

Indicator 4B: Suspension/Expulsion

Instructions and Measurement

Monitoring Priority: FAPE in the LRE

Compliance Indicator: Rates of suspension and expulsion:

- A. Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- B. Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Data Source

State discipline data, including State's analysis of State's Discipline data collected under IDEA Section 618, where applicable. Discrepancy can be computed by either comparing the rates of suspensions and expulsions for children with IEPs to rates for nondisabled children within the LEA or by comparing the rates of suspensions and expulsions for children with IEPs among LEAs within the State.

Measurement

Percent = [(# of LEAs that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have: (a) a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of suspensions and expulsions of more than 10 days during the school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of LEAs in the State that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups)] times 100.

Include State's definition of "significant discrepancy."

Instructions

If the State has established a minimum n and/or cell size requirement, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State's n size of 15 represents the number of children with disabilities enrolled in an LEA, by race and ethnicity, and a State's cell size of 5 represents the number of children with disabilities who have received out-of-school suspensions and expulsions of more than 10 days within the LEA, by race and ethnicity).

The State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy, by race and ethnicity. The State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period. If so, the State must provide an explanation why the minimum n and/or cell size was changed.

The State may only include, in both the numerator and the denominator, LEAs that met that State established n and/or cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.

Describe the results of the State's examination of the data for the year before the reporting year (e.g., for the FFY 2023 SPP/APR, use data from 2022-2023), including data disaggregated by race and ethnicity to determine if significant discrepancies, as defined by the State, are occurring in the rates of long-term suspensions and expulsions (more than 10 days during the school year) of children with IEPs, as required at 20 U.S.C. 1412(a)(22). The State's examination must include one of the following comparisons:

- Option 1: The rates of suspensions and expulsions for children with IEPs among LEAs within the State; or
- Option 2: The rates of suspensions and expulsions for children with IEPs to the rates of suspensions and expulsions for nondisabled children within the LEAs

In the description, specify which method the State used to determine possible discrepancies and explain what constitutes those discrepancies.

If, under Option 1, the State uses a State-level long-term suspension and expulsion rate for children with disabilities to compare to LEA-level long-term suspension and expulsion rates for the purpose of determining whether an LEA has a significant discrepancy, by race and ethnicity, the State must provide the State-level long-term suspension and expulsion rate used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose long-term suspension/expulsion rate exceeds 2 percentage points above the State-level rate of 0.7%, the State must provide OSEP with the State-level rate of 0.7%).

If, under Option 2, the State uses a rate difference to compare the rates of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate difference used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose rate of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, is 4 percentage points above the long-term suspension/expulsion rate for nondisabled children, the State must provide OSEP with the rate difference of 4 percentage points). Similarly, if, under Option 2, the State uses a rate ratio to compare the rates of long-term suspensions and expulsions for children with IEPs, by race and ethnicity, to the rates of long-term suspensions and expulsions for nondisabled children within the LEA, the State must provide the State-selected rate ratio used in its methodology (e.g., if a State has defined significant discrepancy to exist for an LEA whose ratio of its long-term suspensions and expulsions rate for children with IEPs, by race and ethnicity, to long-term suspensions and expulsions rate for nondisabled children is greater than 3.0, the State must provide OSEP with the rate ratio of 3.0).

Because the Measurement Table requires that the data examined for this indicator are lag year data, States should examine the section 618 data that was submitted by LEAs that were in operation during the school year before the reporting year. For example, if a State has 100 LEAs operating in the 2022-2023 school year, those 100 LEAs would have reported section 618 data in 2022-2023 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2023-2024, suspension/expulsion data from those 15 new LEAs would not be in the 2022-2023 section 618 data set, and therefore, those 15 new LEAs should not be included in the denominator of the calculation. States must use the number of LEAs from the year before the reporting year in its calculation for this indicator. For the FFY 2022 SPP/APR submission, States must use the number of LEAs reported in 2022-2023 (which can be found in the FFY 2022 SPP/APR introduction).

