

# Equity Determinations: IDEA Part B Indicators 4 and 9 and Significant Disproportionality

## Purpose:

The purpose of this document is to provide information and clarification about Iowa's equity determinations that relate to learners with and without disabilities. Each requirement is linked to federal regulations under the Individuals with Disabilities Education Act (IDEA). This document explains the differences in calculations and the district identification processes.

## This document focuses on three data collections:



- IDEA Part B Indicators 4A and 4B: Significant Discrepancy in Discipline in Special Education
- IDEA Part B Indicator 9: Disproportionate Representation in Special Education
- Significant Disproportionality in Special Education

## IDEA Part B Indicators 4A and 4B

Indicators 4A and 4B are required by IDEA and measure whether learners with Individualized Education Programs (IEPs), overall, and from certain racial and ethnic groups, **receive out of school suspensions or expulsions of greater than 10 days** in districts more than learners with IEPs statewide. IDEA requires different calculations for this measurement than it requires for Indicator 9 and significant disproportionality.

## IDEA Part B Indicator 9

Indicator 9 is required by IDEA and measures whether learners from certain racial and ethnic groups are **disproportionately receiving special education services** because they were inappropriately determined eligible for special education services.

## Significant Disproportionality

IDEA requires states to measure whether learners from certain racial and ethnic groups are disproportionately **receiving special education services**, whether they are disproportionately **placed** in certain settings, and whether they are disproportionately **disciplined**.

## IDEA Part B Indicator 4: Significant Discrepancy in Discipline in Special Education

### Summary

IDEA Part B Indicator 4A - Significant discrepancy in the rate of disciplinary removal (out of school suspensions and expulsions) of learners with IEPs for more than 10 days annually.

IDEA Part B Indicator 4B - Significant discrepancy by race or ethnicity in disciplinary removal (out of school suspensions and expulsions) of learners with IEPs greater than 10 days annually.

### Regulations and Requirements

IDEA Part B Indicators 4A and B: [\(20 U.S.C. 1416\(a\)\(3\)\(A\); 1412\(a\)\(22\)\) // State Performance Plan / Annual Performance Report \(SPP- APR\)](#) Requires the Iowa Department of Education (referred to as the Department) to make calculations, identify districts, and ensure the review of identified districts' policies, practices and procedures (PPPs).

### Data, Calculations, and Identification Process

4A: Based on the Student Reporting in Iowa (SRI) reported to the Department by the school district, a **rate ratio** is calculated for each district to compare the district rate to the state disciplinary removal rate. Districts whose disciplinary removals of learners with disabilities reach 3.5 times the state rate for one year are identified.

4B: Based on the SRI reported to the Department by the school district. Districts whose disciplinary removal of learners with disabilities in each or any racial/ethnic subgroup that reaches 3.5 times the state rate in one year are identified as having a significant discrepancy, and the Department issues a finding of noncompliance if the Department determines, after reviewing the district's PPPs, that they do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. The numerator and denominator in the calculations must be greater than 10 to be included in the analysis.

All districts in the state are notified of their status via CASA, a data system that tracks acknowledgement of correspondence. Districts that are over 3.5 in any category are also sent a follow-up email with further information about their next steps.

### Overview of Requirements and Expectations for Districts Identified

Districts must identify and address factors that may be contributing to significant discrepancy. All districts flagged by way of this quantitative analysis are required to complete an assessment of their PPPs, which the Department verifies. When the Department confirms a district has PPPs that led to this discrepancy, the district is required to write a corrective action plan which must be completed by the next reporting year.

## IDEA Part B Indicator 9: Disproportionate Representation in Special Education

### Summary

IDEA Part B Indicator 9 addresses disproportionate representation of racial and ethnic groups identified as eligible for special education.

### Regulations and Requirements

IDEA Part B Indicator 9: [\(20 U.S.C. 1416\(a\)\(3\)\(C\)\)](#) // [State Performance Plan / Annual Performance Report \(SPP-APR\)](#) Requires the Department to make calculations, identify districts, and determine whether the disproportionate representation was the result of inappropriate identification.

### Data, Calculations, and Identification Process

To determine disproportionate representation, the Department conducts an annual analysis of fall enrollment and IDEA count data (from Student Reporting in Iowa and ACHIEVE) from the previous school year. The Department uses a **risk ratio** to calculate disproportionate representation in the identification of learners ages 5 and in Kindergarten to 21 as eligible for special education in a single year.

Districts are flagged for disproportionate representation if the district exhibits a **risk ratio of 3.5 or greater** for over-representation. This means that a learner of a certain racial or ethnic group appears to be 3.5 times more likely to be identified as eligible for special education compared to learners not in that racial or ethnic group. The numerator and denominator in the calculations must be greater than 10 to be included in the analysis.

All districts in the state are notified of their status via CASA, a data system that tracks acknowledgement of correspondence. Districts that are over 3.5 in any category are also sent a follow-up email with further information about their next steps.

### Overview of Requirements and Expectations for Districts

All districts flagged by way of this quantitative analysis are required to complete an assessment of their PPPs, which the Department verifies. The purpose of the review is to determine whether the disproportionate representation is due to inappropriate identification of learners for special education services. If it is determined that PPPs are inappropriate and are contributing to the disproportionate representation, corrective action procedures are required and must be completed within one year.

## Significant Disproportionality in Special Education

### Summary

IDEA requires states to collect and examine data to determine whether significant disproportionality in special education based on race and ethnicity is occurring in the State and in districts. State education agencies must examine and determine if disproportionality is occurring in districts with respect to identification, placement, and discipline.

### Regulations and Requirements

[34 C.F.R. §300.646](#) // [34 C.F.R. §300.647](#) // [20 U.S.C. § 1418\(d\)](#)

### Data, Calculations, and Identification Process

Department staff calculate identification, placement and rates of disciplinary removal for seven racial and ethnic groups among students with IEPs. Where the population size (denominator) is less than 10 students, the rate for each group is compared to the state's rate. These analyses must be done annually. To make these calculations and identify districts with significant disproportionality, a **risk ratio** or **alternate risk ratio** is used. Calculations use the Student Reporting in Iowa (SRI) and ACHIEVE data. A district is identified if its risk ratio for a particular racial/ethnic group is **3.5 or greater for each of the previous 3 years** for all placement categories, in-school and out-of-school suspensions/expulsions less than 10 days in the year, and total disciplinary removals **or for 1 previous year** for identification as a student with a disability and in-school or out-of-school suspensions/expulsions greater than 10 days in the year.

All districts in the state are notified of their status via CASA, a data system that tracks acknowledgement of correspondence. Districts that are equal to or over 3.5 in any category are also sent a follow-up email with further information about their next steps.

### Overview of Requirements and Expectations for Districts

#### For identified districts:

- Review and, if appropriate, revise policies, practices, and procedures (PPPs).
- Identify findings of noncompliance and verify correction of noncompliance.
- Publicly report revisions of PPPs.
- Reserve 15% of IDEA funds for comprehensive coordinated early intervening services (CCEIS) to identify and address factors contributing to the significant disproportionality. These funds may be used for learners ages 3-grade 12 and for learners with or without disabilities, but not exclusively for learners with disabilities.
- Identify and address factors that may be contributing to significant disproportionality.