

# Updates on Racial Disproportionality Monitoring & CCEIS Funding

Individuals with Disabilities Education Act - 34 CFR § 300.646 (d)

February 2024  
WI Federal Funding Conference



## Identifications under IDEA

**Under the Individual with Disabilities Education Act, LEAs that have been identified by DPI with racial disproportionality, based on their own student data, are required to address the reasons why the identification exists. As part of this corrective action, LEAs must expend 15% of their IDEA Part B formula allocation on Comprehensive Coordinated Early Intervening Services (CCEIS)-funded activities.**

# Racial Disproportionality

When a student, based on race, is more than **TWICE AS LIKELY** as their peers to be...

Identified for special education - generally	Identified with a specific disability category (i.e., EBD)	Disciplined	Placed in a more restrictive environment
86U6L911λ	(!6" EBD) c9r6B0λ		6UAILOUW6Uε

34 CFR §§ 300.646-.647

# Identification History

Racial Disproportionality identifications were introduced with IDEA's reauthorization in 2004. Under 34 CFR § 300.646(b), states could choose a methodology and had flexibility in applying calculations.

In 2013, the US Government Accountability Office (GAO) released a report that was very critical of how states were complying with the IDEA regulations, basically stating that the spirit of the law was not being implemented.

# Identification History

Based on the GAO report and OSEP’s own monitoring, updated regulations were adopted to address the inconsistencies across the country. The final regulations took effect in January 2017.

Due to the significant regulation changes made to the calculation requirements, States were allowed a grace period (up to July 2020) to update their own systems and prepare LEAs.

Federal Register: <https://www.govinfo.gov/app/details/FR-2016-12-19/2016-30190>

# Identification Trend

Wisconsin’s last year under the former calculation was FY 2018-2019.

The new criteria was applied and impacted LEAs beginning in FY 2019-2020.

2018-2019	2019-2020	2021-2022	2023-2024
6 LEAs	57 LEAs	62 LEAs	49 LEAs**
\$1,486,782 Required	\$15,252,270 Required	\$19,983,192 Required	\$14,610,956 Required

\*\* An additional 8 LEAs are under monitoring in FY 2023-2024, although not identified as racially disproportionate

# Identifications Across Federal Programs

IDEA Racial Disproportionality regulations were not the only federal program under scrutiny during this time.

In an effort to coordinate monitoring efforts, both ESEA and Perkins released their own regulations, similar to the changes being made to IDEA - identifying which LEAs or schools were not meeting student-specific benchmarks, and then requiring those entities to engage in the same method of targeted continuous improvement work to improve outcomes for the identified student groups.

## IDEA LEA Identifications

IDEA Determination	Number of Years in this Category
Needs intervention in implementing the requirements of the IDEA	2
<p>Indicators Substantially Below Target</p> <ul style="list-style-type: none"> <li>1 - Percentage of students with IEPs who exited special with a high school diploma.</li> <li>2 - Percentage of students with IEPs ages 14-21 who exited special education by dropping out of school.</li> <li>3.A - Percentage of students with IEPs in grades 3-8 or grade 11 who participated in the Forward, ACT, or DLM assessments for English Language Arts (ELA).</li> <li>3.B - Percentage of students with IEPs in grades 3-8 or grade 11 who scored proficient or above on the Forward, ACT, DLM assessments in English Language Arts (ELA).</li> <li>3.A - Percentage of students with IEPs in grades 3-8 or grade 11 who participated in the Forward, ACT, or DLM assessments for Mathematics.</li> <li>5 - Percentage of students with IEPs ages 6-21 or 5-year-olds in Kindergarten placed in a regular classroom greater than or equal to 80% of the school day.</li> </ul> <p>Indicators Below Target</p> <ul style="list-style-type: none"> <li>6 - Percentage of children with IEPs ages 3-5 (excluding 5-year-olds in Kindergarten) attending a regular early childhood program and receiving the majority (&gt;50%) of special education and related services in their regular early childhood program.</li> </ul>	