Indicator 4B: Provide the following: (a) the number of LEAs that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups that have a significant discrepancy, as defined by the State, by race or ethnicity, in the rates of long-term suspensions and expulsions (more than 10 days during the school year) for children with IEPs; and (b) the number of those LEAs in which policies, procedures or practices contribute to the significant discrepancy, as defined by the State, and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

Provide detailed information about the timely correction of noncompliance as noted in OSEP’s response for the previous SPP/APR. If discrepancies occurred and the LEA with discrepancies had policies, procedures or practices that contributed to the significant discrepancy, as defined by the State, and that do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, describe how the State ensured that such policies, procedures, and practices were revised to comply with applicable requirements consistent with OSEP Memorandum 23-01, dated July.

If the State did not ensure timely correction of the previous noncompliance, provide information on the extent to which noncompliance was subsequently corrected (more than one year after identification). In addition, provide information regarding the nature of any continuing noncompliance, improvement activities completed (e.g., review of policies and procedures, technical assistance, training) and any enforcement actions that were taken.

If the State reported less than 100% compliance for the previous reporting period (e.g., for the FFY 2023 SPP/APR, the data for FFY 2022), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

Beginning with the FFY 2024 SPP/APR (due February 2, 2026), if the State did not issue any findings because it has adopted procedures that permit its LEAs to correct noncompliance prior to the State’s issuance of a finding (i.e., pre-finding correction), the explanation within each applicable indicator must include how the State verified, prior to issuing a finding, that the LEA has corrected each individual case of child-specific noncompliance and is correctly implementing the specific regulatory requirements.

Targets must be 0% for 4B.

4B - Indicator Data

Not Applicable

Select yes if this indicator is not applicable.

NO

Historical Data

Baseline Year	Baseline Data
2016	0.00%

FFY	2018	2019	2020	2021	2022
Target	0%	0%	0%	0%	0%
Data					

Targets

FFY	2023	2024	2025
Target	0%	0%	0%

FFY 2023 SPP/APR Data

Has the state established a minimum n/cell-size requirement? (yes/no)

YES

If yes, the State must provide a definition of its minimum n and/or cell size itself and a description thereof (e.g., a State’s n size of 15 represents the number of children with disabilities enrolled in an LEA, and a State’s cell size of 5 represents the number of children with disabilities, by race and ethnicity, who have received out-of-school suspensions and expulsions of more than 10 days within the LEA).

The state uses a minimum cell size of 10 students with disabilities in a particular racial/ethnic group who are suspended or expelled for greater than 10 days and 10 students without disabilities who are suspended or expelled for greater than 10 days. The state does not use a minimum n-size requirement.

If yes, the State must also provide rationales for its minimum n and/or cell size, including why the definitions chosen are reasonable and based on stakeholder input, and how the definitions ensure that the State is appropriately analyzing and identifying LEAs with significant discrepancy.

The state has utilized the minimum cell size of 10 for students with disabilities in particular racial/ethnic groups suspended or expelled for greater than 10 days and students without disabilities suspended or expelled for greater than 10 days for many years. Stakeholders provided feedback on this methodology component when initially developed and have not expressed a desire to change the minimum cell size and/or utilize a minimum n-size in subsequent meetings and discussions. This is in part due to the small population of students with disabilities in LEAs across the state. Indeed, approximately 76.74% of the LEAs in the state report less than 50 students with disabilities, 53.21% of the LEAs in the state report less than 20 students, and only 11.76% of the LEAs in the report 100 or more students with disabilities. Further, the number of students with disabilities experiencing suspensions and expulsions for greater than 10 days (the cell size) is also very small. For this FFY 2023 reporting period (2022-23 school year), there were only 78 students with disabilities across the state (approximately 0.38% of the total students with disabilities population) with suspensions and expulsions of greater than 10 days across 39 LEAs (9.80% of the total LEAs in the state). In these 39 LEAs, the mean number of students with disabilities suspended or expelled for greater than 10 days was 1.5, the median was 1, and the mode was 1.

These small student populations result in volatile data that make it difficult to ascertain if high rates of students with disabilities in particular racial/ethnic groups suspended and expelled for greater than 10 days are a product of systemic concerns as opposed to one or two students substantially impacting the data. These small student populations can limit the ability to meaningfully interpret and analyze data from year-to-year, as minor shifts in counts of students may have a notable effect on long-term suspension and expulsion rates for students with disabilities in particular racial/ethnic groups and students without disabilities. For this reason, as well as historical stakeholder input on the minimum n and cell sizes, the state believes it is appropriately analyzing and identifying LEAs with significant discrepancy.

