Disproportionality: Underrepresentation In Special Education

Georgia Department of Education
Divisions for Special Education Services and Supports
May 2010

“We will lead the nation in improving student achievement.”
What does Disproportionate Representation (DR) mean?

DR occurs when students from a racial/ethnic group are identified for *special education/related services* or for a *specific disability category* either at a *greater rate* (overrepresentation) or *lesser rate* (underrepresentation) than other students.
Annual Performance Report: Indicators 9 & 10

• **Indicator 9**: Percent of districts with *disproportionate representation (DR)* of racial and ethnic groups in *special education and related services* that is the result of inappropriate identification.

• **Indicator 10**: Percent of districts with *disproportionate representation* of racial and ethnic groups in *specific disability categories* that is the result of inappropriate identification.

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Why does Office of Special Education Program (OSEP) require States to look at underrepresentation?

- DR is a monitoring activity required by the Individuals with Disabilities Education Act (IDEA) in both under and overrepresentation.
- To ensure that all children who are suspected of being a child with a disability under 300.8 and in need of special education and related services are identified, located and evaluated.
The monitoring of underrepresentation is NOT a process to increase the number of students with disabilities (SWD).

A review of underrepresentation will ensure that the process for identifying SWD and delivering services are equitable.

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What is Disproportionality?

Percent (%) of students of a specific ethnicity or race

Overrepresentation

In special education

In school’s population

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Underrepresentation

In special education
In school’s population

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The Research

- More research on the inappropriate identification of children in special education has focused on the reasons for **overrepresentation** as compared to **underrepresentation**.
Theories behind Underrepresentation

- Failure of general education to properly educate children from diverse backgrounds
- Misidentification and misuse of test
- Lack of access to effective instruction
- Insufficient resources
- Teachers who are not well prepared
- Poverty

National Center for Culturally Educationally Responsive Systems 2007

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Theories behind Underrepresentation

- Systemic school factors related to teacher ineffectiveness and biased perceptions about students
- Inadequate and inappropriate referral, assessment and evaluation procedures
- Biased tests

National Center for Culturally Educationally Responsive Systems 2007

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Georgia’s Annual Determinations

• The State is required to monitor and make annual determinations for underrepresentation based upon a review of data.

• Georgia uses the inverse of its weighted risk ratio (WRR) for overrepresentation to determine its threshold for underrepresentation.
Georgia’s Criteria for Determinations

1) Total District Race Count ≥ 40

2) District Race Composition ≤ .75

3) Weighted Risk Ratio (WRR) ≤ .25

4) State Incidence Rate

5) District’s Projected Incidence Rate (based on State Incidence Rate)

6) N ≤ -10 between district’s student count and projected student count

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**FY10 Underrepresentation Data for 2 Sample Districts**

<table>
<thead>
<tr>
<th>fiscal_year</th>
<th>disability_code</th>
<th>disability_description</th>
<th>race_code</th>
<th>race_cat_count</th>
<th>district_race_count</th>
<th>district_risk</th>
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<tbody>
<tr>
<td>2010</td>
<td>All</td>
<td>All Disabilities</td>
<td>H</td>
<td>0</td>
<td>164</td>
<td>0</td>
</tr>
<tr>
<td>2010</td>
<td>All</td>
<td>All Disabilities</td>
<td>H</td>
<td>2</td>
<td>1615</td>
<td>0.001238</td>
</tr>
</tbody>
</table>

**Disability Area**

**How many students were identified in this category?**

**Racial/Ethnic code**

**What is the district’s race count? Does the count meet the minimum criterion of ≥ 40?**

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Continuation of Sample Districts’ Data

<table>
<thead>
<tr>
<th>fiscal_year</th>
<th>homogeneous_rate</th>
<th>Projected</th>
<th>Projected - Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>0.072024</td>
<td>17</td>
<td>-17</td>
</tr>
<tr>
<td>2010</td>
<td>0.102761</td>
<td>172</td>
<td>-170</td>
</tr>
</tbody>
</table>

Is the homogeneity rate ≤ .75?

What is the projected number of children who should be identified as having a disability?

What is the difference between the projected count and actual race category count?
Does this number meet the ≤ -10 criterion?

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### State Incidence Rate

<table>
<thead>
<tr>
<th>FY10</th>
<th>SWD</th>
<th>Total Enrollment</th>
<th>State Level Risk</th>
<th>Incidence Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Am-Indian</td>
<td>525</td>
<td>4352</td>
<td>0.120634</td>
<td>12.06</td>
</tr>
<tr>
<td>Asian</td>
<td>821</td>
<td>50589</td>
<td>0.016229</td>
<td>1.62</td>
</tr>
<tr>
<td>Black</td>
<td>69,956</td>
<td>629584</td>
<td>0.111115</td>
<td>11.11</td>
</tr>
<tr>
<td>Hispanic</td>
<td>16,359</td>
<td>179468</td>
<td>0.091153</td>
<td>9.12</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>114</td>
<td>1331</td>
<td>0.08565</td>
<td>8.56</td>
</tr>
<tr>
<td>Two or More Races</td>
<td>4,599</td>
<td>45455</td>
<td>0.101177</td>
<td>10.12</td>
</tr>
<tr>
<td>White</td>
<td>82,928</td>
<td>752495</td>
<td>0.110204</td>
<td>11.02</td>
</tr>
<tr>
<td>State Total</td>
<td>177,070</td>
<td>1663274</td>
<td>0.106459</td>
<td>10.65</td>
</tr>
</tbody>
</table>

