



Racial equity in special education

Background and Summary of Stakeholder Input

Internal version (individual names on p. 5, participant sign-in sheets)

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Wisconsin Department of Public Instruction

Tony Evers, PhD, State Superintendent

Madison, Wisconsin

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Overview

This report provides information related to Wisconsin's current criteria for identifying racial disproportionality in special education identification, placement, and discipline. It also summarizes stakeholder input collected during the fall of 2017 as rationale for a change in Wisconsin's criteria.

This report does not include details of Wisconsin Department of Public Instruction's (DPI) protocols for annual identification, notification, and oversight of racial disproportionality in special education identification, placement, and discipline – for that, see *Wisconsin's Approach to Addressing Disproportionality in Special Education: A Blueprint for Action* (DPI, Updated 2018). This report also does not describe the full methodologies used to identify racial disproportionality in special education identification, placement, and discipline – for that, see *Methods of Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide* (IDEA Data Center, Updated 2014). Finally, this report does not include information regarding DPI's [Disproportionality Technical Assistance Network](#), a federally-funded investment to provide technical assistance and supports to identified Local Education Agencies (LEAs).

Background

Children of color—in Wisconsin, particularly African-American, American Indian, and Hispanic youth—are identified as students with disabilities at substantially higher rates than their peers and, once identified, placed in more restrictive settings and are disciplined more often, more severely, and for longer periods of time. It is critical to ensure that overrepresentation is not the result of misidentification, including both over- and under-identification, which can interfere with a school's ability to provide children with the appropriate educational services required by law. It is equally important to ensure that all children who are suspected of having a disability are evaluated and, as appropriate, receive needed special education and related services in the most appropriate setting and with the most appropriate behavior supports employed.

In order to address those inequities, the Individuals with Disabilities Education Act (IDEA) IDEA requires states to identify local education agencies (LEAs) with "significant disproportionality" in special education—that is, when LEAs identify, place in more restrictive settings, or discipline children from any racial or ethnic group at markedly higher rates than their peers. In a separate, but related, requirement, states are required to identify and report on LEAs with significant discrepancy in discipline (Indicator 4B) and disproportionate representation in special education (Indicator 9) and in specific disability categories (Indicator 10). For federal and state statutory and regulatory language in effect, see Appendix A.

Every year, states make 90+ calculations per LEA to analyze racial disproportionality in fifteen categories. Wisconsin identifies annually approximately forty LEAs with racial disproportionality in identification or significant discrepancy in discipline based on race; of these, six to eight LEAs have data demonstrating "significant disproportionality" in identification and/or discipline. One LEA is identified with "significant disproportionality" in placement.

All identified LEAs are required to review policies, procedures, and practices for compliance with Part B of IDEA. In addition, all LEAs conduct a needs assessment and plan for improvement. Only LEAs identified with "significant disproportionality" are required to reserve 15% of their IDEA funds for comprehensive coordinated early intervening services.

December 2016 Federal Regulations: Significant Disproportionality

On December 12, 2016, the U.S. Department of Education (USDOE) made available to the public final regulations under Part B of IDEA, aimed at promoting equity by targeting widespread disparities in the treatment of students of color with disabilities. The regulations addressed a number of issues related to significant disproportionality in the identification, placement, and discipline of students with disabilities based on race or ethnicity. The Department also released a Dear Colleague Letter addressing racial discrimination.

The final regulations established a standard approach that States must use in determining whether significant disproportionality based on race or ethnicity is occurring in the state and in its LEAs. In 2013, the Government Accountability Office (GAO) issued a report finding that, because states currently use a wide variety of methodologies for examining their LEAs, few states take action to address significant disproportionality; in fact, as the GAO found, only two to three percent of all LEAs nationwide are identified as having significant disproportionality, and some states' methodologies for identifying LEAs for disproportionality were constructed in such a way that the GAO found LEAs would likely never be identified. Accordingly, GAO recommended that the Department require that all states adopt a standard approach to identify racial and ethnic disparities. With the December 2016 regulations, all states were required to use the same methodology to allow for more accurate comparisons within and across states.

In addition to requiring a standard methodology, the December 2016 regulations focused on disparities in the discipline of students with disabilities on the basis of race or ethnicity by requiring states to examine LEAs for significant disproportionality in their disciplinary practices. Specifically, the regulations clarified that States must address significant disproportionality in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, using the same statutory remedies required to address significant disproportionality in the identification and placement of children with disabilities.

The December 2016 regulations required LEAs to identify and address the root causes of significant disproportionality. Accordingly, the regulations clarified requirements for the review and revision of policies, practices, and procedures when significant disproportionality is found. The December 2016 regulations required LEAs to identify and address the factors contributing to significant disproportionality as part of comprehensive, coordinated early intervening services (CEIS).

In addition, the December 2016 regulations allowed new flexibilities in the use of CEIS to further help LEAs identified with large disparities in addressing the underlying causes of the disparity. Prior to these final regulations, LEAs identified as having significant disproportionality were not permitted to use their required 15 percent set aside for CEIS in order to serve students with disabilities, even if the LEA had identified racial disparities in the discipline and placement of children with disabilities. Likewise, CEIS funds could not be used to serve preschool children. With the December 2016 regulations, LEAs identified as having significant disproportionality had the flexibility to use their CEIS set aside to assist students with disabilities and preschool children with and without disabilities.

Note: On June 29, 2018, a final rule concerning the December 2016 regulations was placed in the Federal Register. The USDOE postponed the compliance date for implementing the significant disproportionality regulations by two years, from July 1, 2018, to July 1, 2020.

Summary of Stakeholder Input Sessions

As required by the December 2016 federal regulations, DPI held several stakeholder input sessions across the state to learn where Wisconsinites stood as related to values surrounding racial disproportionality in special education. To ensure accessibility and participation by diverse and geographically scattered stakeholders, DPI hosted: (1) five face-to-face targeted meetings with different stakeholder groups (Stevens Point, Madison – 3, and Wisconsin Dells), (2) three virtual sessions, one which was targeted and two which were open invite and (3) ongoing web-based materials and feedback form (see Appendix B).

Stakeholder Session Participants

DPI invited multiple stakeholder groups throughout the state of Wisconsin to participate. One virtual session was offered to Wisconsin Tribal Education Directors. Invitations for the other virtual sessions to review web-based materials and submit online feedback were disseminated in the weekly update from the Special Education Team Director, DPI's DAC Digest, WISEgrants, Disproportionality Technical Assistance Network, and email listservs. Specific invitations to review web-based materials and submit online feedback were sent to:

- Wisconsin Association of School District Administrators (Jon Bales);
- Wisconsin Association of School Business Officials (Woody Wiedenhoef);
- Wisconsin Association of School Boards (John Ashley);
- Council for Exceptional Children (Ozalle Toms);
- Association of Wisconsin School Administrators (Jim Lynch and Joe Schroeder);
- Wisconsin Council of Administrators of Special Services (Gary Myrah and John Peterson);
- Cooperative Educational Service Agency Administrators (Jesse Harness);
- State Personnel Development Grant Institution of Higher Education Professional Learning Community (Debra Ahrens, liaison);
- Identified faculty from Institutions of Higher Education (Aydin Bal, Colleen Capper, Elise Frattura, Gloria Ladson-Billings);
- Title III Network (Audrey Lesondak, liaison);
- Parent stakeholder groups including QEC, The ARC, Wisconsin Board for People with Developmental Disabilities, and Latino Alliance Applying Solutions.

The face-to-face sessions included stakeholders representing identified LEAs, technical assistance providers, parents, and LEA administration and school staff. Face to face sessions were held with the State Superintendent's Parent Advisory Council and the State Superintendent's Advisory Council on Special Education. For participant sign-in sheets, see Appendix C.

Stakeholder Session Materials

DPI used a PowerPoint as one resource during the stakeholder sessions to facilitate a conversation about disproportionality in special education. There were two main topics of the PowerPoint discussed during the stakeholder sessions: the first, regarding general information about disproportionality in special education and data analysis, and the second, regarding what criteria Wisconsin should use going forward to identify racial disproportionality. See Appendix D for a notated version of the PowerPoint.

In addition to the PowerPoint, DPI provided a glossary of commonly used terms around disproportionality, and a data handout. See Appendix E for the glossary and data handout.

Results and Feedback

Individuals were asked to provide feedback through a Google Form. The request for feedback was posted onto the Special Education Team website. Below is a summary of survey answers and feedback. To see the full stakeholder comments from the survey, see Appendix F.

Risk Ratio Thresholds:

First, stakeholders were asked to provide input on the threshold at which Wisconsin will identify LEAs as having disproportionality based on race or ethnicity in special education identification, placement and/or discipline and, therefore, be required to conduct specific activities – for example, a compliance review, a needs assessment and improvement plan, reservation of IDEA funds for their multilevel system of support, and reporting on the success of CEIS implementation. In other words, the risk ratio threshold is the trigger for oversight. DPI detailed the considerations stakeholders should take into account when setting the threshold (see Appendix D, slide 10).

69.6% of survey respondents believe that when students in a particular racial/ethnic group are 2.00 more likely than their peers to be identified in special education identification, placement, or discipline, that DPI should require the LEA to conduct a needs assessment and improvement plan. This is consistent with Wisconsin's current threshold of 2.0 for requiring a needs assessment and improvement plan. 23.9% of respondents said a needs assessment and improvement plan should be conducted at a 2.50 risk ratio threshold and 6.5% at a 3.00 risk ratio threshold.