## ESSA School Identifications

Schools Identified for Comprehensive Supports and Interventions (CSI)				
School Code	School Name	CSI Identification	Cohort Name	Title I School Served
0440		CSI - Lowest Performance	CSI Cohort 2018-2019	Yes

# IDEA Racial Dispro Student Group Identifications

Racial Disproportionality in Special Education Identification, Discipline, and/or Placement	Student Groups	Number of Years in this Category
Racial disproportionality in specific disability categories.	Emotional Behavioral Disability: Black - African American	1
Racial disproportionality in specific disability categories.	Intellectual Disability: Black - African American	1
Significant disproportionality in discipline.	Black - African American	2
Significant disproportionality in discipline.	Hispanic	1
Significant disproportionality in discipline.	Two or More Races	1

# ESSA Student Group Identifications

Schools Identified for Additional Targeted Supports and Interventions (ATSI)

School Code	School Name	ATSI Student Group(s)	Cohort Name	Cohort Year	Title I School Served
0492		<ul style="list-style-type: none"> <li>Black - African American</li> <li>Hispanic</li> <li>Students with Disabilities</li> </ul>	ATSI Cohort FY 2018-2019	1	No
0134		Black - African American	ATSI Cohort FY 2018-2019	1	Yes

# Perkins Identifications

	FY 2021-2022 State Target Rate	33.35%	29.00%	28.46%
	90% of State Target Rate	30.02%	26.10%	25.61%
Data Set Year	Impact Year	2S1 Academic Proficiency in Reading / Language Arts	2S2 Academic Proficiency in Mathematics	2S3 Academic Proficiency in Science
2021-2022	2023-2024	20.27%	19.52%	19.22%

Even Perkins CTE identifications are now in WISEgrants, allowing an LEA to look across the federal programs and see the pattern - each federal program looking at the data a slightly different, but all coming to the same conclusion...

# Responsibility of Identified LEAs

- 1) Establish a team of dedicated individuals who are committed to addressing the identification, who can represent the identified student groups, and have the authority to implement change;
- 2) With the team, conduct a Root Cause Analysis;
- 3) Based on the results of root cause analysis, identify and articulate the reasons why the identification exists;
- 4) Select evidence-based improvement strategies that address the reasons for the identification, and will have the most impact on the identified student groups;
- 5) Develop a plan to implement the strategies and establish SMARTER goals;
- 6) Routinely monitor the implementation of the strategies, the impact on the identified student groups, and adjust the plan accordingly.

# DPI & Racial Dispro Monitoring History

2018-2019

The six identified LEAs completed the exact same application steps as those LEAs who voluntarily used the 15% CEIS funds. The only difference was the reserved funds were mandated to be spent on academic or behavioral interventions within a 27-month time period.

Regulation changes for IDEA and ESEA were introduced. A historic collaboration between Title I and IDEA occurred - subject matter experts on continuous improvement, monitoring and grants management met as a team to design the CIPR system within WISEgrants - the goal to open in FY 2019-2020 for the 75 CSI-schools identified under ESSA and the 57 LEAs identified with racial disproportionality under IDEA.

In addition to the Federal Fiscal Monitoring Consultant, the Special Education Team dedicated a full-time position to the role of Racial Disproportionality Monitoring.

# DPI & Racial Dispro Monitoring History

2019-2020

The LEA-Level and School-Level Continuous Improvement sections opened in WISEgrants, requiring LEAs & schools to upload plans, identify root cause statement and tie evidence-based improvement strategies to budgets.

It quickly became apparent that the schools that had previously worked with Title I under that federal program were much further ahead in understanding the requirements, and that Special Education needed to take five steps back.

There was no format for the required Continuous Improvement Plans, not wanting to add an extra layer of bureaucracy on LEAs who already had their own version of an improvement plan. But, based on what was submitted in FY 2019-2020, software designs were put in place to provide more support in the initial stages of the FY 2020-2021 CCEIS application.

