



## Office of Special Education and Early Learning Procedures for Calculating Significant Disproportionality

### Citation:

Regulation [34 CFR § 300.646](#) of the *Individuals with Disabilities Education Act* (IDEA) requires each state that receives assistance under Part B of the Act must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and, furthermore, the local education agencies (LEA) of the state with respect to:

1. the **identification** of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;
2. the **placement** of children in particular educational environments; and
3. the incidence, duration and type of **disciplinary actions**, including suspensions and expulsions.

### Definitions:

#### Identification:

Significant disproportionality in identification is defined as students ages 3-21 (Grades Preschool-14) in a particular racial/ethnic group who are at a considerably greater risk of being:

1. Identified as a student with a disability.
2. Identified within a particular disability category.

When examining data to determine if significant disproportionality exists with respect to the identification of children ages 3-21 (Grade Preschool-14) with particular impairments, the following categories will be reviewed:

- o Intellectual Disability (ID) (*Defined as Mild Mental Disability (MMD) and Functional Mental Disability (FMD) in Kentucky*)
- o Specific Learning Disability (SLD)
- o Emotional Behavioral Disability (EBD)
- o Speech Language Impairment (SLI)
- o Other Health Impairment (OHI);
- o Autism (AUT).

Significant disproportionality in identification is defined as students ages 3-21 (Grades Preschool-14) in a particular racial/ethnic group. The areas examined for significant disproportionality may be found in the table below and are each examined based on the seven federally defined areas of race:

Identification
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- All Disabilities
- Intellectual Disability
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairments
- Other Health Impairments
- Autism

Because the remaining disability categories typically have small numbers of children, the Office of Special Education Policy (OSEP) does not require disproportionality to be examined in the number of children with these disabilities.

Kentucky’s definition of significant disproportionality in Identification:

Significant Disproportionality is determined to exist when the percentages of students within a racial/ethnic group or racial/ethnic group within a specific disability category exceeds a risk ratio of 3.0 for three consecutive years. A minimum “N” size has been established of 30 or greater students with a cell size of 10 students or greater.

N-size refers to the number of students who could have been identified in the area examined while cell size refers to the number of students identified in the area examined.

**Placement in Particular Education Settings:**

Significant disproportionality in “placement” is defined as students 3-21 (Grades Preschool-14) in a particular racial/ethnic group (i.e.,) being at a considerably greater risk of being placed in one of the following Educational Environment placement categories than all other racial/ethnic groups:

1. Inside the regular classroom less than 40% of the school day;
2. In separate schools and residential (not including homebound or hospital settings, correctional facilities or private schools).

Placements inside the regular classroom for more than 41% of the day are not examined, nor are residential placements by the court system to which the student is not native to the local district.

Kentucky’s definition of significant disproportionality in Placement:

Significant Disproportionality is determined to exist when the percentages of students within a racial/ethnic group or racial/ethnic group within an educational setting exceeds a risk ratio of 3.0 for three consecutive years. A minimum “N” size has been established of 30 or greater students with a cell size of 10 students or greater.

N-size refers to the number of students who could have been identified in the area examined while cell size refers to the number of students identified in the area examined.

**Discipline:**

Significant disproportionality in discipline is defined as students with disabilities ages 3-21 (Grades Preschool-14) in a particular racial/ethnic group being at a considerably greater risk of being subjected to disciplinary action during the school year than all other racial/ethnic groups. The discipline categories used to calculate significant disproportionality are listed below:

1. In-school suspensions of 10 days or less (ISS  $\leq$  10 days)
2. In-school suspension of greater than 10 days (ISS  $>$  10 days)
3. Out-of-school suspensions/expulsions of 10 days or less (OSS  $\leq$  10 Days)
4. Out-of-school suspensions/expulsions of greater than 10 days (OSS  $>$ 10 days)
5. Total number of disciplinary removals.

All discipline data are reviewed based on cumulative days while an Individualized Educational Plan (IEP) is in effect during the school year.

#### Kentucky's definition of significant disproportionality in Discipline:

Significant Disproportionality is determined to exist when the percentages of disciplinary action for students within a race/ethnicity group or racial/ethnic group when the disciplinary action exceeds a risk ratio of 3.0 for three consecutive years. A minimum "N" size has been established of 30 or greater students with a cell size of 10 students or greater.

N-size refers to the number of students who could have been identified in the area examined while cell size refers to the number of students identified in the area examined.

### **Alternate Risk Ratio: Calculated for Identification, Placement and Discipline**

In cases where either the numerator or denominator of the LEA comparison group fails to meet the minimum n-size (30) or minimum cell size (10), the Alternate Risk Ratio is used. The risk of the particular race/ethnicity is still calculated, but it is divided by the risk of other students in the entire state in each respective category.