56.5% of survey respondents believe that when students in a particular racial/ethnic group are 2.00 more likely than their peers to be identified in special education identification, placement, or discipline, that DPI should require the LEA to reserve 15% of their Part B IDEA funds for comprehensive coordinated early intervening services. This is different than Wisconsin's current threshold, which is 4.0 for required use of CEIS. 19.6% of survey respondents said CEIS should be required at a 2.50 threshold, and 23.9% said required CEIS at a 3.00 threshold.

74.2% of survey respondents want DPI to use the same risk ratio threshold for all categories of analysis (using the same risk ratio, 2.5 for example, as the trigger to require legal action in special education identification, specific disability category areas, placement, and discipline).

Reliable Data:

Second, stakeholders were asked to provide input into criteria Wisconsin will use to ensure reliable data. Risk ratios can produce unreliable or volatile numbers when applied to small populations – an LEA with only small numbers of children in a given racial or ethnic group or with low incidences of certain disabilities or placements, for example. That is, small changes in small populations can result in large changes in risk ratios that do not necessarily suggest systemic problems giving rise to significant disproportionality. Using minimum sample and population sizes reduces the possibility of LEAs being inappropriately identified with significant disproportionality. DPI detailed the considerations stakeholders should take into account when setting sample and population sizes (see Appendix D, slide 13).

Only 16.7% of survey respondents recommended that Wisconsin continue with its current criteria for reliable data. **82.2% of survey respondents recommended that Wisconsin adopt the criteria for**

reliable data as set forth by the U.S. Department of Education (ED), Office of Special Education Programs (OSEP).

Many respondents were concerned about specific cell sizes, especially in smaller and rural LEAs that have fewer students. A few suggested a sort of sliding scale based on enrollment numbers.

Reasonable Progress:

Third, stakeholders were asked to provide input into whether Wisconsin should exercise the flexibility offered in the December 2016 federal regulations to waive identification in cases where an LEA has exceeded the risk ratio threshold but has demonstrated reasonable progress in lowering the risk ratio for the group and category of analysis in each of the two prior consecutive years. DPI detailed the considerations stakeholders should take into account when considering the “reasonable progress” criterion (see Appendix D, slide 16).

84.9% of respondents recommended that DPI adopt a reasonable progress standard as part of its criteria for determining disproportionality in special education identification, placement, and discipline.

If Wisconsin were to adopt a reasonable progress standard as part of its criteria for determining disproportionality, **63.2% of respondents recommended a definition of reasonable progress as a decrease in a risk ratio of 0.25 or more for each of the two prior consecutive years.** 35.6% of respondents recommended a decrease in a risk ratio of 0.5 or more.

Appendix A

Federal and state statutory and regulatory requirements related to racial disproportionality in special education

Indicator 4B

Federal Statutory Requirements

Percent of districts that have: (a) a significant discrepancy, 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 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 USC 1416(a)(3)(A); 1412(a)(22)

Federal Regulatory Requirements

- (a) General. The SEA must examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—
 - (1) Among LEAs in the State; or
 - (2) Compared to the rates for nondisabled children within those agencies
- (b) Review and revision of policies. If the discrepancies described in paragraph (a) of this section are occurring, the SEA must review and, if appropriate, revise (or require the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure that these policies, procedures, and practices comply with the Act.
34 CFR §300.170

State Statutory Requirements

The division of learning supports, equity and advocacy is responsible for

- (j) Examining data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among local educational agencies or compared to such rates for nondisabled children within such agencies. If such discrepancies are occurring, the division shall review and, if appropriate, revise or require the affected local educational agency to revise its policies, procedures and practices relating to the development and implementation of individualized education programs, the use of positive behavioral interventions and supports and procedural safeguards to ensure that such policies, procedures and practices comply with this subchapter.

115.762, Wis. Stats.

Indicator and Measure

Percent of districts that have: (a) a significant discrepancy, 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 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.

Percent = (# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy 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 districts in the State) times 100.

State Performance Plan 2005-2006 through 2012-2013 (Revised February 2012)

Indicator 9

Federal Statutory Requirements

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 USC 1416(a)(3)(C)

Federal Regulatory Requirements

- (d) The State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.
34 CFR s. 300.600

State Statutory Requirements

None

Indicator and Measure

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

Percent = (# of districts 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) times 100.

Indicator 10

Federal Statutory Requirements

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. 20 USC 1416(a)(3)(C)

Federal Regulatory Requirements

- (d) The State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.
34 CFR s. 300.600

State Statutory Requirements

None

Indicator and Measure

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

Percent = (# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State) times 100.
State Performance Plan 2005-2006 through 2012-2013 (Revised February 2012)

Significant disproportionality

Federal Statutory Requirements

- (d) Disproportionality
 - (1) In general

Each State that receives assistance under this subchapter, and the Secretary of the Interior, shall provide
Racial Equity in Special Education
Background and Summary of Stakeholder Input (internal version)

for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to -

(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 1401(3) of this title;

(B) the placement in particular educational settings of such children; and

(C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

(2) Review and revision of policies, practices, and procedures

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall -

(A) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this chapter;

(B) require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 1413(f) of this title to provide comprehensive coordinated early intervening services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified under paragraph (1); and

(C) require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).

20 U.S.C. 1418(d)

Appendix B

Screen shot of web page

WE'RE SEEKING YOUR INPUT ON RACIAL EQUITY IN SPECIAL EDUCATION

We're Seeking Your Input on Racial Equity in Special Education

[View](#) [Edit](#) [Revisions](#)

- Clone content

Wisconsin's criteria: racial disproportionality in special education identification, discipline, and placement

Overview

Since the 2004 reauthorization of the federal special education law, the Individuals with Disabilities in Education Act, or IDEA, Wisconsin Department of Public Instruction has been identifying and supporting local education agencies, or LEAs – mostly districts but some charter schools, too – that have racial disproportionality in special education identification, placement, and discipline.

Wisconsin is revising our criteria related to [racial disproportionality in special education identification, discipline and placement](#). In December 2016, the U.S. Department of Education, Office of Special Education Programs released Equity in IDEA final regulations. Wisconsin's current criteria does not comply with the new regulations. Now is a good time to review and reflect on our past efforts related to racial disproportionality in special education and be intentional in moving forward that our work is consistent with the values and beliefs of our stakeholders.

Please provide your input before October 31, 2017.



Overview

Read about [racial disproportionality in special education](#) .



Data Sheets

Review data related to Wisconsin's criteria for racial disproportionality in special education.

- [Data Handouts](#) 
- [Information Charts](#) 
- [Glossary](#) 



Google Form

Please submit [your comments on racial disproportionality in special education](#).

For questions about this information, contact [Courtney Reed Jenkins](#) (608) 267-9183

Appendix C

Participant Sign-in Sheets for face to face input sessions



Racial disproportionality in special education: Wisconsin criteria

Stakeholder input session

Sign-in sheet

Date: October 17, 2017

Location: Wisconsin Dells, WI

Name	City
Christopher Rawlings	Delavan WI
Scott Kenozowski	Delavan WI
Kathy Ryder	Earl Claire WI
Therese Kwiatkowski	Wauwatosa WI
Jennifer Hulgendorf	TIG
Lynn Johnson	Madison, WI
Sally E. Coe	CESA 17
JASON PERRY	Colby, WI
Eddie Campbell	German town, WI
Tammy Singer	German town, WI
Jennifer Stohrney	Cudahy, WI



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: October 17, 2017

Location: Wisconsin Dells, WI

Name	City
Mildred Starks	Milwaukee
Sharri Vandeky	Racine
Barb Buffington	DeForest
Lalisha Olson	Holmen
Judy Baseman	Appleton
Jane Bleier	Appleton
Christa Macomber	Monona Grove
Scott Brown	RTI Center
Kim Eulbrandson	RTI Center
Joel Johnson	Winter
Byan Bamsik	Milwaukee
Tonia Hamester	W/Oshkosh



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ADDRESSING WISCONSIN'S RACIAL DISPARITIES IN SPECIAL EDUCATION
Funded through the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 13, 2017

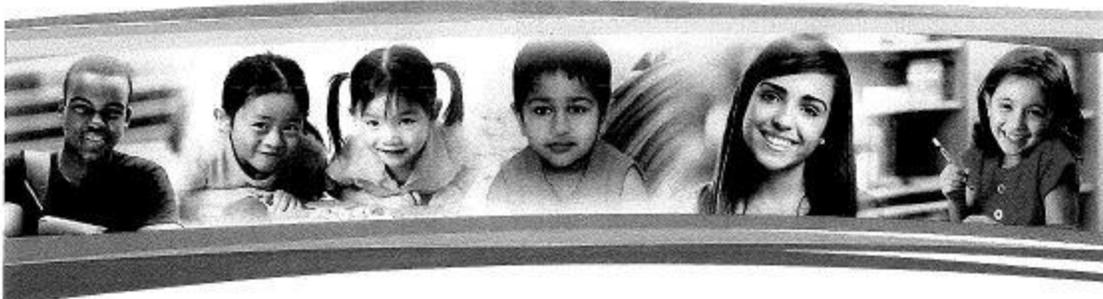
Location: Madison, WI

Name	City
<i>Lian Rena-Malokewic</i>	<i>CESA 7 Green Bay, WI</i>
Stacy Gray	CESA 7 Green Bay WI
<i>Beth Vande Hey</i>	<i>CESA 7 Green Bay, WI</i>
<i>Jim Nelson</i>	<i>CESA 3 FENNIMORE, WI</i>
<i>Meredith Biba</i>	<i>CESA 3 Fennimore, WI</i>
<i>Heather Fie</i>	<i>CESA 5, Portage WI</i>
<i>Jeanette Mendoza</i>	<i>CESA 5, Portage</i>
<i>Tammy S. SOBIEG</i>	<i>CESA 5</i>
<i>Mary Ann Hudzdek</i>	<i>CESA 6</i>
<i>Anne Pagel</i>	<i>CESA 6</i>
<i>Eric Larsen</i>	<i>CESA 6</i>
<i>Jenny Larson</i>	<i>CESA 6</i>



