include:
  - Intellectual Disabilities
  - Specific Learning Disabilities
  - Emotional Disturbance
  - Speech or Language Impairments
  - Other Health Impairment-Minor
  - Autism

Each of these categories is calculated for the following racial groups: American Indian or Alaska Native, Asian, Black, Hispanic, Multiracial, Native Hawaiian or Other Pacific Islander, and White.

How is Disproportionate Representation Calculated?

Disproportionate representation is calculated using a risk ratio which compares the likelihood of a student in a particular group to be identified for special education compared to the likelihood for a non-group peer. The Ohio Department of Education and Workforce (The Department) convened stakeholders in fall 2024 to provide recommendations on Ohio's methodology for calculating disproportionate representation. Based on stakeholder input and federal requirements, the Department uses the methods described below.

1. **Determine calculation method and set a threshold**: Ohio has aligned the methodology for disproportionate representation to significant disproportionality to the extent possible and calculates disproportionate representation using a risk ratio. Ohio has set **the state's risk ratio threshold at 2.50**. This means that districts and community schools will be identified with disproportionate representation when students in a specific racial group are more than two and a

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half times as likely as their peers to be identified for special education. A consensus exists among stakeholders that if a particular group of students is subject to disproportionate identification or has a rate at least two and a half times their peers, this is of sufficient significance to require a district or community school to focus deliberately and aggressively on addressing the causes.

2. **Set a reasonable minimum cell size and n-size**: For a ratio to be calculated, 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 or community school'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 or community school does not enroll enough students of other races to form a comparison group, **an alternate risk ratio is calculated by comparing the district or community school to the state**. The state-level risk then provides a comparison for district- (or school-) level risk. For example, if a district or community school'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 two consecutive years of data**: Ohio uses **two consecutive years of risk ratios** that exceed the 2.50 threshold to prevent false findings, account for anomalies and identify systemic patterns. The Department engaged stakeholders to determine whether two or three consecutive years of data should be considered. Stakeholders agreed using more than two years should not be necessary before addressing disproportionate representation and appreciated the option to use these indicators as an early warning system for significant disproportionality.

Disproportionate representation is calculated based on the data reported by each district and community school in the Education Management Information System (EMIS). Across all categories, enrollment data are calculated based on full-time equivalency, or FTE. FTE provides a precise risk ratio calculation based on the amount of time each student was enrolled in the district during the school year. All students, ages 5 and in kindergarten through age 21, are included in the calculations for disproportionate representation.

How are Districts and Community Schools Notified of Disproportionate Representation?

Districts and community schools will be notified of disproportionate representation (Indicators 9 & 10) through the first phase release of the 2024-2025 Special Education Profile, anticipated for December 2024. All required actions will be outlined within each district and community school's profile. The Department emails notifications to superintendents, special education contacts, and community school sponsors upon release of each phase. The Special Education Profile is available through the OH│ID Portal. Direct questions regarding the Special Education Profile to OEC.profile@education.ohio.gov.

Districts and community schools are notified of disproportionate representation based solely on risk ratios. To meet the requirements of Indicators 9 and 10, the Department reviews policies, procedures, and practices among identified districts and community schools to determine if disproportionate representation is the result of inappropriate identification.

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What Specific Actions are Required Under IDEA When a District is Identified with Disproportionate Representation?

Districts and community schools with disproportionate representation must:

- Complete a review of student records with the Department.
- Review their policies, procedures, and practices related to identification, placement, and discipline of students with disabilities.
- Identify and address the factors that may be contributing to the disproportionate representation.

All required action steps are detailed within the Special Education Profile.

What is Significant Disproportionality?

Disproportionality is one measure of educational equity. It occurs when students from a racial group are identified for special education, placed in more restrictive settings, or disciplined at markedly higher rates than their peers of other races. The federal government considers disproportionality "significant" when the overrepresentation exceeds a threshold defined by each state.

In What Categories is Significant Disproportionality Measured?

Significant disproportionality is measured in the following categories:

- Identification
  - All Disabilities
  - Intellectual Disabilities
  - Specific Learning Disabilities
  - Emotional Disturbance
  - Speech or Language Impairments
  - Other Health Impairment-Minor
  - Autism
- Placement
  - Inside a regular class for less than 40 percent of the day
  - Inside separate schools and residential facilities
- Discipline
  - Out-of-school suspensions & expulsions of 10 cumulative days or fewer
  - Out-of-school suspensions & expulsions of more than 10 cumulative days
  - In-school suspensions of 10 cumulative days or fewer
  - In-school suspensions of more than 10 cumulative days
  - Disciplinary removals in total (including in-school suspensions, out-of-school suspensions and expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer).

Each of these categories is calculated for the following racial groups: American Indian or Alaska Native, Asian, Black, Hispanic, Multiracial, Native Hawaiian or Other Pacific Islander, and White.

How is Significant Disproportionality Calculated?

