

## 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 2024 SPP/APR, use data from 2023-2024), 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 2023-2024 school year, those 100 LEAs would have reported section 618 data in 2023-2024 on the number of children suspended/expelled. If the State then opens 15 new LEAs in 2024-2025, suspension/expulsion data from those 15 new LEAs would not be in the 2023-2024 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 2023 SPP/APR submission, States must use the number of LEAs reported in 2023-2024 (which can be found in the FFY 2023 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 24, 2023.

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 2024 SPP/APR, the data for FFY 2023), and the State did not identify any findings of noncompliance, provide an explanation of why the State did not identify any findings of noncompliance.

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
2024	0.00%

FFY	2019	2020	2021	2022	2023
Target	0%	0%	0%	0%	0%
Data					

### Targets

FFY	2024	2025
Target	0%	0%

### FFY 2024 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 SEA has set a minimum n-size of 20 and has set no cell size requirement. The minimum n-size represents students with disabilities in a particular racial/ethnic group enrolled in an LEA in the period for reporting (for FFY 2024 this is the 2023-24 school year). In order for an LEA to be included in analysis, there must be at least 20 students with disabilities in a particular racial/ethnic group enrolled in the LEA.

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 SEA conducted an in-depth analysis of similarly situated states based on region (Western Mountain), state population size, and state demographics. The results of this analysis were shared with stakeholders to provide feedback on the minimum population sizes. Based on the review of other states, the state identified several proposed options related to minimum cell and n-sizes. These options were presented to stakeholders for feedback and input.

Through presenting the SEA’s proposed options to stakeholders, the state received valuable input to move forward with establishing new minimum n-sizes and to remove the previous minimum cell size requirement. Stakeholders agreed that the minimum population sizes should be adjusted to ensure LEAs are included in analysis while also controlling for LEAs with small populations that might skew data.

Based on the feedback and input from stakeholders, as well as internal state discussions, the SEA elected to not set a minimum cell size requirement but chose to set a minimum n-size requirement of 20 students with disabilities in a particular racial/ethnic group. The rationale for setting no minimum cell size is that small populations of students with disabilities for many LEAs, in conjunction with the limited number of long-term suspensions/expulsions, results in most LEAs being excluded from analysis when setting minimum cell sizes. Indeed, over 90% of LEAs in the state do not report any long-term suspensions/expulsions for students with disabilities. A minimum cell size of just 1 would preclude the vast majority of LEAs from being included in the analysis.

The rationale for the minimum n-size of 20 students with disabilities in a particular racial/ethnic group is that very small student populations can lead to notable volatility in the data, which can indicate significant discrepancy when there may not be a systemic issue. By ensuring that at least 20 students with disabilities in a particular racial/ethnic group are enrolled, the state is mitigating the potential data volatility by including an appropriate sample of students to make meaningful determinations of significant discrepancy.

By setting a minimum n-size requirement of 20 students with disabilities in a particular racial/ethnic group, 39.85% of LEAs in the state were included in analysis. This is a substantial increase in the previous number of LEAs included in analysis based on minimum population sizes. This is also well above the 10% threshold that has been used by the Office of Special Education Programs (OSEP) to evaluate whether an appropriate number of LEAs were analyzed and identified with significant discrepancy. For all these reasons, including the stakeholder input, the SEA believes these new minimum population sizes are reasonable and ensure that the state is appropriately analyzing and identifying data for LEAs for significant discrepancy.

**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.**

Yes

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

The SEA elected to revise the minimum cell and n-size requirements previously established prior to the FFY 2024 reporting period. This was based on the fact that no LEAs previously met the minimum cell and n-size requirements in Indicator 4B, which resulted in no LEAs being analyzed for significant discrepancy by racial/ethnic group. Using data analyses of similarly situated states, the SEA identified proposed revisions to the minimum population requirements. These proposed options were provided to stakeholders, who agreed with the option of revising the minimum population sizes. As such, beginning in FFY 2024 there is no longer a minimum cell size used, and the minimum n-size requirement is 20 students with disabilities in a particular racial/ethnic group.

