



Division of Special Education/Early Intervention Services

Requirements for Addressing and Reporting Disproportionality

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the act will be effective July 1, 2005. This document only addresses the new provision of Sec. 618(d) relative to required use of IDEA Part B funds in the event the State determines that data indicates there is significant disproportional overrepresentation, based on race and ethnicity, within a local school system with respect to:

- The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);
- The placement in particular educational settings of such children; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

1. **What data was used to determine whether significant disproportionality was present within a local school system?**

To ensure comparable data sets, MSDE used data submitted data by local school systems to MSDE during the 2003-2004 school year from the following data sources:

- Special Services Information System (SSIS) Child Count Data, October 31, 2003; and
- Enrollment Data, 2003-2004
- Suspensions, Expulsions, and Health Related Exclusions, 2003-2004

2. What statistical measure was used to determine if there was evidence of significant disproportionality by race/ethnicity in the identification, educational placement, and suspension/expulsion of students with disabilities?

The U. S. Department of Education, Office of Special Education Programs (OSEP) requires States to report annually in the Annual Performance Report (APR) on disproportional representation by race in the areas of identification, placement, and the suspension and expulsion of students with disabilities. OSEP asked States to use 0.2 percent comparative ratio as a means to provide consistency in reporting across all States.

MSDE used the 0.2 comparative ratio in analyzing the percentages between the general education and students with disabilities populations for identification and among racial/ethnic categories of students with disabilities for educational settings and multiple and extended suspensions. MSDE used a ratio of greater than or equal to 2 to 1 as the first criterion for flagging a local school system as having significant disproportionality.

A 0.2 index is a comparison of actual representation in a category compared to the expected representation in a category that reflects a student's proportion of the overall student population. The 0.2 index reflects a range of variance that is considered permissible. The upper end of an expected range is calculated by multiplying the percentage of students within a racial/ethnic category by 1.2. A significant disproportionality was identified if the percentage of students in a particular category was greater than 2% above the upper end of the expected range.

For identification and placement, during the July 1, 2003 through June 30, 2004 reporting period, MSDE targeted districts where percentages of minority students, particularly Black and Hispanic, were greater than the upper bound of the expected range and where the difference between the actual count and the expected count was 10 or more students.

Due to the fact that extended as well as multiple suspensions were relatively infrequent occurrences, the problem of small numbers in local school system groups required a further criterion. MSDE implemented a rule that both groups needed to have a least 20 students each in order for a significantly disproportional finding to be pursued further by MSDE.

3. Statewide, is there evidence of significant disproportional overrepresentation of students with disabilities by race and ethnicity in any particular disability category?

Yes. While Black students ages 6-21 represented 37.7% of all students in the 2003-2004 school year, they represented 60.6% of students in the mental retardation category, 51.9% of students in the emotional disturbance category, and 63.4% of students in the developmental delay category. In past years there has also been overrepresentation of Black students as students with specific learning disabilities. Currently, statewide, Black students represent 40.38% of students identified as students with specific learning disabilities. White students are 51.1% of total enrollment but 33.9% of students with mental retardation, 44.7% of students with emotional disturbance, and 27.0% of students with developmental delay.

4. Statewide, is there evidence of significantly disproportional placement of students with disabilities by race and ethnicity in any particular educational setting?

Yes. Even though Black students represented 41.0% of all students with disabilities, they represent 56.0% of those who are outside the regular classroom more than 60% of the time. Furthermore, the overrepresentation of Black students in these educational environment categories is not decreased when students with orthopedic impairments are removed from the analysis. The proportion of Black students with disabilities receiving special education and related services outside of the regular class more than 60% of the school day increased from 53.0% in 2002-2003 to 56.0% in 2003-2004. Hispanic, Asian, Native American students, ages 6-21, did not experience dramatic over or under representation at the state level.

Black students were found to be overrepresented in the educational categories of outside the regular classroom 21 to 60% of their day and outside the regular classroom more than 60% of their day. These students represent 40.2 percent of all students with disabilities but 49.5% and 55.9% of students in these educational settings respectively.

5. Statewide, is there evidence of significant disproportional suspension of students with disabilities by race and ethnicity?

Yes. Statewide the percentage of Black students with disabilities experiencing multiple suspensions summing to greater than 10 days is 23.54% above the expected range of 48.02. The percentage of Black students with disabilities receiving extended suspensions for greater than 10 days is 30.72% above the expected range of 48.02.

6. How does MSDE determine whether a local school system presents significantly disproportional over representation by race?

A local school system was identified as being significantly disproportionate if their data indicates there is significant disproportional overrepresentation based on race and ethnicity in ALL three of the following categories:

- The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3);
- The placement in particular educational settings of such children; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

7. What is required of a local school system if they are identified as significantly disproportionate?

If significant disproportionality is identified, MSDE must:

- Provide for the review and revision of a local school system's policies, procedures, and practices to ensure they comply with the requirements of IDEA 2004;
- Require any local school system identified under Section 618(d)(1) to reserve the maximum amount of federal IDEA Part B funds (15%) under section 613(f) to provide comprehensive coordinated early intervening services, particularly to serve children who are significantly over identified under Section 618(d)(1);
- Require the LSS to report publicly on the revision of policies, procedures, and practices.

[Sec. 618(d)(2)]

8. What are the requirements regarding early intervening services when MSDE identifies significant disproportionality?

In implementing coordinated early intervening services, a local school system may carry out activities that include:

- Professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically based academic instruction and behavioral intervention, including scientifically based literacy instruction, and where appropriate, instruction in the use of

adaptive and instructional software; and

- Providing educational and behavioral evaluations, services, and supports including scientifically based literacy instruction.

It is important to note that nothing in the subsection of the statute shall be construed to limit or create a right to a free appropriate public education under this part.

For more information, call 410-767-0858

MARYLAND STATE DEPARTMENT OF EDUCATION
Nancy S. Grasmick, State Superintendent of Schools
Carol Ann Baglin, Assistant State Superintendent
Division of Special Education/Early Intervention Services
200 West Baltimore Street
Baltimore, MD 21201

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