With this said, the state is constantly striving to improve how it is assessing internal processes and procedures related to all SPP/APR indicators in an effort to ensure information is high-quality and that the state is effectively completing its general supervision responsibilities. For this reason, the state is in the process of revisiting the Indicators 4A and 4B methodologies, conducting a broad array of analyses of the Indicators 4A and 4B data, and is planning to bring the information stakeholders in the spring of 2025 in an accessible format that will allow them to meaningfully contribute to discussions around the Indicators 4A and 4B methodology. The state will also explore with stakeholders some potential revisions to minimum n and cell sizes and metrics used for determining significant discrepancy. Details of the cursory analysis the state has conducted and plans for the spring of 2025 have been provided in the "additional information" field.

If yes, the State must also indicate whether the minimum n and/or cell size represents a change from the prior SPP/APR reporting period.

There has been no change in the minimum n or cell sizes used by the state.

If yes, the State must provide an explanation why the minimum n and/or cell size was changed.

N/A

If yes, the State may only include, in both the numerator and the denominator, LEAs that met the State-established n/cell size. If the State used a minimum n and/or cell size requirement, report the number of LEAs totally excluded from the calculation as a result of this requirement.

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Number of LEAs that have a significant discrepancy, by race or ethnicity	Number of those LEAs that have policies, procedure or practices that contribute to the significant discrepancy and do not comply with requirements	Number of LEAs that met the State's minimum n/cell-size	FFY 2022 Data	FFY 2023 Target	FFY 2023 Data	Status	Slippage
0	0	0		0%		N/A	N/A

Choose one of the following comparison methodologies to determine whether significant discrepancies are occurring (34 CFR §300.170(a))

The rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs in each LEA compared to the rates for nondisabled children in the same LEA

Were all races and ethnicities included in the review?

YES

State's definition of "significant discrepancy" and methodology

The state uses a minimum cell size of 10 students with disabilities in a particular racial ethnic group suspended or expelled for greater than 10 days and 10 students without disabilities suspended or expelled for greater than 10 days. No minimum n-size requirement is used.

For those LEAs meeting the minimum cell size requirements, the state performs a statistical test difference between the long-term suspension and expulsion rates of students with disabilities in a particular racial/ethnic group within an LEA (calculated by dividing the total number of students with disabilities in a particular racial/ethnic group suspended or expelled for greater than 10 days by the total number of students with disabilities in the particular racial/ethnic group) and the long-term suspension and expulsion rates of students without disabilities (calculated by dividing the total number of students without disabilities suspended or expelled for greater than 10 days by the total number of students without disabilities) within the same LEA. The statistical test difference determines whether the difference in the percent of students with disabilities in a particular racial/ethnic group with long-term suspensions and expulsions and the percent of students without disabilities with long-term suspensions and expulsions is statistically significant within a 99% confidence interval (p value of 0.01). This methodology allows the state to discretely determine if students with disabilities in a particular racial/ethnic group have higher rates of long-term suspensions and expulsions within an LEA compared to their peers without disabilities. This also controls for false positives to limit the number of LEAs that might be identified due to extremely small student populations.

Using the methodology outlined above, an LEA is determined to have significant discrepancy if, upon meeting minimum cell size requirements, the statistical test difference between the long-term suspension and expulsion rates for students with disabilities in a particular racial/ethnic group and students without disabilities indicates statistical significance within a 99% confidence interval (p value of 0.01).

In light of the comments from OSEP related to the reasonable design of the methodology, the state has been conducting internal analyses of data for both Indicators 4A and 4B. The state recognizes the importance of ensuring the methodology for determining significant discrepancy in the long-term suspension and expulsion rates of students with disabilities in particular racial/ethnic groups is reasonable, sound, and appropriately identifying LEAs that may require further investigation and technical assistance to ensure there are not inappropriate policies, procedures, and practices contributing to the significant discrepancy. To get meaningful and authentic feedback from stakeholders, the state will be providing details of these analyses and suggested potential revisions to the methodology in spring of 2025. The results of this stakeholder input will be used by the state to determine what, if any, revisions will be most appropriate for determining significant discrepancy. More information about this analysis and plans for stakeholder engagement can be found in the "additional information" field below.

