

Indicator 9: Disproportionate Representation

Instructions and Measurement

Monitoring Priority: Disproportionality

Compliance indicator: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Data Source

State's analysis, based on State's Child Count data collected under IDEA section 618, to determine if the disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification.

Measurement

Percent = [(# of districts, that meet the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups, with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification) divided by the (# of districts 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 "disproportionate representation". Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Based on its review of the 618 data for the reporting year, describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification as required by 34 CFR §§300.600(d)(3) and 300.602(a), e.g., using monitoring data; reviewing policies, practices and procedures. In determining disproportionate representation, analyze data, for each district, for all racial and ethnic groups in the district, or all racial and ethnic groups in the district that meet a minimum n and/or cell size set by the State. Report on the percent of districts in which disproportionate representation of racial and ethnic groups in special education and related services is the result of inappropriate identification, even if the determination of inappropriate identification was made after the end of the FFY 2024 reporting period (i.e., after June 30, 2025).

Instructions

Provide racial/ethnic disproportionality data for all children aged 5 who are enrolled in kindergarten and aged 6 through 21 served under IDEA, aggregated across all disability categories. Provide the actual numbers used in the calculation.

States are not required to report on underrepresentation.

If the State has established a minimum n and/or cell size requirement, the State may only include, in both the numerator and the denominator, districts 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 districts totally excluded from the calculation as a result of this requirement because the district did not meet the minimum n and/or cell size for any racial/ethnic group.

Consider using multiple methods in calculating disproportionate representation of racial and ethnic groups to reduce the risk of overlooking potential problems. Describe the method(s) used to calculate disproportionate representation.

Provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services and the number of those districts identified with disproportionate representation that is the result of inappropriate identification.

Targets must be 0%.

Provide detailed information about the timely correction of child-specific and regulatory/systemic noncompliance as noted in OSEP's response for the previous SPP/APR. 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.

9 - 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	0.00%	0.00%	0.00%	0.00%	0.00%

Targets

FFY	2024	2025
Target	0%	0%

FFY 2024 SPP/APR Data

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

YES

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

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Number of districts with disproportionate representation of racial/ethnic groups in special education and related services	Number of districts with disproportionate representation of racial/ethnic groups in special education and related services that is the result of inappropriate identification	Number of districts that met the State's minimum n and/or cell size	FFY 2023 Data	FFY 2024 Target	FFY 2024 Data	Status	Slippage
2	0	228	0.00%	0%	0.00%	N/A	N/A

Were all races and ethnicities included in the review?

YES

Define “disproportionate representation.” Please specify in your definition: 1) the calculation method(s) being used (i.e., risk ratio, weighted risk ratio, e-formula, etc.); and 2) the threshold at which disproportionate representation is identified. Also include, as appropriate, 3) the number of years of data used in the calculation; and 4) any minimum cell and/or n-sizes (i.e., risk numerator and/or risk denominator).

Number of years of data used = One year

Minimum cell size = 10 students with disabilities in a particular racial/ethnic group (applies to both the target and comparison groups)

Minimum n-size = 30 students enrolled in a particular racial/ethnic group (applies to both the target and comparison groups)

Methodology = The calculation methodology used by the SEA is a risk ratio analysis to compare the risk of a racial/ethnic group receiving special education and related services to all other racial/ethnic groups experiencing that same outcome. Those LEAs failing to meet minimum cell and/or n-size requirements for either the target group (students with disabilities in racial/ethnic group) or the comparison group (students with disabilities in all other racial/ethnic groups) will be excluded from analysis to mitigate volatility of data in smaller populations. The LEAs meeting established minimum cell and n-size requirements for one or more racial/ethnic group will have risk ratios calculated.

To prepare for calculating risk ratios, the SEA first determines the risk of the target group, or the racial/ethnic group receiving special education and related services. This target group risk is calculated by dividing the number of students with disabilities in a particular racial/ethnic group by the number of students enrolled in that same racial/ethnic group. Next, the SEA calculates the risk of the comparison group. This is calculated by dividing the number of students with disabilities in all other racial/ethnic groups not in the target group by the number of students enrolled in all other racial/ethnic groups.

To determine risk ratios, the risk of the target racial/ethnic group is divided by the risk of the comparison racial/ethnic groups. The resulting risk ratio is used to determine disproportionate representation. Alternate risk ratios are not calculated for Indicator 9.

Threshold = The disproportionate representation threshold is a risk ratio of 3.00 or greater.

FFY 2024 summary = In the FFY 2024 reporting period, two LEAs met minimum cell and n-size requirements and exceeded the risk ratio threshold of 3.00. Both LEAs were evaluated by the SEA to determine whether disproportionate representation for a racial/ethnic group was the result of inappropriate identification.

Describe how the State made its annual determination as to whether the disproportionate representation it identified of racial and ethnic groups in special education and related services was the result of inappropriate identification.

For the two LEAs meeting criteria for disproportionate representation, the state reviewed the policies and procedures of that LEA, results of on-site compliance monitoring, and dispute resolution data to determine if the disproportionate representation was due to inappropriate identification.

The reviews for the two LEAs included:

- Review of the most current Program Narratives and Policies;
- Review of special education records (Evaluation Reports (ERs) and Individualized Education Programs (IEPs));
- Review of Child Count information; and
- Consideration of the most current Monitoring Data

Based on the state's review of the two LEAs, the state determined that none of them had disproportionate representation for identified racial/ethnic groups receiving special education and related services that was the result of inappropriate identification.

Provide additional information about this indicator (optional)

In FFY 2024, based on stakeholder input and feedback, the state redesigned the Indicator 9 methodology used for determining disproportionate representation. This included revising the minimum cell and n-size requirements and changing the methodology to use risk ratios for disproportionate representation. 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 9 baseline.

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

9 - Prior FFY Required Actions

None

9 - OSEP Response

OSEP cannot determine whether the data are valid and reliable. The State reported that 228 districts met the minimum n size requirement, and 170 districts did not meet the minimum n size requirement and were excluded from the calculation. The number of districts excluded from the calculation because they do not meet the minimum "n" size, plus the number of districts that met the State-established minimum "n" size, do not equal the total number of districts the State reported in the Introduction. Therefore, OSEP could not determine whether the State met its target.

The State has revised the baseline for this indicator, using data from FFY 2024, but OSEP cannot accept that revision because OSEP cannot determine whether the data are valid and reliable.

9 - Required Actions