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**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 13, 2017

Location: Madison, WI

Name	City
Mia Chmiel	CESA 9
Al Betry	CESA 9
Matt Collins	CESA 9
Jana Vegliani	CESA 4
BILLY FINCH	CESA #4
Rick Johnson	CESA#4
Jen Ledin	CESA 12
ELLEN NELSON	CESA 12
JULIE JENSEN	CESA 12
Nickie Waters	CESA 10
DW-Litt	CESA 10



ADDRESSING WISCONSIN'S RACIAL DISPARITIES IN SPECIAL EDUCATION
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Kristin Gundry	CESA 10
Mary Grem-Fuller	CESA 10
Krista Kangel	CESA 10
Connie Erickson	CESA 11
DeAnna Thompson	CESA 11
Ali Kahl	CESA 11
Cindy Antze	CESA 11
Melissa Mae	CESA 11
Darcy Budnik	CESA 1
Jim Hedrick	CESA 1
Jan Brezice	CESA 1
Wendy Anderson	CESA 1
Sue Doyle	CESA 1
May Goyl	Cesa 2
Lynne Towdot	CESA 2
Gail Anderson	CESA 2
Debra Bush	Cesa 8
Deb Wall	CESA 8



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 7, 2017

Location: Stevens Point, WI

Name	City
Teri Phalin T.lli	Tomahawk
Pamela Torres	Lac du Flambeau
Julie Philipps / Lisa S	Green Bay
Juliel (Ebiere) Cole	Green Bay
Melissa Mae	Turtle Lake
Katie Of	TURTLE LAKE
Angie Balfe	Appleton
Judy Hou	Ashland
ANANDA MIZILLI	MADISON
Mary Kampa	Chippewa Falls
Paula Ferrandez	Reeshena, WI



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Funded through the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 22, 2017

Location: Madison, WI

Name	City
Lynette Stansfield	Hollandale
Patty Becker	Muskego
Logi Poppe	Beau Creek
Maia Hansen	Arbor Vitae
Kim Campion	Webster
Sally Flaschberger	Waukesha
Tricia Thompson	Menomonie
Regina Floyd-Sambou	Madison / DCF



ADDRESSING WISCONSIN'S RACIAL DISPARITIES IN SPECIAL EDUCATION
Funded through the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 22, 2017

Location: Madison, WI

Name	City
Victoria Davis Danta	Milwaukee, WI
Deb Fattermel	DHS - Madison WI
Carla Witkowski	Ojibwa Reservation
Jennifer Hims-Howell	Milwaukee, WI
Anna Moffitt	Madison, WI
Amy Stevens	Waukesha
Dana Atandare	Milwaukee
Mike Hipple	Appleton
Mackenzie Gabler	Eau Claire



ADDRESSING WISCONSIN'S RACIAL DISPARITIES IN SPECIAL EDUCATION
Funded through the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)



**Racial disproportionality in special education:
Wisconsin criteria**

Stakeholder input session

Sign-in sheet

Date: September 30, 2017

Location: Madison, WI

Name	City
Julie Quigley	Germantown
Sandi Walkush	Iola
Jakelyn Karabetsos	Kenosha
Sarah Moris	Kewaskum
Mike Anton	BACINE
John Jahnke	Green Bay
Carla Pennington-Cross	Glendale
Rosalee V. Tocco	Nicolet
Holli Jacobson	East Claire
Corinda Rainey-Moore	Madison
Dr. Qung L. Davis	MINDORO

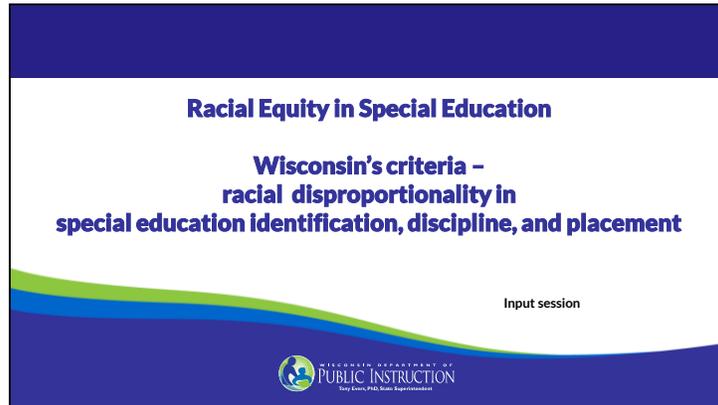


ADDRESSING WISCONSIN'S RACIAL DISPARITIES IN SPECIAL EDUCATION
Funded through the Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

Appendix D

Racial Equity in Special Education PowerPoint

Slide 1



2 min

Hello, and I'm looking forward to talking with you today regarding racial equity in special education. Specifically, I'm here to get input from you on Wisconsin's criteria related to racial disproportionality in special education identification, placement, and discipline. Since the 2004 reauthorization of the federal special education law, the Individuals with Disabilities in Education Act, or IDEA, we've been identifying and supporting local education agencies, or LEAs – mostly districts but some charter schools, too – that have racial disproportionality in special education identification, placement, and discipline. We're coming to you now, thirteen years later, because sustained focus at the federal level – advocacy, debate, a 2013 U.S. Government Accountability Office report, and revised federal regulations released in December 2016 related to significant disproportionality in special education – makes this a good time to review and reflect on our past efforts related to racial disproportionality in special education and be intentional in moving forward that our work is consistent with the values and beliefs of our stakeholders.

Slide 2

Agenda

Overview, data analysis

Why should we pay attention to racial disproportionality in special education?

Risk ratio threshold, reliable data, reasonable progress

What criteria should Wisconsin use, going forward, to identify local education agencies with racial disproportionality in special education?

The slide features a dark blue header with the word "Agenda" in white. Below the header, the text "Overview, data analysis" is centered. Two callout boxes with blue and green borders and arrowheads on the right point to the following questions: "Why should we pay attention to racial disproportionality in special education?" and "What criteria should Wisconsin use, going forward, to identify local education agencies with racial disproportionality in special education?". A small globe icon is located in the bottom right corner of the slide content area.

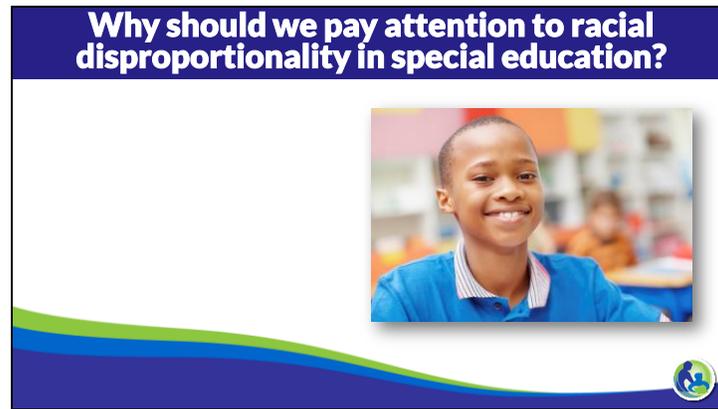
2 min

Today, we're answering two questions:

Why should we pay attention to the intersection of race and disability? - we'll set the stage for our work together by a brief overview of racial disproportionality in special education identification, placement, and discipline and by a brief review of how we currently identify districts.

Then, we'll turn to the second question which is what criteria should Wisconsin use, going forward, to identify districts with racial disproportionality in special education. We're bringing this to you because the federal government released regulations and related guidance in December 2016 which requires us, and most other states, to revise their criteria.

Slide 3



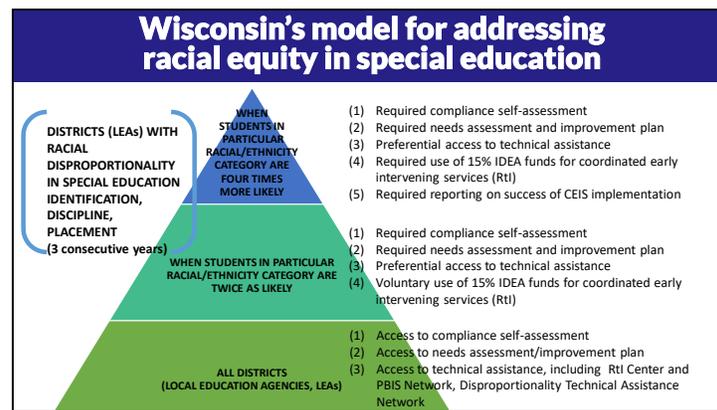
5 min

First and foremost, we pay attention to racial disproportionality in special education because we want all to students to receive the educational services and supports they need and are entitled to in an appropriate setting and with the most appropriate behavior strategies employed. In other words, we want to keep kids healthy, safe, supported, and encouraged in schools and we want to promote engaged learning to motivate all kids. (DPI 2017: *Vision*)

We also pay attention to racial disproportionality in special education because it is an important part of the discussion related to the achievement gap / opportunity gap / equity gap – in special education, like in student performance data, graduation rates, and other measures of educational engagement and achievement, we see race-based patterns of success and failure. We have an obligation to interrupt and eliminate these patterns.

