

# Defining Significant Disproportionality in Tennessee

## Revisions to the Calculation

### Overview

[As communicated in July 2017](#), under the Individuals with Disabilities Education Act (IDEA) section 618(d), states are required to collect and examine data to determine if significant disproportionality based on race/ethnicity is occurring in the state and school districts with respect to:

- Identification of students with disabilities, including six high-incidence disability categories
- Placement of students in certain educational settings
- Incidence, duration, and type of disciplinary actions, including suspensions and expulsions

The federal government does not define what constitutes significant disproportionality, nor does it prescribe a specific methodology by which to calculate significant disproportionality. **States are required to have a definition of and calculation to measure significant disproportionality**, which must be reported to and reviewed by the federal government.

Should a district be identified with significant disproportionality, the department and district are required to review and, if appropriate, revise its policies, procedures, and practices to ensure compliance with IDEA. Districts will also have to publicly report on any revisions to policies, procedures, and practices in a format that adheres to federal confidentiality requirements. Finally, the district must set aside 15 percent of its IDEA Part B (sections 611 and 619) funds to provide comprehensive coordinated early intervening services (comprehensive CEIS) to address areas that might contribute to significant disproportionality.

### Stakeholder Engagement

Over the course of the 2017-18 school year, the department convened meetings with stakeholders as well as the Governor's Advisory Council for the Education of Students with Disabilities (Tennessee's State Advisory Panel) to solicit input and feedback regarding changes to the state's calculations of significant disproportionality.

- An initial presentation was provided at the July 10, 2017, advisory council meeting, in which the changes to the regulations and the importance of revisions were shared.
- On Aug. 28, 2017, a presentation was provided at Tennessee's Special Education Supervisor's Conference hosted by the department. In attendance were supervisors of special education, coordinators of special education, lead teachers, and additional administrative staff from districts across the state. At this conference, districts were encouraged to provide feedback and responses to the executive director of special education.
- On Nov. 14, 2017, the department held the inaugural meeting for the newly minted collaborative for student success. Members of this collaborative include: school administrators, special education supervisors, representatives from the state advisory council, parents, members of the advocacy community, and a student representative. The collaborative spent an full day reviewing the legal requirements of significant disproportionality, analyzing federal and state data to see current disproportionality, discussing the changes to the regulations outlined in the federal register, and developing sample scenarios with the most current data available. The collaborative members were

sent a list of the scenarios discussed, along with the number of districts that would meet such criteria for significant disproportionality. They were asked to complete a survey noting the options they felt most appropriate and why.

- On Jan. 22, 2018, the department shared with the advisory council an overview of the meeting with the collaborative, the information shared during the meeting, and the scenarios that were developed as a result of the conversations held. In addition, members of the advisory council who were also part of the collaborative shared their experiences and perspectives regarding the topic discussed with the advisory council. Based on the information shared, members were encouraged to send feedback and/or suggestions to the executive director of special education.

## Final Calculations

Based on the broad array of feedback and input from various stakeholders and agencies, **the department has arrived at a final methodology that best strikes a balance between the department's mission and the information received.** The department is confident that the community had the opportunity to engage in conversation about this work and provide comment as necessary and that the final calculations will address the significant disproportionality manifest in current federal and state data while ensuring districts are being equitably identified based on their demographics.

**The department has elected to use the minimum reasonable cell and "n" sizes set by the federal government: 10 and 30, respectively.** This allows for calculations of significant disproportionality to be feasible in at least one category for all districts in the state so that no districts will be completely excluded from review. These minimum sizes also ensure that smaller, more homogenous districts with low cell and "n" sizes (e.g., two or three students in a particular racial/ethnic group) will not be over-identified predicated solely on smaller populations.

Should comparison groups in particularly homogenous districts not meet the criteria, an alternate risk ratio, which applies the same parameters but utilizes statewide data instead of district data, will be employed. There are some limitations with this, and scenarios in which districts might be flagged predicated on statewide demographics data that are not necessarily similar to the district. However, such instances of districts being found significantly disproportionate in the sample calculations run based on this alternate risk ratio were minimal.