And then COVID happened. April 2020 to the end of the fiscal year put an end to most CCEIS planned activities.

# DPI & Racial Dispro Monitoring History

2020-2021

For IDEA Racial Disproportionality and CCEIS, there was no waiver from the US Department of Education. In their defense, Wisconsin was one of a handful of states that chose to implement early (so we could align with ESSA) and the majority of states were only in their first year of CCEIS.

DPI decided that for FY 2020-2021, LEAs identified with racial disproportionality would not be required to submit a Continuous Improvement Plan but would be encouraged to implement what they could within the confines of COVID.

The matter of the required CCEIS funding did not go away - not only did LEAs have a new set-aside for FY 2020-2021, most had carried over the bulk of their mandated amount from FY 2019-2020. It was a year of doing the best we could.

At the end of the year, the dedicated Special Education person left DPI.

# DPI & Racial Dispro Monitoring History

2021-2022

Most LEAs continued to be identified with racial disproportionality in special education, the number now up to 62. The Special Education team no longer had a person dedicated to monitoring the LEAs, and different individuals stepped in to try and help. The goal was to meet the requirements of the law the best we could, knowing that the LEAs were not receiving the support they needed to help the student groups identified.

2022-2023

The Special Education team hired a consultant dedicated to Racial Equity in Special Education, who was immediately assigned to monitor racial disproportionality compliance, work that had been bandaged together for over a year. There was little time to acclimate or learn, as most LEAs were now in a race against the 27-month funding clock and the non-compliance that would result. He was given a directive: "Make it Better."

# DPI & Racial Dispro Monitoring History

2023-2024

The Racial Equity in Special Education Consultant hit the brakes. We all needed to start over, to learn the basics, figure out where each LEA felt they were at in this very important work. We had to uncover the efforts that existed which were in alignment with the regulations and continuous improvement, stop and redirect the work that was off course, and connect with the LEAs that had been left behind.

2024-2025

The rest of this presentation will be a reflection of the work that has been done this year, and how that work will be built upon for this spring and into next year - for LEAs who will continue with a racial disproportionality identification or who will continue to be monitored through their unspent CCEIS funds.



# FY 2023-2024 Responsibilities of Identified LEAs

1. Schedule three Improvement Monitoring Calls.
2. Conduct a Root Cause Analysis.
3. Based on the results of the needs assessment, identify the Factors (reasons) for the significant racial disproportionality.
4. Select evidence-based improvement strategies that will have impact on the affected student groups.
5. Develop a plan to implement the strategies and establish long-term improvement goals (SMART Goals).

## Monitoring Calls

### Who are these calls for?

- ❖ LEAs identified as Racially Disproportionate or have unspent required CCEIS funds from the prior year are to attend three mandatory improvement monitoring calls led by DPI staff.

### Why are these calls necessary?

- ❖ These meetings were to establish a baseline and a relationship with DPI, and upcoming meetings will be used to collect and review progress reports and to discuss any allowable costs / funding-related questions.

# Third Monitoring Call

## Required Call #3 Expectations

- ❖ Racial Equity Report
- ❖ Continued Implementation
- ❖ Funding

Agency Name	FY 2022-2023 CCEIS Unspent	FY 2023-2024 CCEIS Unspent	FY 2023-2024 Budget Status	FY 2023-2024 Claim Status
<b>Must be obligated by 9/30/2024</b>	\$146,455.42	\$185,964.75	Approved	
	\$176,576.85	\$282,001.95	Submitted	Partial - Approved

## Root Cause Analysis

*includes "Needs Assessment"*

### What is it?

- ❖ Needs assessment, data inquiry/adults practices inquiry that determines the reason (root cause) of the racial disproportionality.

### Who conducts it?

- ❖ LEA or school leadership team.

### How often should it be done?

- ❖ Minimum of annually to meet requirement.