Children of color—in Wisconsin, African-American, American Indian, and Hispanic youth—are identified as students with disabilities at substantially higher rates than their peers. This occurs more in disability categories that are “subjective” – other health impairment and emotional behavioral, specific learning, speech and learning, disabilities categories – and not when there is an underlying “hard” or medical diagnosis, such as deaf and hard of hearing or blind and visually impaired disabilities categories. For example, last year Black and Native students were over twice as likely as their peers to be identified as having an Emotional Behavioral Disability. (DPI 2016: child count)

Nationally, once identified, children of color are more likely to be placed outside the general education classroom and are more likely to be disciplined than their peers. In Wisconsin, our race-based patterns of discipline are similar to the national data, with Black, American Indian, and Hispanic learners with IEPs more likely to be disciplined. In Wisconsin, our data regarding placement is dissimilar to the national data, with more racial proportionality across educational environments.



Advocates, educators, and legislators have noticed and addressed racial disproportionality in IDEA for over thirty years. The roots of this work resulted in the first report of the National Research Council over thirty years ago, when the Council convened a committee that, at that time, focused primarily on defining a better set of rules for determining who needs special education, whether placement is beneficial, and when and how students would exit. Their concern was whether special education identification was operating fairly and to the benefit of students. Many of that committee's suggestions are reflected in the amendments to the Individuals with Disabilities Education Act and federal guidelines and regulations. (National Research Council, 2002: *Minority Students in Special and Gifted Education*)

The 2004 reauthorization of IDEA and related regulations regarding racial disproportionality in special education, like other areas of IDEA 2004, balanced both compliance and improvement. So, LEAs – again, these are usually districts, but we do identify some charter schools – that are identified with racial disproportionality in special education identification, discipline, and placement are required to review their policies, procedures, and practices for compliance with special education law ... and to focus on improvement and prevention in the general education setting through the voluntary and, in some cases, required use of coordinated early intervening services, known in Wisconsin as Response to Intervention, or RtI (LEAs with significant disproportionality). This first-time allowance in federal law to permit – and, sometimes, require – special education dollars in general education reflects the research and experience of educators. Most, if not all, of the root causes of racial disproportionality in special education are about what happens in general education: about the core curriculum... about too many, inconsistent, poorly structured or limited information related to interventions... about inconsistent knowledge of assessments... and about beliefs that poor students and students of color are not ready for school and that special education is the only place to support students with complex and/or complicated needs. (Fergus, 2010: *Common Causes of Racial/Ethnic Disproportionality in Special Education*)

Since 2006, our state's model for addressing racial equity in special education has balanced compliance and improvement efforts through a multi-tiered approach.

We recognized that most, if not all LEAs, have racial disproportionality – in other words, their special education identification, discipline, and placement do not match the racial/ethnic composition of their total student enrollment. We wanted to ensure that any district that analyzes their data and wants to improve can do so. As a reflection of that commitment, all LEAs have access to:

- our online self-assessment compliance tools related to racial disproportionality in special education, and
- our online, research-based needs assessment and improvement planning tools, and
- free and low-cost technical assistance that focuses on (1) strengthening school- and district-wide multilevel systems of support through the RtI Center and PBIS Network and (2) addressing racial equity in education,

Racial Equity in Special Education

Background and Summary of Stakeholder Input (internal version)

including special education, through the Disproportionality Technical Assistance Network – one of two such statewide technical assistance centers that we know of in the nation.

All LEAs can elect to use 15% of their IDEA funds for coordinated early intervening services, and we have significant technical assistance and guidance to help them do so. Our encouragement and support of LEAs to use these funds shows up in our data – In Wisconsin, 108 – or about ¼ -- districts use up to 15% of their IDEA funds for their multilevel system of supports. (DPI 2017: SY 2016-17 IDEA budgets)

In our next level of supports, we focus on LEAs that have groups of students, within a particular racial/ethnic category, that are at least *twice as likely* as their general education peers to be identified as having a disability (or a specific disability) OR placed in a more restrictive environment than their special education peers OR disciplined than their special education peers. For this group of LEAs – typically about 40 a year – we:

- *Require* a special education compliance review, and
- *Require* a needs assessment and improvement plan
- Provide *preferential* access to technical assistance through the RtI Center and PBIS Network and the Disproportionality Technical Assistance Network.

These LEAs, like the other LEAs, can voluntarily use 15% of their IDEA funds for their multilevel systems of support.

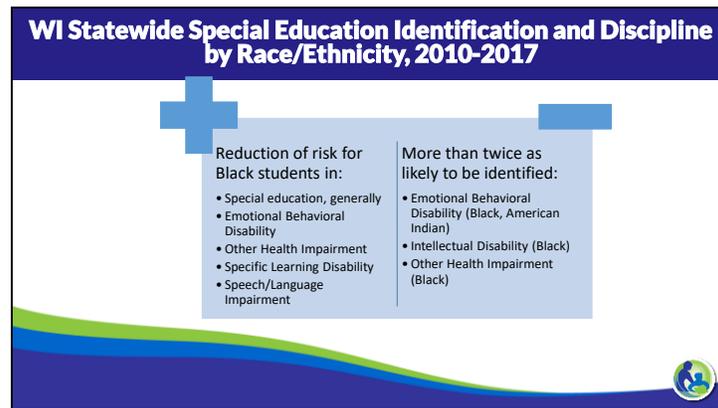
For the final group of LEAs – about six per year – we provide intensive supports because they have groups of students, within a particular racial/ethnic category, that are at least *four times as likely* as their general education peers to be identified as having a disability (or a specific disability) OR placed in a more restrictive environment than their special education peers OR disciplined than their special education peers. For this group of LEAs, which are LEAs with significant disproportionality, we:

- *Require* a special education compliance review, and
- *Require* a needs assessment and improvement plan, and
- Provide *preferential* access to technical assistance through the RtI Center and PBIS Network and the Disproportionality Technical Assistance Network, and
- *Require* the use of 15% of their IDEA funds for the multilevel system of support, with a particular focus on the groups of students that are overrepresented in their special education identification, placement, or discipline.

All LEAs that use CEIS – voluntarily or required – must report on the success of CEIS implementation. LEAs must report on the total number of children receiving CEIS and the total number of children receiving CEIS in the past two years and subsequently found eligible for special education.

I hope this time, up to now, has helped to answer the primary question we posed first, “Why should we pay attention to racial disproportionality in special education?” as well as a secondary question, “How have we paid attention to racial disproportionality in Wisconsin to date?”

Now, we are going to turn to the next primary question, “What criteria should Wisconsin use, going forward, to identify districts with racial disproportionality in special education?”



To be able to answer “What criteria should we use going forward?,” it may be helpful to review our state’s data related to racial disproportionality in special education.

Regarding racial disproportionality in special education identification using statewide data over seven years, we see bright spots in the data – three year trends for reducing the likelihood of being Black and identified as having a disability, generally, and in the following disability categories: Emotional Behavior Disability (EBD), Other Health Impairment (OHI), Specific Learning Disability (SLD), and Speech or Language Impairment (S/L). (DPI 2017: child count)

We also continue to see:

- Black students are more likely to be identified as having a disability and needing special education and related services than any other racial/ethnic group, followed closely by American Indian students.
- Black students and American Indian students continue to be more than twice as likely as their peers to be identified as having an Emotional Behavioral Disability.
- Black students continue to be at least twice as likely as their peers to be identified as having an Intellectual Disability and an Other Health Impairment.

(DPI 2017: child count)

For your information and as you move forward during today’s conversations, you do have this data as a handout in your folder.



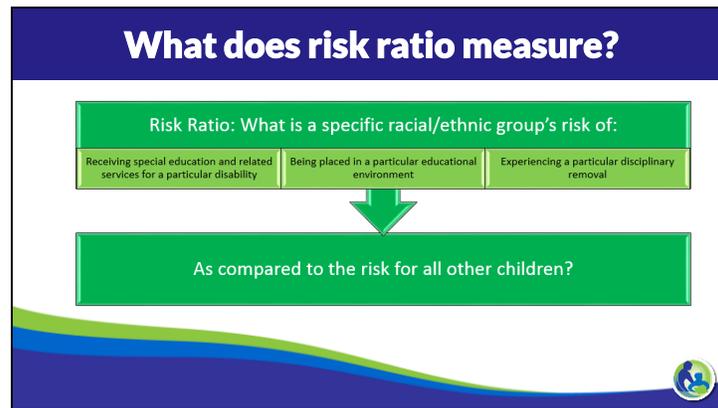
2 min

Okay, let's get into the nitty gritty. We did include a graphic organizer in the right hand side of your folder, if you would like to take notes during our following conversations.