The department will be utilizing a multi-year flexibility of three years. This means that **to be identified with significant disproportionality, a district must meet the cell and "n" size requirements and exceed the set risk ratio threshold for the same area of disproportionality for three consecutive years.** The risk ratio is the likelihood or risk of something occurring to a particular group (e.g., risk of African American students being identified with an intellectual disability as compared to all other racial/ethnic groups' risk of being identified with an intellectual disability). The risk ratio threshold is the maximum risk permitted by the state before significant disproportionality is suspected. Much of the feedback from stakeholders reflected a desire to utilize multi-flexibility over three consecutive years, as this demonstrates a systemic problem in a district that must be addressed, as opposed to an aberration occurring in just one school year.

The risk ratio thresholds will vary predicated on the area being evaluated for significant disproportionality. A risk ratio threshold of 3.0 has been set for the following categories of significant disproportionality:

- Identification of students ages 3–21 with disabilities (overall)
- Identification of students ages 3–21 with the following disability categories:
  - Autism
  - Emotional disturbance
  - Intellectual disability
  - Other health impairment
  - Specific learning disability
  - Speech/language impairment
- Placements of students with disabilities ages 6–21 in the general education setting less than 40 percent of the school day
- Placements of students with disabilities ages 6–21 in separate schools or residential facilities

This risk ratio threshold of 3.0 mirrors the threshold set for disproportionate representation of students identified with disabilities in particular racial/ethnic groups, which is information captured for Indicators 9 and 10 of the Annual Performance Report (APR). Many stakeholders, including members of the collaborative and the advisory council, felt that the alignment between the two reports was beneficial, and that 3.0 met the criteria of being “significant.”.

A risk ratio threshold of 2.0 was set for the remaining categories of significant disproportionality:

- Out-of-school suspensions/expulsions of 10 or fewer days for students with disabilities, ages 3–21
- Out-of-school suspensions/expulsions of 10 or more days for students with disabilities, ages 3–21
- In-school suspensions of 10 or fewer days for students with disabilities, ages 3–21
- In-school suspensions of 10 or more days for students with disabilities, ages 3–21
- Disciplinary removals in total (including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer) for students with disabilities, ages 3–21

This risk ratio threshold of 2.0 is lower than the threshold set for areas related to identification of students with disabilities and the educational placement of students with disabilities. Many stakeholders made this suggestion in efforts to address systemic disproportionality seen in the discipline of students of color who are also identified with a disability. Based on the data reviewed by the state and with stakeholders, this was an area of greatest concern and one in which disproportionality was most evident. Accordingly, to reflect this as a priority area for improvement across the state, a lower risk ratio threshold was selected.

A definition of reasonable progress has also been developed for the state. Districts that meet the criteria for significant disproportionality but show a decrease of 0.25 or more in the risk ratio for the same category for three consecutive years (i.e., minimum decrease of 0.25 in the risk ratio from year one to year two in a particular category and then another minimum decrease of 0.25 from year two to year three in the same category). In addition to decreasing the risk ratio by at least 0.25 over three consecutive years, districts must have a risk ratio less than 4.0 in the third (final) year being reviewed for the particular evaluation cycle. Should all of these criteria be met, the district will not be found significantly disproportionate for the

particular area being addressed.

Table 1 below provides a summary of the revisions explicated in this section.

**Table 1**

<b>Calculation Elements</b>	<b>Selected Methods</b>
Minimum cell size	10 students
Minimum "n" size	30 students
Multi-year flexibility	3 years
Risk ratio threshold	<ul style="list-style-type: none"> <li>• 3.0 for identification and educational environment categories</li> <li>• 2.0 for discipline categories</li> </ul>
Reasonable progress	Minimum decrease in risk ratio threshold of 0.25 for three consecutive years AND a risk ratio of <4.0 for the third (final) year in the evaluation cycle

With questions about significant disproportionality, please reach out to [Zachary.Stone@tn.gov](mailto:Zachary.Stone@tn.gov).