Provide additional information about this indicator (optional)

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including "how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology, and how the State's threshold for measuring significant discrepancy, by race or ethnicity, in the rate of long-term suspensions and expulsions is reasonably designed." The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state's small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state decision to use test of statistically significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions

greater than 10 days for students with disabilities in particular racial/ethnic groups and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that no LEAs were included in the significant discrepancy calculation in part due to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities across racial/ethnic groups. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that having no LEAs included in analysis due to a failure to meet a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

In order to provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has conducted analysis to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4B to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold for 4B to theirs. Given that Montana's threshold is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities in a particular racial/ethnic group experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used risk ratio thresholds to determine significant discrepancy and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined similarly situated based on race/ethnicity included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4B to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

In addition to analyzing similarly situated states, Montana has conducted developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended and expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the Indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

Review of Policies, Procedures, and Practices (completed in FFY 2023 using 2022-2023 data)

Provide a description of the review of policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

No review occurred because no LEA met the minimum cell size requirement for this indicator. Were such reviews of policies, procedures, and practices to take place, the following process would be used:

As a broad process, the state conducts policies, procedures, and practices reviews for all LEAs determined to have significant discrepancy. These reviews entail analyzing LEA-established policies and procedures related to discipline for students with and without disabilities, development of functional behavioral assessments (FBAs) and behavior intervention plans (BIPs), mechanisms in individualized education programs (IEPs) to determine special factors related to behavior and behavior supports/services, and processes for manifestation determinations. The state considers and reviews other information on LEA policies and procedures as well, including interviews with LEA staff when appropriate. Further, the state also analyzes the practices of LEAs to determine efficacy in the implementation of the established policies and procedures. This practice review entails looking at student records, particular the student racial/ethnic groups for which significant discrepancy was determined. Consistent with the state's overall monitoring process, the state selects 10% of students with disabilities in the racial/ethnic group identified who experienced out-of-school suspensions and expulsions for more than 10 days in the reporting period to verify compliance in the implementation of the regulatory requirements. Student data/documents reviewed include discipline logs, IEPs, FBAs/BIPs, manifestation determination documentation, and any other materials deemed pertinent.

The State DID NOT identify noncompliance with Part B requirements as a result of the review required by 34 CFR §300.170(b)

Correction of Findings of Noncompliance Identified in FFY 2022

Findings of Noncompliance Identified	Findings of Noncompliance Verified as Corrected Within One Year	Findings of Noncompliance Subsequently Corrected	Findings Not Yet Verified as Corrected
0	0	0	0

Correction of Findings of Noncompliance Identified Prior to FFY 2022

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2022 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

4B - Prior FFY Required Actions

In the FFY 2023 SPP/APR, the State must explain how its methodology is reasonably designed to determine if significant discrepancies, by race and ethnicity, are occurring in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, including how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology, and how the State's threshold for measuring significant discrepancy, by race or ethnicity, in the rate of long-term suspensions and expulsions is reasonably designed.

Response to actions required in FFY 2022 SPP/APR

For several years, OSEP has provided the state with a comment related to explaining how the methodology used for determining significant discrepancy is reasonably designed, including "how the State's threshold for measuring significant discrepancy in the rate of long-term suspensions and expulsions is reasonably designed and how the State's LEAs are being examined for significant discrepancy under the State's chosen methodology." The current methodology used by the state was developed based on stakeholder input. Stakeholders and state staff long held that minimum cell size requirements were appropriate to address challenges associated with the state's small population, which makes it difficult to control for potentially volatile data resulting in small sample sizes. For this reason, the minimum cell size was established. The small numbers also influenced the state decision to use test of statistical significance at the 99% confidence interval in the difference between the rates of suspensions and expulsions greater than 10 days for students with disabilities and the rates of suspensions and expulsions greater than 10 days for students without disabilities. Tests of statistical significance can be useful to control for small sample sizes and limit false positives