When a state identifies LEAs as having racial disproportionality in special education identification, discipline, and placement and, therefore, requires action to address the disproportionality, the state must be assured that the criteria are robust, fair, and accurate. We're going to talk about three required aspects of our criteria to identify LEAs as having racial disproportionality in special education identification, placement, and discipline. We are going to provide an overview, highlight the considerations, and walk you through an activity related each of the following: risk ratio thresholds, reliable data, and reasonable progress. We'll pause to collect your input related to each of these aspects, too.

We have designed this portion of the input session to draw out your values and beliefs related to educational equity and special education. We are highlighting the values-based considerations that we would like your input on, and we hope that we have given you enough information to be able to thoughtfully consider and weigh in on the decision points related to the risk ratio threshold, minimum cell sizes, and reasonable progress.

As a state, we have opted to take advantage of the flexibility in IDEA to use three years of data in our identification of LEAs with racial disproportionality in special education identification, discipline and placement. The flexibility to determine significant disproportionality after three consecutive years was designed to account for volatility—small changes in data from year to year that may cause large changes in a risk ratio and cause an LEA to be identified with disproportionality. Taking into consideration up to three consecutive years of data provides us an opportunity to determine which LEAs have disproportionality on the basis of consistently elevated risk ratios, rather than what may be a single year increase.



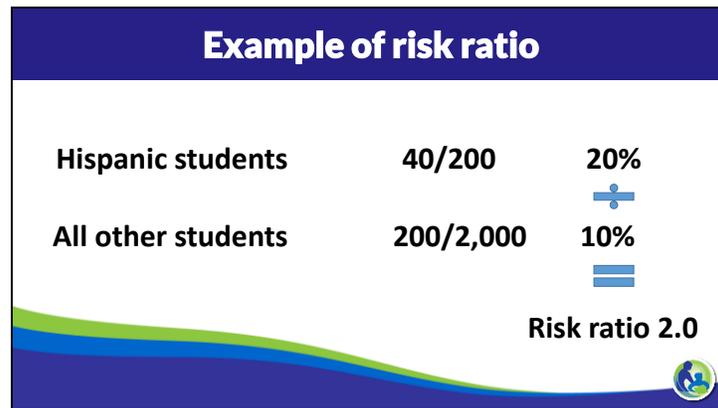
2 min

There are many different ways to measure racial disproportionality in special education identification, discipline, and placement.

A risk ratio, which is the methodology that we use to measure racial disproportionality because the federal government told us to use it, is a numerical comparison, expressed as a ratio or decimal, between the risk of a specific outcome for a specific racial or ethnic group in an LEA and the risk of that same outcome for all other children in the LEA. The comparison is made -- the risk ratio is calculated -- by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that same outcome for children in all other racial or ethnic groups within the LEA (the comparison group).

Related to special education identification, for example, the risk ratio answers the question, "What is a specific racial/ethnic group's risk of receiving special education and related services for a particular disability as compared to the risk for all other children?"

Currently, we add additional calculations to weight the risk ratio according to the proportions of each racial and ethnic group in the state (students with and without disabilities). While this allowed us to better standardize the calculations across districts with very different demographics, which was helpful in a state like ours, weighted risk ratios will not be used in the future because the federal government disallowed it in the final regulations.



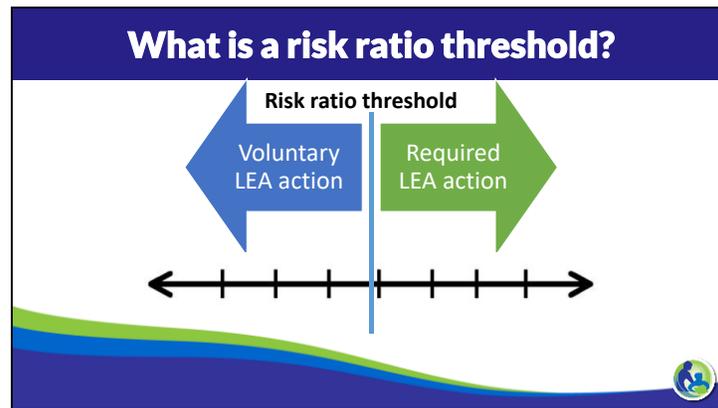
2 min

For example, if 40 out of 200 Hispanic children in an LEA are identified as children with disabilities, the risk of a Hispanic child being identified as a child with a disability in that LEA is 40/200 or 20 percent. If 200 out of all of the other 2,000 children in the LEA are identified as children with disabilities, then the risk of all other children being identified as children with disabilities is 200/2,000 or 10 percent. The risk ratio for Hispanic children in the LEA being identified as children with disabilities is 20/10, 2:1, or 2.0.

Generally, a risk ratio of 1.0 indicates that children from a given racial or ethnic group are no more or less likely than children from all other racial or ethnic groups to experience a particular outcome. A risk ratio of 2.0 indicates that one group is twice as likely as all other children to experience that outcome. A risk ratio of 3.0 indicates three times as likely, etc.

In the example here, Hispanic children are twice as likely as all other children in the LEA to be identified as children with disabilities.

(U.S. Office of Special Education Programs, 2017: *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers*)

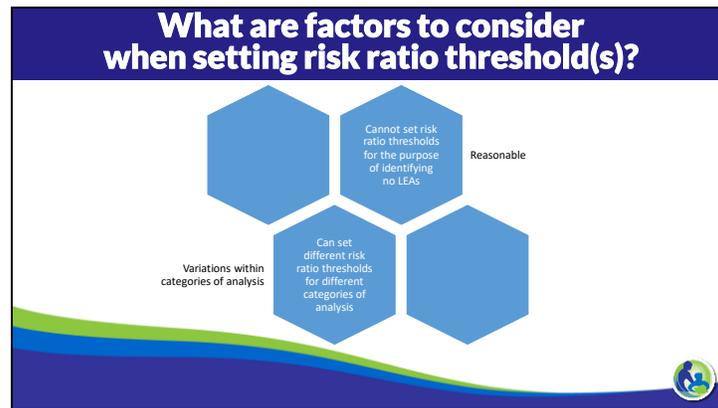


2 min

What is a risk ratio threshold? It is a threshold, determined by the State with stakeholder input, at which Wisconsin will identify LEAs as having disproportionality based on race or ethnicity in special education identification, placement, or discipline and, therefore, be required to conduct specific activities – for example, a compliance review, a needs assessment and improvement plan, reservation of IDEA funds for their multilevel system of support, and reporting on the success of CEIS implementation. In other words, it is the trigger for WDPI oversight.

For example, if a State sets a risk ratio threshold for identification of children as children with disabilities at 2.5, then, in the example from the last slide, the State would not identify the LEA as having disproportionality for Hispanic children with disabilities. There, Hispanic children were twice as likely as all other children to be identified as children with disabilities in the LEA, a risk ratio of 2.0. However, if in the same example LEA, African-American children are four times more likely than all other children to be identified as children with disabilities, the risk ratio for African-American children being identified as children with disabilities is 4.0, and would therefore result in the LEA being identified as having disproportionality in special education.

(U.S. Office of Special Education Programs, 2017: *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers*)



3 min

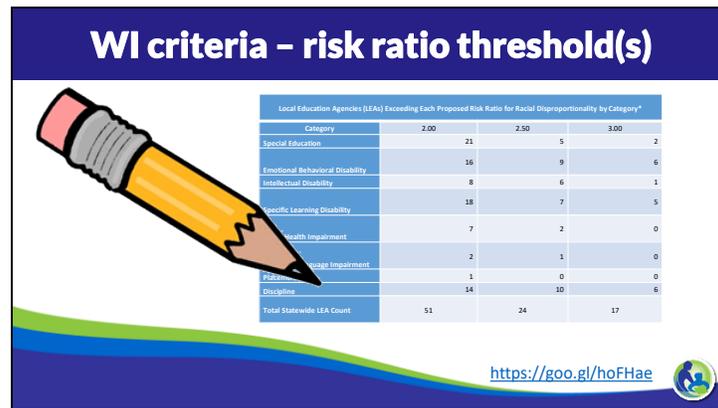
The choice of a threshold has a dramatic impact on the number of LEAs identified within a state. For example, a threshold of 2.0 in Wisconsin would result in identifying approximately 50 LEAs with disproportionality in special education identification, discipline, or placement; compare that to the five LEAs that would be identified if we used a threshold of 4.0 for racial disproportionality in special education identification, discipline, or placement.

When choosing a threshold, we should consider the implications that their decisions will have in terms of data analyses and from both legal and policy standpoints. (IDEA Data Center 2014: *Methods for Assessing Racial/Ethnic Disproportionality in Special Education – A Technical Guide (Revised)*) Today, we are asking you to focus on the policy standpoint: all of the options you will review today have met the data and legal requirements in federal law. For example, we are not offering a 5.0 risk ratio threshold as an option because from a data analysis perspective, we believe it is not reasonable. As another example, we will not offer an option of different risk ratio thresholds for different racial and ethnic groups because it is unlikely to meet constitutional scrutiny.