### OSEP Disability Category

<table>
<thead>
<tr>
<th>SWD</th>
<th>State Level Risk</th>
<th>Incidence Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Retardation</td>
<td>19,109</td>
<td>0.011488787</td>
</tr>
<tr>
<td>Hearing Impairment</td>
<td>1,855</td>
<td>0.00111527</td>
</tr>
<tr>
<td>Speech or Language Impairment</td>
<td>31,656</td>
<td>0.019032342</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>765</td>
<td>0.000459936</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>17,244</td>
<td>0.010367504</td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>993</td>
<td>0.000597015</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>25,511</td>
<td>0.015337822</td>
</tr>
<tr>
<td>Specific Learning Disabilities</td>
<td>51,992</td>
<td>0.03125883</td>
</tr>
<tr>
<td>Deaf-blindness</td>
<td>30</td>
<td>1.80367E-05</td>
</tr>
<tr>
<td>Autism</td>
<td>10,337</td>
<td>0.006214851</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>453</td>
<td>0.000272354</td>
</tr>
<tr>
<td>Developmental Delay</td>
<td>17,125</td>
<td>0.010295958</td>
</tr>
<tr>
<td>State Total</td>
<td>177,070</td>
<td>0.106458707</td>
</tr>
</tbody>
</table>

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GEORGIA DEPARTMENT OF EDUCATION

Kathy Cox, State Superintendent of Schools
Sample District

Hispanic race/ethnicity count of 3290

• State Incidence Rate for Autism is .62% (0.0062).
• Based on the state risk, the district would be projected to have identified approximately 20 Hispanic students as having autism;
• Only 6 Hispanic students were identified as having autism.
• The district has potentially underidentified 14 Hispanic students as having autism, which would meet the State’s N size of ≤ -10.

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Federally Reported Categories

- American Indian
- Asian
- Black
- Hispanic
- Pacific Islander
- Two or More Races
- White
Disability Areas

• All Disabilities
• Autism
• Emotional /Behavioral Disorder
• Intellectual Disabilities
• Other Health Impairments
• Specific Learning Disabilities
• Speech/Language Impairment

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District Determinations

• The State monitors the data and will make determinations of underrepresentation based on the numerical criteria.
  – Then a review of policies, practices and procedures will occur to determine compliance or noncompliance.

• Note: Districts identified as having underrepresentation are **NOT** required to reserve 15% of their federal funds to provide Coordinate Early Intervening Services (CEIS).
The State will provide a review of practices, policies, and procedures.

- The district will complete a self-assessment monitoring protocol, which will address policies, procedures and practices.
- The district will submit the self-assessment to the State by June 30, 2010.
- From this self-assessment, compliance with the IDEA will be determined.

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After the Determination of DR

• The State will make a determination if the DR was the result of inappropriate identification.
  – Those with inappropriate identification will be determined noncompliant.

• Noncompliant districts will receive notification letters from the State at the beginning of FY11.

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Noncompliant Districts must…

1) Develop a corrective action plan (CAP),

2) Update the consolidated application with the CAP, and

3) Correct the noncompliance within 1 year of official notification.
Even districts that are not determined to have underrepresentation due to inappropriate identification should review and revise, as appropriate, policies, procedures, and practices.
Overview of the Self-Assessment

• **Part I: DATA ANALYSIS**
  Step A-List the data source used to complete the assessment  
  (AYP information and discipline data, etc.)  
  Step B--Analyze data to determine patterns or trends

• **Part II. CHILD FIND**
  Child Find refers to the process of locating, identifying, and evaluating children with disabilities to ensure that they receive services to which they are entitled

• **Part III: Evaluating the Effectiveness of Self-Assessment Areas**
  Rate the ten indicators under each of the seven areas

• **Part IV: SUMMARY**
  Based on the data reviewed, summarize the team’s findings

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“We will lead the nation in improving student achievement.”
**Language**

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Language instruction is explicitly taught in all classrooms through research-based strategies.</td>
<td></td>
</tr>
<tr>
<td>2. Instruction employs evidenced-based methodology such as the use of flexible groups to differentiate instruction, which is delivered by highly qualified and effective teachers who have deep understanding of the content.</td>
<td></td>
</tr>
<tr>
<td>3. There is a universal screening system in place to determine if students have deficits in language development.</td>
<td></td>
</tr>
<tr>
<td>4. Teachers use progress monitoring to conduct ongoing evaluation of language development and to inform continued instruction.</td>
<td></td>
</tr>
<tr>
<td>5. After data analysis, staff implements specific, scientifically-based interventions that are tailored for students’ needs. All students receive equitable access to pre-referral interventions including Student Support Team.</td>
<td></td>
</tr>
<tr>
<td>6. Appropriate Tier 2 interventions are provided for students based upon data (e.g., universal screenings and progress monitoring).</td>
<td></td>
</tr>
<tr>
<td>7. Staff implements the Student Support Team (SST) process to meet the individualized needs of students who have not responded to Tier 2 interventions.</td>
<td></td>
</tr>
<tr>
<td>8. Educators participate in high quality, sustained professional learning activities in order to promote effective instructional practices regarding language development.</td>
<td></td>
</tr>
<tr>
<td>9. Sustained supervision is provided in order to ensure that effective language instruction is being provided.</td>
<td>Number of 3’s</td>
</tr>
<tr>
<td>10. Schools partner with families in a variety of ways to increase students’ language development.</td>
<td></td>
</tr>
</tbody>
</table>

**Brief Rationale:**

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Some Essential Questions

- Are there cultural differences that may have contributed to the underrepresentation? How are these cultural differences addressed in your policies, procedures and practices?
- Is the identified student sub-group(s) primarily transient or migrant?
- Does the district have procedures to make sure these underrepresented groups receive appropriate instruction, interventions and services as needed?
- Are there child find activities in your district specific to the disproportionately underrepresented population?

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Additional Technical Assistance

Questions/Concerns

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Further Information

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