It is important to note that while only one LEA met the state's minimum cell size in FFY 2023 and exceeded the established threshold for significant discrepancy, this in due in part to the fact that 90.20% of LEAs were excluded from analysis by virtue of having no students with disabilities with suspensions or expulsions for greater than 10 days. The state believes this commendable and demonstrates how LEAs across the state are being extremely mindful when suspending and expelling students with disabilities. The challenge with this is that having more than 90% of the LEAs reporting no suspensions and expulsions greater than 10 days for students with disabilities inherently limits the number of LEAs analyzed by virtue of failing to have any data to analyze. However, the state also recognizes that including one LEA in analysis due to failure to meeting a minimum cell size may result in the exclusion of LEAs that require further analysis to determine whether inappropriate policies, procedures, and practices are contributing to any identified significant discrepancy.

In order to provide the state time (in light of staff turnover and staffing shortages) to effectively analyze longitudinal Indicators 4A and 4B data and meaningfully engage stakeholders in revisiting the methodology of Indicators 4A and 4B, the state has conducted analysis to see the methodologies used in similarly situated states for insight into other metrics used. These findings will be shared with stakeholders as well in the spring of 2025.

The first group of similarly situated states that were reviewed were those in the Mountain Region (as defined by the US Census). In this analysis (based on methodologies reported by states in FFY 2021), 71.43% (5 of the 7 LEAs reviewed) of these similarly situated states excluded 90% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Given that many of these similarly situated states also have small student populations, the state suspects that these similarly situated states may also be trying to control for volatility in data resulting from small numbers. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

The state also analyzed methodologies used by states determined similarly situated based on state population size. Of the 4 states reviewed in this category, 50% of the similarly situated states excluded 95% or more of their LEAs from analysis by virtue of failure to meet minimum cell and n-sizes for 4A and 4B. Two of the 4 states utilized the same comparison group of students without disabilities when determining significant discrepancy, which made it feasible to compare Montana's significant discrepancy threshold to theirs. Given that Montana's threshold for 4A is not fixed, meaning it is predicated on the statistical significance of the difference between the rate of students with disabilities experiencing suspensions and expulsions for greater than 10 days and the rate of students without disabilities experiencing suspensions and expulsions for greater than 10 days, it is hard to accurately compare the methodology to those used by the 2 similarly situated states using comparison group option 2. Both of the states used risk ratio thresholds to determine significant discrepancy and required LEAs to exceed the established risk ratio threshold for consecutive years. In this sense, Montana's current methodology is less restrictive in that the state is making determinations of significant discrepancy based on only one year of data. This limits the delay in identifying LEAs that have to meet criteria for consecutive years.

The final group of states determined similarly situated based on race/ethnicity included 3 additional states. Of these 3 states, 1 excluded 99% of LEAs due to the minimum cell and n-size requirements for 4A and 4B. None of these states used the same comparison group as Montana (all of them used the comparison group option 1), which limited the state's ability to effectively compare its current significant discrepancy threshold for 4A to these states' thresholds. However, as noted above, the state is contemplating revising the comparison group used in its methodology and will be bringing this possible revision to stakeholders for their input.

In addition to analyzing similarly situated states, Montana has conducted developed models of what Indicator FFY 2023 data might look like when changing the comparison group, minimum cell and n-size requirements, and thresholds for both 4A and 4B. In these models, the state has considered

- Removing minimum cell and n-size requirements completely
- Setting minimum n-size requirements instead of cell size requirements to ensure any instances in which there are students suspended or expelled for greater than 10 days are considered unless the entire student population is excessively small
- Setting minimum cell and n-sizes of 2 and 10, respectively
- Utilizing comparison group option 1 and setting thresholds at 3 times the state rate of suspensions and expulsions of students with disabilities for greater than 10 days or 2 percentage points above the state rate

The data analysis done for Montana, the data analysis completed for methodologies in similarly situated states, and the different models for methodologies will be brought to stakeholders in the spring of 2025 to ensure that they have a voice in the process of ensuring the Indicators 4A and 4B methodologies are reasonably designed and adequately identifying LEAs with significant discrepancy.

4B - OSEP Response

4B- Required Actions