Speaking of reasonable, this is one of the factors to consider when setting a risk ratio threshold. “Reasonable” means a sound judgment in light of all of the facts and circumstances that bear upon the choice. When choosing a risk ratio threshold, we may consider our unique characteristics, such as the racial and ethnic composition of the State and LEAs, enrollment demographics, and factors correlated with various disabilities or disability categories. We are not allowed to set risk ratio thresholds for the purpose of identifying no LEAs with disproportionality. (U.S. Office of Special Education Programs, 2017: *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers*)

Another factor to consider is that we may, but are not required to, set different risk ratio thresholds in order to reasonably identify disproportionality for categories with different degrees of incidence rates, and, therefore, different degrees of disparity, such as children identified as having a disability and needing special education, on the one hand, and children placed in a regular classroom less than 40 percent of the day on the other. (See 34 C.F.R. §300.647(b)(1)(ii).) (U.S. Office of Special Education Programs, 2017: *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers*)

Ultimately, we are required to set fourteen risk ratio thresholds, one for each category of analysis. The categories are in your packet.



20 min

So, let's get to it. Please look at Document 1 in your stapled packet.

In this document, we organized information related to setting risk ratio thresholds for special education identification, placement, and discipline.

For these calculations, we used constant cell sizes and three years of data.

Please take a look at the top chart, and let's walk through it together:

- The higher the risk ratio threshold for any category of analysis, the fewer LEAs identified. For example, using a risk ratio threshold of 2.0 would result in 21 LEAs identified with racial disproportionality in special education identification, while a risk ratio threshold of 3.0 would result in two LEAs identified.
- The LEA count under each proposed risk ratio threshold is duplicated within the category of analysis. This means, for example, that the two LEAs identified with racial disproportionality in special education at a risk ratio threshold of 3.0 are also included in the count under 2.5 and 2.0.
- The Total Statewide LEA count across the bottom of the chart is unduplicated. For this row, an LEA identified with racial disproportionality in the categories of EBD, ID, CD, and discipline would only count as ONE LEA for this count.

What other questions do you have about this chart?

Now, let's look at the bottom chart together. Remember, we are prohibited from setting different risk ratio thresholds for different racial/ethnic categories. In other words, we cannot set a risk ratio threshold for Black students in EBD different from a risk ratio threshold for Native students in EBD. We are sharing this chart with you so you can reflect on the policy implications, especially regarding relationships with different communities in the state, of the risk ratio thresholds we are considering.

Now, you are going to review the charts and the reflection questions in small groups, then report out to the large group one highlight/top consideration/top discussion. You'll have ten minutes in your small groups, and then I'll bring us back together.

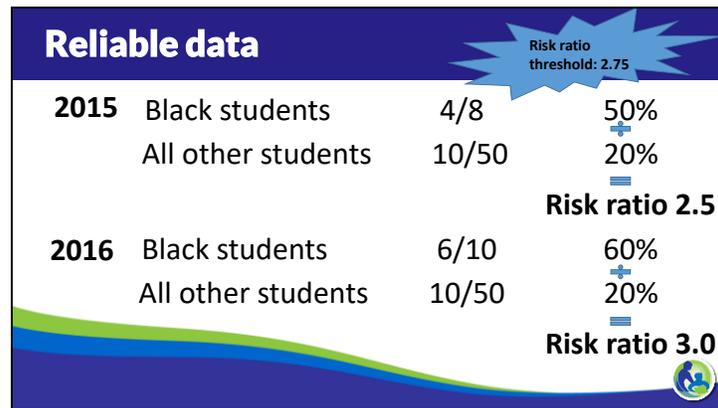
[Wait ten minutes]

Let's hear what you're one highlight/top consideration/top discussion point was. Starting here...

What questions do you have about setting thresholds for risk ratio?

Now, we invite you to give us your input, as a stakeholder, regarding the risk ratio threshold(s) you would prefer and your rationale. Please go to the Google form – the URL is on the screen and hyperlinked in the powerpoint shared with you – and complete sections 1 and 2. If the Google form format creates a barrier for your participation, then please use the handout in your packet. We'll come back together in five minutes.

[Wait five minutes]

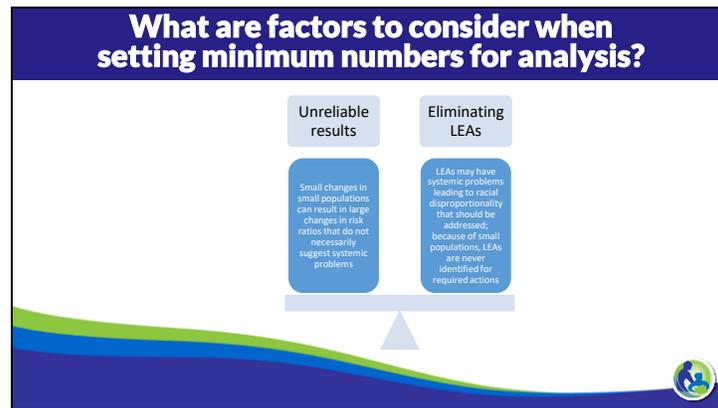


5 min

Risk ratios can produce unreliable or volatile numbers when applied to small populations - an LEA with only small numbers of children in a given racial or ethnic group or with low incidences of certain disabilities or placements, for example. That is, small changes in small populations can result in large changes in risk ratios that do not necessarily suggest systemic problems giving rise to significant disproportionality. Using minimum sample and population sizes reduces the possibility of LEAs being inappropriately identified with significant disproportionality.

For example, assume a State has set a risk ratio threshold of 2.75 for children identified as children with disabilities. In 2015, in a rural LEA, four of eight African-American children have been identified as children with disabilities, and 10 of the 50 children of all other racial or ethnic groups have been so identified. The risk for African-American children being identified as children with disabilities is 4/8 or 50 percent. The risk for children of all other racial and ethnic groups is 10/50 or 20 percent. The risk ratio, then, for African-American children identified as children with disabilities is 50/20 or 2.5.

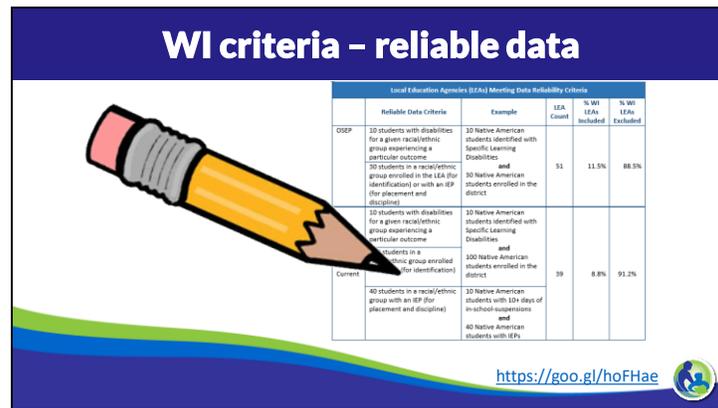
In 2016, two African-American children with disabilities moved into the LEA. That changed the risk for African-American children from 4/8 to 6/10 or 60 percent and changed the risk ratio from 50/20 to 60/20, from 2.5 to 3.0. In 2016, then, the LEA would be determined to have significant disproportionality for African-American children identified as children with disabilities, but the only change in the LEA from one year to the next was the addition of two children.



2 min

Disproportionality measures can be unreliable if the number of children included in the analysis is small. Unreliable analyses caused by small numbers in the numerator or denominator may result in districts being inappropriately identified with disproportionality. The most common method states use to address this problem is to identify a minimum number of children to be included in the analysis.

When deciding to implement minimum numbers, it is important for states to realize that there is no perfect value; any minimum number has trade-offs and limitations. On one hand, small values may produce unreliable results. On the other hand, if the state adopts a large value, many districts may be completely eliminated from the analysis, leaving no objective way to identify disproportionality in these districts. States need to balance the possibility of inappropriately identifying districts because of small populations against the possibility of eliminating so many districts that a meaningful examination of disproportionality within a state is not possible. (IDEA Data Center, 2014: *Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide (Revised)*)



15 min

So, let's get to it. Please look at Document 2 in your handout.

In this document, we organized information related to ensuring reliable data for identifying racial disproportionality in special education identification, placement, and discipline.

Please take a look at the chart, and let's walk through it together:

Start with the top row, in which we use the cell sizes that the Office of Special Education Programs presumes to be reasonable for States, 10 in the numerator and 30 in the denominator. If we used those values, 51 (or 11.5%) of our LEAs have enough students in the numerator and denominator to have reliable enough data to also apply the risk ratio analysis. In other words, 88.5% of LEAs would be excluded if we set our criteria for reliable data with 10 in the numerator and 30 in the denominator.

As you can see in this row, ensuring reliable data in states like Wisconsin has a significant consequence...the exclusion of many of our local education agencies, which are public school districts or charter schools. This is because we have many small school districts – 440+ in Wisconsin compared to states like Nevada with eighteen school districts or Florida with sixty-seven school districts – and our school districts tend to be racially homogenous.

In the bottom row is our current criteria related to reliable data. 39 of our approximately 440 LEAs meet our current numerator of 10 and denominator of 100 for identification and 40 for placement and discipline. In other words, 91.2% of our LEAs are excluded from being identified because they do not have enough students in the numerator or denominator.

The Office for Special Education Programs allows States to set reliable data criteria *higher than 10/30*, but requires a rationale. The ultimate question for you today is whether we should set our reliable criteria consistent with 10/30 or continue with our current criteria.