## Factors

### What are they?

- ❖ Root Cause FACTORS are the reason for the racial disproportionality identification as determined by the data inquiry.

### What should be avoided?

- ❖ Listing areas of racial disproportionality or student-based deficits instead of root cause factors.

\*\*Distinguishing Differences from Disability: The Common Causes of Racial/Ethnic Disproportionality in Special Education

## Evidence-Based Improvement Strategies

### What are they?

- ❖ Strategies the team determines will address their root cause factors and their target populations.

### Where do we get them?

- ❖ DPI support, TA Network/CESA supports, district leadership teams.

### What should be avoided?

- ❖ Listing all universal strategies without “enhancers” for target population, not having strategies connected to root cause factors.

# Continuous Improvement - PLAN DO STUDY/CHECK PLAN

## What we “Did” in FY 2023-2024

- ❖ Rather than upload a *Continuous Improvement Plan*, which to this point had not been helpful, LEAs provided responses to DPI-created prompts in a Google doc regarding their identifications:
  - Whether a root cause analysis had been conducted for that identification, when the root causes analysis was conducted, what data was used during the analysis, who was involved, etc.
- ❖ This was a stop-gap measure introduced for this year only to help guide us in identifying our strengths and weaknesses. Instead of making LEAs guess, we were clear about what information we needed - and with that information, we are clear on where we need to go next in our support.

Racial Disproportionality in Special Education Identification, Discipline, and/or Placement	Student Groups
Racial disproportionality in specific disability categories.	Emotional Behavioral Disability: Hispanic
Racial disproportionality in specific disability categories.	Emotional Behavioral Disability: Two or More Races
Racial disproportionality in specific disability categories.	Specific Learning Disability: Black - African American

## **A continuous improvement plan cannot be created without conducting a root cause analysis / comprehensive needs assessment.**

- ❖ A root cause analysis must be conducted for each separate Racial Disproportionality identification.
- ❖ The root cause analysis must address the **current** Racial Disproportionality identifications.

# **WISEgrants Updates**

## **YEAR 1 - for all LEAs with identifications in FY 2024-2025**

- ❖ **LEAs will provide information for each racial disproportionality identification within the LEA-Level Continuous Improvement page:**
  - Identifying the members of the continuous improvement team and what they bring to the table;
  - Root Cause analysis information, including a summary of the data;
  - The factors which led to the identification as determined through the root cause analysis.
  - SMART goals will be submitted and progress towards achievement monitored through the mandatory DPI meetings.

# WISEgrants Updates

The goal is to create a centralized location containing the pieces of readiness, plan, do, study/check and act (with feedback from DPI), tied to the specific racial disproportionality identification, that can look and feel like a continuous improvement plan with a progress monitoring feature.

By implementing this process, we hope to:

- ★ Address issues that are a result of certain pieces of the process faltering and not connecting;
- ★ Keep the knowledge and work archived for an LEA, even when there is staff turnover; and
- ★ Help LEAs be successful in addressing racial disproportionality.

# WISEgrants Updates

## YEAR 2 - for LEAs continuing into FY 2025-2026

- ❖ For existing racial disproportionality identifications, build the work from FY 2024-2025 into a multi-year continuous improvement model.
  - LEAs will be able to continue with the approved materials from the prior year for one additional year and engage in progress monitoring.
- ❖ For new racial disproportionality identifications, create the same Year 1 base of information.
- ❖ For LEAs who only have CCEIS carryover, an exit process will developed. LEAs in this situation may also be required to participate under IDEA Determinations monitoring.

# Racial Disproportionality Institute

JUNE 25-26, 2024

Green Bay

Registration is free and will open March 5, 2024

The institute will feature workshops and sessions aimed at addressing racial disproportionality, engaging in root cause analysis, adopting evidence-based improvement strategies, an overview of WISEgrants, and implementing Comprehensive Coordinated Early Intervening Services (CCEIS).