### **Calculations/Business Rules:**

#### **Identification:**

1. Calculations use data from Kentucky's Total Enrollment report provided to the OSEEL by the KDE Office of Education Technology as of Dec. 1 each year and the Special Education Child Count files. Only students with an Individualized Education Plan, ages 3-21, are counted. The calculations are based on enrollment native to each LEA.
2. Calculations are performed for all LEAs with 30 or more students with an IEP.
3. Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
4. Calculations are performed for each racial/ethnic subgroup with 10 or more students in a given disability category.

### **Identification (Risk Ratio)**

## Methodology – Risk Ratio

### Identification:

$$\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}} \div \frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}$$

District  
Level  
Data

## **Identification (Alternate Risk Ratio)**

## Methodology – Risk Ratio

### Identification:

$$\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}} \div \frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}$$

District  
Level  
Data

State  
Level  
Data

### **Placement in Particular Education Settings:**

1. Calculations use data from Kentucky's Total Enrollment report provided to the OSEEL by the KDE Office of Education Technology as of Dec. 1 each year and the Special Education Child Count files. Only students with an Individualized Education Plan, ages 3-21, are counted. The calculations are based on enrollment native to each LEA.
2. Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
3. A Risk Ratio greater than 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given setting.
4. Calculations are performed for each racial/ethnic subgroup with 10 or more students in a given category.

## **Placement (Risk Ratio)**

## Placement:

$$\frac{\text{Number of children from racial/ethnic group in placement category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in placement category}}{\text{Number of all other children with disabilities}}$$

District  
Level  
Data

## **Placement (Alternate Risk Ratio)**

### Placement:

$$\frac{\text{Number of children from racial/ethnic group in placement category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in placement category}}{\text{Number of all other children with disabilities}}$$

District  
Level  
Data

State  
Level  
Data

### **Discipline:**

1. Lag Data-Determinations use previous full set of data e.g., for 2023-24 determinations. Data from 2022-23, 2021-22 and 2020-21 would be used for calculations.
2. Calculations use data from Special Education Child Count data submitted by the LEAs in December of the previous year and discipline data from the Safe Schools from the end of each respective school year are used. All students with an IEP in effect at the time of the behavior incident/removal, ages 3-21, are counted.
3. Calculations are performed for all LEAs with 30 or more students with an IEP. For Total Removals, the number of events must equal 30 or more total for the calculation "N" size to be met.
4. Calculations are performed for each given racial/ethnic subgroup (American Indian or Alaskan Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, White, or Two or More Races).
5. Calculations are performed for each racial/ethnic subgroup with 10 or more students in a discipline category (ISS > 10 days, ISS ≤ 10 days, OSS > 10 days, OSS ≥ 10 days, Total Removals)
6. A risk ratio of greater than 3.0 is used to determine significant disproportionality by using LEA data for the specific racial/ethnic subgroup being calculated for SWD and Total Enrollment of that same racial/ethnic subgroup divided by all other SWD in each of the other racial/ethnic subgroups within a given discipline category.

7. For the purpose of this IDEA data collection, a day includes  $\geq \frac{1}{2}$  day aggregate total per student ID. Days and times of removal are cumulative over the course of a school year and need not be consecutive.
8. A suspension is considered a removal from the student's designated Least Restrictive Environment (LRE) for disciplinary purposes.

### **Behavior (Risk Ratio)**

**Discipline:**

$$\frac{\text{Number of children from racial/ethnic group in discipline category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in discipline category}}{\text{Number of all other children with disabilities}}$$

District  
Level  
Data

*\*For Total Removal calculations, use the number of removals in the numerator listed above rather than number of children*

### **Behavior (Alternate Risk Ratio)**

**Discipline:**

$$\frac{\text{Number of children from racial/ethnic group in discipline category}}{\text{Number of children with disabilities from racial/ethnic group}} \div \frac{\text{Number of all other children in discipline category}}{\text{Number of all other children with disabilities}}$$

District  
Level  
Data

State  
Level  
Data

*\*For Total Removal calculations, use the number of removals in the numerator listed above rather than number of children*

## FAQs

### **Must a school LEA meet the definition for significant disproportionality in each of the categories before being identified with significant disproportionality?**

No. The LEA only needs to meet the definition for one of the categories to be identified with significant disproportionality.

### **How will a school LEA be notified if they have significant disproportionality?**

LEAs will be notified in writing by the KDE OSEEL if any category meets the risk ratio or alternate risk ratio for significant disproportionality. Once the LEA has been made aware, OSEEL staff will be available to offer assistance and specific tools to the LEA to assist with the requirement to implement CCEIS.

### **Where can I find additional information about required Comprehensive Coordinated Early Intervening Services (CCEIS) and voluntary Coordinated Early Intervening Services (CEIS)?**

Information for CCEIS and CEIS is available through the [KDE OSEEL CEIS/CCEIS website](#).