What other questions do you have about this chart?

Now, you are going to review the chart and the reflection questions in small groups, then report out to the large group one highlight/top consideration/top discussion. You'll have ten minutes in your small groups, and then I'll bring us back together.

[Wait ten minutes]

Let's hear what you're one highlight/top consideration/top discussion point was. Starting here...

What questions do you have about setting criteria to ensure our identification data is reliable?

Now, we invite you to give us your input, as a stakeholder, regarding reliable data and your rationale. Please go to the Google form – the URL is on the screen and hyperlinked in the powerpoint shared with you – and complete section 3. In the alternative, you can continue using the handout in your packet. We'll come back together in five minutes.

[Wait five minutes]



5 min

Okay, we're almost there. We've covered risk ratio thresholds and reliable data criteria. We have one more aspect of our criteria to discuss.

In some cases, states are not required to identify an LEA with disproportionality, if the LEA has exceeded the risk ratio threshold but has demonstrated reasonable progress, as determined by the State, in lowering the risk ratio for the group and category of analysis in each of the two prior consecutive years. This flexibility exists so that States need not interrupt successful efforts in meaningfully reducing disproportionality.

[Use whiteboard for example]

As an example, a State is making a determination of significant disproportionality in school year (SY) 2018-19 and has set a risk ratio threshold of 3.0 for identification. The State has a number of small LEAs, and, over the last three years, two adjacent LEAs have the following risk ratios for Hispanic children identified as children with disabilities: School Year 2015-16 2016-17 2017-18 LEA 1 2.7 3.3 2.6 LEA 2 3.1 3.3 3.3 Without the "multi-year" flexibility, the State would have identified LEA 1 with significant disproportionality in SY 2017-18, because the risk ratio for Hispanic children identified as children with disabilities in SY 2016-17 was above 3.0. The State, however, chose to use this flexibility and require that LEAs exceed the risk ratio threshold for three consecutive years before the LEA is identified with significant disproportionality. Therefore, the State would not have identified LEA 1 with significant disproportionality for Hispanic children identified as children with disabilities in SY 2018-19, because the risk ratios for SYs 2015-16 and 2017-18 were below 3.0. But the State would have identified LEA 2 with significant disproportionality in SY 2018-19 because the risk ratios for the three prior consecutive years were all above 3.0.



3 min

What factors must a state consider when setting reasonable progress standards?

The “multi-year” flexibility must be applied separately to each of the 98 risk ratios calculated. The flexibility must be applied separately to the analysis for Hispanic students identified with other health impairments, African-American students with disabilities placed in regular classrooms less than 40 percent of the day, etc. (U.S. Office of Special Education Programs, 2017: *Significant Disproportionality (Equity in IDEA): Essential Questions and Answers*) In other words, to benefit from the reasonable progress standards, an LEA must show reasonable progress in all areas of identification. Even if an LEA benefits from the “reasonable progress” standard one year, it may not meet the standard the next year and be identified again. A result of adopting this standard could be bouncing “on” and “off” identification.

A second consideration is that the reasonable progress standard must represent a meaningful benefit to children in the LEA and is not the result of statistical noise or chance. In it’s guidance, the U.S. Department of Education used an example of a reasonable progress standard defined as a “decrease in a risk ratio of 0.25 or more for each of the two prior consecutive years.” In another example, the U.S. Department of Education used an example of a reasonable progress standard defined as a “decrease in a risk ratio of 0.5 or more for each of the two prior consecutive years.” We can assume, because the federal government used these as examples, that these two standards represent a meaningful benefit to the children in the LEA.

Threshold 2.0% & Reasonable Progress Standard .25%								
LEA	Category	Race/ Ethnicity	2014-15 risk ratio	2015-16 risk ratio	2016-17 risk ratio	2017-18 risk ratio	RPS met 2016-17?	RPS met 2017-18?
Oak	EBD	Black	5.0%	4.5%	4.0%	3.5%	Y	Y
Elm	Special Education	Hispanic	2.0%	3.0%	2.9%	2.5%	N	N
Maple	Special Education	Two or More	5.0%	4.5%	4.0%	3.5%	Y	Y
	EBD	Black	4.4%	4.1%	3.8%	3.5%	Y	Y
	Discipline	Asian	4.3%	4.0%	3.5%	3.4%	Y	N
Pine	Discipline	Hispanic	2.6%	2.2%	2.0%	1.8%	N	N/A

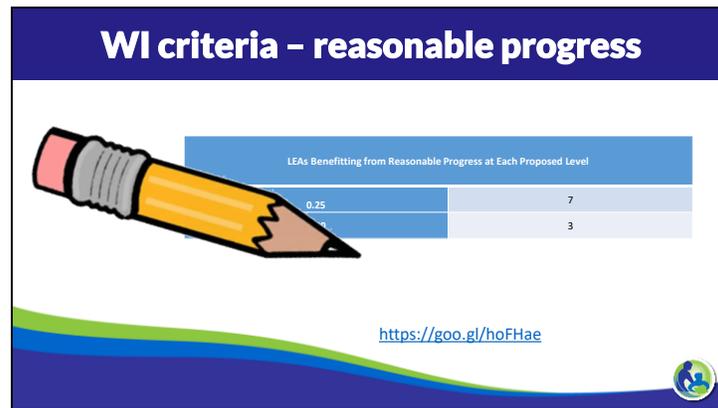
Let’s look at some scenarios for four hypothetical LEAs in a state with a risk ratio threshold set at 2.0% and a Reasonable Progress Standard (RPS) set at 0.25%.

Oak’s risk ratio has been above the threshold of 2.0% for three years, so they would normally be on a list of LEAs identified for racial disproportionality. However, because they have consistently reduced their risk ratio by .25% or more each year in their area of disproportionality, they would meet the reasonable progress standard and avoid being placed on this list.

Elm did not meet the .25% reasonable progress standard in 2016-17 because its risk ratio did not reduce for 3 consecutive years. In 2017-18, it did not meet the standard because while it did reduce its risk ratio all 3 years, these reductions were not .25% or more for 3 consecutive years.

Maple has been consistently reducing their risk ratios across all their areas of identification. In 2016-17, Maple would meet a reasonable progress standard at .25% because all areas reduced by .25% of greater for 3 consecutive years. This means they would not be on the list of LEAs identified for racial disproportionality in 2016-17. However, in 2017-18, they would be back on the list. Though all their risk ratios were still reducing, the risk ratio for Discipline among Asian students did not reduce enough in 2017-18 to meet the reasonable progress standard of at least a .25% reduction across 3 consecutive years. Because one category did not make enough progress, Maple would be identified on the list again.

Pine did not meet the reasonable progress standard in 2016-17 because it did not consistently reduce its risk ratio by .25% or more for 3 consecutive years. In 2017-18, its risk ratio dropped below the threshold of 2.0%. Because its risk ratio was no longer above the threshold for 3 consecutive years, it no longer qualified as racially disproportionate and was automatically removed from the list of identified LEAs.



15 min

So, let's get to it. Please look at Document 3 in your stapled handout.

In this document, we organized information related to setting a “reasonable progress” standard for our criteria in identifying racial disproportionality in special education identification, placement, and discipline.

Please take a look at the chart, and let's walk through it together:

- If we adopted a reasonable progress standard in line with the examples in USDOE guidance, then 3 or 7 LEAs would not be identified

What other questions do you have about this chart?

Now, you are going to review the chart and the reflection questions in small groups, then report out to the large group one highlight/top consideration/top discussion. You'll have ten minutes in your small groups, and then I'll bring us back together.

[Wait ten minutes]

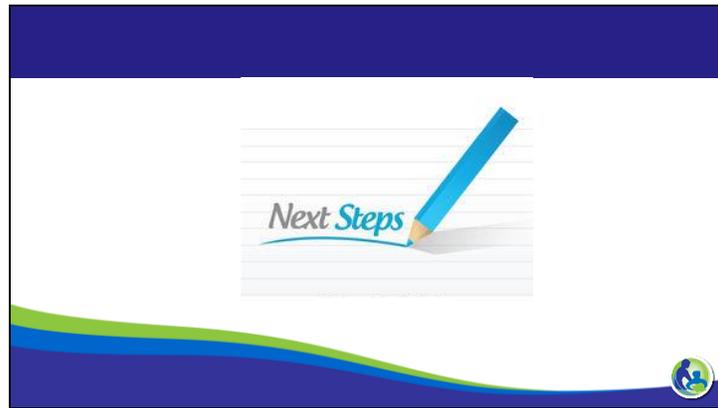
Let's hear what you're one highlight/top consideration/top discussion point was. Starting here...

What questions do you have about setting reasonable progress standards as part of our criteria for identifying LEAs with racial disproportionality in special education identification, discipline, and placement?

Now, we invite you to give us your input, as a stakeholder, regarding the reasonable progress standard you would prefer and your rationale. Please go to the Google form – the URL is on the screen and hyperlinked in the powerpoint shared with you – and complete section 4. In the alternative, you can continue using the handout in your packet. We'll come back together in five minutes.

[Wait five minutes]

Slide 19



2 min

Thank you for your time today. I appreciate your thoughtful dialogue and input, and I look forward to reviewing and sharing with other staff about today's work.