Disproportionality is calculated 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

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organizations. Based on their input and federal requirements, the Department uses 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 and community schools will be identified with significant disproportionality when students in a specific racial group are more than two and a half times as likely as their peers to be identified for special education, placed in more restrictive settings, or disciplined. A consensus exists among stakeholders that if a particular group of students is subject to disproportionate identification or has a rate two and a half times their peers, this is of sufficient significance to require a district or community school to focus deliberately and aggressively on addressing the causes.

2. **Set a reasonable minimum cell size and n-size**: For a ratio to be calculated, 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 or community school's Asian students are disproportionally 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 or community school 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 or community school to the whole state**. The state-level risk then provides a comparison for district (or school)-level risk. For example, if a district or community school'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 uses **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 grants districts and community schools 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 and community schools 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.

Disproportionality is calculated based on the data reported by each district and community school in the Education Management Information System (EMIS). Across all categories, enrollment data are calculated based on full-time equivalency, or FTE. FTE provides a precise risk ratio calculation based on the amount of time each student was enrolled in the district during the school year. All students are included in the calculations for identification, while only students with disabilities are considered in the calculations for placement and discipline. Students ages 3 through 21 are included in the calculations for identification and discipline, while only students ages 5 through 21 are included in the calculations for placement.

How are Districts and Community Schools Notified of Significant Disproportionality?

Districts and community schools will be notified of significant disproportionality through the first phase release of the 2024-2025 Special Education Profile, anticipated for December 2024. All required actions will be outlined within each district and community school's profile. The Department emails notifications to superintendents, special education contacts, and community school sponsors upon release of each

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phase. The Special Education Profile is available through the OH│ID Portal. Direct questions regarding the Special Education Profile to OEC.profile@education.ohio.gov.

What Specific Actions are Required Under IDEA When a District is Identified with Significant Disproportionality?

Districts and community schools with significant disproportionality must:

- Complete a review of student records with the Department.
- Review their policies, procedures, and practices related to identification, placement, and discipline of students with disabilities.
- Identify the factors that may be contributing to the significant disproportionality.
- Redirect 15 percent of their federal special education funds toward Comprehensive Coordinated Early Intervening Services designed to address the contributing factors, to include professional development, educational and behavioral evaluations, services and supports.

All required action steps are detailed within the Special Education Profile.

How is Disproportionate Representation Different from Significant Disproportionality?

Disproportionate representation (Indicators 9 & 10) (20 U.S.C. 1416(a)(3)(c)) and significant disproportionality in special education identification (20 U.S.C. 1418(d) and 34 §§ CFR 300.646-647) represent two distinct IDEA requirements around equity. The differences between these two federal requirements are:

- Significant disproportionality in special education identification must include students ages 3 through 21, while disproportionate representation (Indicators 9 & 10) must include only students ages 5 and in kindergarten through age 21.
- Significant disproportionality considers three consecutive years of data, while disproportionate representation considers two consecutive years of data.
- Methodology for significant disproportionality in special education identification may consider reasonable progress, while reasonable progress is not presented as an option for disproportionate representation (Indicators 9 & 10).
- Unlike significant disproportionality, disproportionate representation (Indicators 9 & 10) does not require districts or community schools to redirect funds.

Ohio's methodology for disproportionate representation (Indicators 9 & 10) and significant disproportionality are otherwise the same, in that both calculations are based on:

- Regular and alternate risk ratios;
- A risk ratio threshold of 2.50;
- A minimum cell size of 10; and
- A minimum n-size of 30.

Each of these components is described in the *How is Disproportionate Representation Calculated?* and the *How is Significant Disproportionality Calculated?* sections above.

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Summary of IDEA Equity Requirements

This summary table details key areas such as federal requirements, methodology, and required actions for districts and community schools with disproportionate representation or significant disproportionality.

Elements	Disproportionate Representation (Indicators 9 & 10)	Significant Disproportionality in Special Education Identification
Regulation	20 U.S.C. 1416(a)(3)(c)	20 U.S.C. 1418(d) and 34 §§ CFR 300.646-647
Age	Ages 5 and in kindergarten through age 21	Ages 3 through 21
Calculation Method	Risk Ratio and Alternate Risk Ratio	Risk Ratio and Alternate Risk Ratio
Minimum cell size	10	10
Minimum n size	30	30
Multiple Years of Data	2	3
Reasonable Progress	Does not exist	Risk ratio reduction of at least .25 in two most recent years
Actions for Districts and Community Schools	- Complete a review of student records with the Department of Education and Workforce. - Review their policies, procedures, and practices related to identification, placement, and discipline of students with disabilities. - Identify and address the factors that may be contributing to the disproportionate representation.	- Complete a review of student records with the Department of Education and Workforce. - Review their policies, procedures, and practices related to identification, placement, and discipline of students with disabilities. - Identify the factors that may be contributing to the significant disproportionality. - Redirect 15 percent of their federal special education funds toward Comprehensive Coordinated Early Intervening Services designed to address the contributing factors, including professional development, educational and behavioral evaluations, services and supports.

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