**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.**

240

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 2023 Data	FFY 2024 Target	FFY 2024 Data	Status	Slippage
2	0	159		0%	0.00%	N/A	N/A

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

Compare the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs among LEAs in the State

**Were all races and ethnicities included in the review?**

YES

**State's definition of "significant discrepancy" and methodology**

Number of years of data used = One year

Minimum cell size = none

Minimum n-size = 20 students with disabilities in a particular racial/ethnic group

Methodology = The state first determines the state rate of long-term suspensions/expulsions (out-of-school suspensions or expulsions of greater than 10 days) by dividing the number of students with disabilities with long-term suspensions/expulsions in the state by the total number of students with disabilities enrolled in the state. In FFY 2024, the state rate of long-term suspensions and expulsions was 0.27%.

After calculating the state data, the LEA-level data are calculated. The state calculates significant disproportionality for Indicator 4B by dividing the number of students with disabilities in a particular racial/ethnic group with long-term suspensions/expulsions in an LEA by the total number of students with disabilities in that racial/ethnic group enrolled in that same LEA. This provides a long-term suspension/expulsion rate that will be compared to other LEAs using the statewide data (forementioned) and the applied state threshold.

Threshold = The significant discrepancy threshold is the long-term suspension/expulsion rate for the current reporting period plus four percentage points. In FFY 2024, this means the threshold for significant discrepancy is 4.27% (0.27% + 4.00). The rates of LEAs described above in "Methodology" are compared to the threshold and in FFY 2024 those LEAs with 4.27% or more of their students with disabilities in a particular racial/ethnic group experiencing long-term suspensions/expulsions were identified as having significant discrepancy.

FFY 2024 summary = In the FFY 2024 reporting period, two LEAs exceeded the state threshold of 4.27% of students with disabilities in a particular racial/ethnic group experiencing long-term suspensions/expulsions. Accordingly, there were two LEAs identified with significant discrepancy.

**Provide additional information about this indicator (optional)**

In FFY 2024, based on stakeholder input and feedback, the state redesigned the Indicator 4 methodology used for determining significant discrepancy. This included revising the minimum cell and n-size requirements, changing the comparison group to LEAs in the state, and changing the methodology and significant discrepancy threshold to use state long-term suspension/expulsion data. As such, this constitutes a change to methodology and the data for FFY 2024 are no longer comparable to the data from prior years. For this reason, the state reset the Indicator 4B baseline.

**Review of Policies, Procedures, and Practices (completed in FFY 2024 using 2023-2024 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.**

As a broad process, the state conducts policies, procedures, and practices reviews for all LEAs determined to have significant discrepancies. These reviews entail analyzing LEA-established policies and procedures related to discipline for students with 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. Consistent with the state’s overall monitoring process, the state selects 10% of students with disabilities 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.

For the two LEAs determined to have a significant discrepancy in FFY 2024, the state reviewed the LEAs’ published, board-approved discipline policies and procedures, specifically honing in on the procedures related to suspensions/expulsions of students with disabilities. Further, the state looked at the mechanisms established by the two LEAs to develop FBAs/BIPs and conduct manifestation determinations. The state also selected records for those students suspended/expelled for greater than 10 days. Through the review of both the LEA’s policies and procedures as well as the student record reviews to get evidence of practice, the state determined that the LEAs demonstrated compliance in policies, procedures, and practices related to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Accordingly, there were no instances of noncompliance with Part B requirements for Indicator 4B.

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 2023**

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

If procedures have been adopted that permit LEAs to correct noncompliance prior to the State’s issuance of a finding (i.e., pre-finding correction), describe how, for instances of noncompliance discovered in FFY 2023, the State verified: (1) that the source of noncompliance is correctly implementing the regulatory requirements; and, (2) each individual case of noncompliance was corrected.

N/A

**Correction of Findings of Noncompliance Identified Prior to FFY 2023**

Year Findings of Noncompliance Were Identified	Findings of Noncompliance Not Yet Verified as Corrected as of FFY 2023 APR	Findings of Noncompliance Verified as Corrected	Findings Not Yet Verified as Corrected

**4B - Prior FFY Required Actions**

None

**4B - OSEP Response**

The State has revised the baseline for this indicator, using data from FFY 2024, and OSEP accepts that revision.

**4B- Required Actions**