Please consider sharing our request for input with others that you know: in your organization, stakeholders, families, and community organizations. You can send them a link to our webpage, which has brief webinars, data sheets, and a link to the Google form.

Have a great rest of your day.

Appendix E

Data sheets and glossary

Data Sheet

Below is a summary of initial estimates of the number of local education agencies (LEAs) that would be identified under different thresholds of risk ratio in the analysis categories of special education identification, placement, and discipline. These calculations use:

- 10 students with disabilities for a given racial/ethnic group in an LEA experiencing a particular outcome (such as identification as having Autism or an in-school suspension of greater than 10 days),
- 30 students (for placement and discipline, students with disabilities) in an LEA for a racial/ethnic group,
- 3 consecutive years exceeding the risk ratio in the same area of disproportionality for a racial / ethnic group.

Local Education Agencies (LEAs) Exceeding Each Proposed Risk Ratio for Racial Disproportionality by Category*			
Category	2.00	2.50	3.00
Special Education	21	5	2
Emotional Behavioral Disability	16	9	6
Intellectual Disability	8	6	1
Specific Learning Disability	18	7	5
Other Health Impairment	7	2	0
Speech or Language Impairment	2	1	0
Placement	1	0	0
Discipline	14	10	6
Total Statewide LEA Count	51	24	17

- Why might Wisconsin want to set the risk ratio threshold at 2.00? 3.0? In between?
- Wisconsin can set the same risk ratio threshold for all categories of analysis (risk ratio threshold of 2.5 – or any other risk ratio – for Intellectual Disability, Specific Learning Disability, Placement, Discipline, etc.). What would be the benefits to doing this? What would be the drawbacks?
- Wisconsin can set different risk ratio thresholds for different categories of analysis (i.e., risk ratio threshold of 2.0 for OHI and risk ratio threshold of 2.5 for EBD). What would be the benefits to doing this? What would be the drawbacks?

Local Education Agencies (LEAs) Exceeding Each Proposed Risk Ratio for Racial Disproportionality by Race / Ethnicity*			
Category	2.00	2.50	3.00
Black or African American	36	20	15
Hispanic or Latina/o	7	1	0
American Indian or Alaska Native	10	4	2
Bi-/Multi-Racial	7	2	0
Total Statewide LEA Count	51	24	17

- When the risk ratio threshold exceeds 2.5, Wisconsin would not identify any LEA with disproportionality

in special education identification, placement, or discipline for the following racial/ethnic categories: Hispanic or Latina/o and Bi-/Multi-Racial. What do you think about this?

- What else do you notice when you look at the data by race/ethnicity?

* Source: Child Count. Data on Identification (in Special Education or for Specific Disabilities) and Placement is from 2014-2016; data on Discipline is from 2013-2015.

Data Reliability

Of the 444 WI local education agencies (LEAs), few meet criteria for reliable data because of small student numbers:

Local Education Agencies (LEAs) Meeting Data Reliability Criteria					
	Reliable Data Criteria	Example	LEA Count	% WI LEAs Included	% WI LEAs Excluded
OSEP	10 students with disabilities for a given racial/ethnic group experiencing a particular outcome	10 Native American students identified with Specific Learning Disabilities	51	11.5%	88.5%
	30 students in a racial/ethnic group enrolled in the LEA (for identification) or with an IEP (for placement and discipline)	and 30 Native American students enrolled in the district			
Current	10 students with disabilities for a given racial/ethnic group experiencing a particular outcome	10 Native American students identified with Specific Learning Disabilities	39	8.8%	91.2%
	100 students in a racial/ethnic group enrolled in the LEA (for identification)	and 100 Native American students enrolled in the district			
	40 students in a racial/ethnic group with an IEP (for placement and discipline)	and 10 Native American students with 10+ days of in-school-suspensions and 40 Native American students with IEPs			

- Why might Wisconsin want to adopt the data reliability criteria that the U.S. Department of Education, Office of Special Education Programs, considers reasonable?
- Why might Wisconsin want to continue with our current criteria for data reliability?
- Given the volatility of results based on small student numbers, how might Wisconsin address race-based patterns in special education for local education agencies (LEAs) with small populations of students?

Reasonable Progress

States have the flexibility to not identify local education agencies (LEAs) if they are demonstrating “reasonable progress” in lowering the applicable risk ratios in each of the two prior consecutive years by a certain amount. Below is a summary of initial estimates of the number of school districts that would benefit (not be identified) under a reasonable progress levels of 0.25 and 0.50.

Local Education Agencies (LEAs) Benefitting from Reasonable Progress at Each Proposed Level (Risk ratio threshold of 2.0)	
0.25	7
0.50	3

- When LEAs met the reasonable progress standard for all areas of identification, they are not subject to the required actions for identified LEAs (i.e., needs assessment and improvement plan, compliance review, reservation of 15% IDEA funds). What might the benefits be to adopting a reasonable progress standard? What might the drawbacks be?
- Adopting a “reasonable progress” definition could result in LEAs “bouncing” in and out of identification status as LEAs with racial disproportionality in special education identification, placement, and discipline. How might this information affect your decision regarding whether Wisconsin adopts a reasonable progress standard?

Glossary



WISCONSIN DEPARTMENT OF
PUBLIC INSTRUCTION

GLOSSARY OF TERMS¹

Alternate Risk Ratio means a calculation performed by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that outcome for children in all other racial or ethnic groups in the State.

Comparison Group consists of the children in all other racial or ethnic groups within an LEA or within the State, when reviewing a particular racial or ethnic group within an LEA for significant disproportionality.

Minimum Cell Size means the minimum number of children experiencing a particular outcome, to be used as the numerator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

Minimum N-Size means the minimum number of children enrolled in an LEA with respect to identification, and the minimum number of children with disabilities enrolled in an LEA with respect to placement and discipline, to be used as the denominator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

Risk means the likelihood of a particular outcome (identification, placement, or disciplinary removal) for a specified racial or ethnic group (or groups), calculated by dividing the number of children from a specified racial or ethnic group (or groups) experiencing that outcome by the total number of children from that racial or ethnic group (or groups) enrolled in the LEA.

Risk Ratio means a calculation performed by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk for children in all other racial and ethnic groups within the LEA.

Risk Ratio Threshold means a threshold, determined by the State, over which disproportionality based on race or ethnicity is significant under 34 C.F.R. §§300.646(a) and (b).

¹ Significant Disproportionality (Equity In Idea) - Essential Questions and Answers (March, 2017). Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education.

Appendix F

Full Stakeholder Input Survey Comments

Respondents of the stakeholder input survey were asked to explain some of their answers or give general comments. The tables below include all of the respondents' comments divided by question.

Q: Yes or no, please explain: I believe the Wisconsin Department of Public Instruction should use the same risk ratio threshold for all categories of analysis (a risk ratio of 2.5, for example, would be used as the trigger for required action in special education identification, specific disability category areas, placement, and discipline):

I believe that use of differing numbers would create confusion among stakeholders that aren't familiar with special education identification criteria and may require a lot of technical assistance for districts to both receive and provide.
Sp. ed. identification for EBD for example, may not be equitable due to specific to a culture/community issues that exist. Not that this isn't important to address. Let's start smaller.
It depends on factors like district size and total number of students. Also I think that 2.0 is significant and should be eventually used, but in starting this with districts it might be important to start with a smaller number of districts in the first few year.
Consistency
I would use the same standard across the board for simplicity and because it reflects values about opportunity.
I am not sure placement is an appropriate identifier and I think a better trigger would be Districts that fall into multiple categories.
I think more emphasis needs to be placed (lower risk ratio threshold) to EBD, Placement, and Discipline
I think that a unified risk ratio threshold is beneficial because as it relates to equity can help those who are assessing to identify patterns if any of racial groups. This can assist in going more in depth about the institutionalization of racism in systems and hopefully provide some insight and solutions on how to dismantle operation of the system that currently is negatively impacting students specifically those identified as disabled.
I think each category's risk ratio should be determined differently based on the level of racial disproportionately seen within that category. Risk should also not just be judged based on the student hitting certain levels of risk of markers, but judged from a standpoint of cultural, socio-economic, etc relevance (i.e for Native American students include Title VII professionals in assessment).
The funds should follow a higher risk ratio.
If we are going to punish by funding, then it should be higher (or a worse percentage) that the school is disproportional.
I actually think the risk ratio should be 1.5 as it is appalling to me that we are not able to meet the needs of non-white students.
The threshold for all race/ethnic groups should be the same. If there is a set threshold that is being used, it should be used for all. You do not want to duplicate the information, but you want to show the appropriate numbers for students of color.
Before an entity should encumber funds, there should be a significant disproportionality.
There are some districts where there is a small number of African-American and Latino students who are disproportionately placed in Special Ed, but the district may never reach the threshold level.
The 15% penalty should only happen at the higher risk ratio where it is much more evident
The 15% penalty should only happen at the higher risk ratio
The 15% penalty should be at a higher risk ratio where it is much more evident.
15% penalty should incur only after higher risk ratio is more evident
The 15% should only happened at the higher risk ratio where its is much more evident.
The first penalty should only happen at the higher risk ratio where it is much more evident
The 15% penalty should have a higher risk ratio
We suggest mirroring the ESSA and identifying school districts at the same percentage levels of the lowest 5% and 10% similar tot he ESSA plan.
Why would you use different ones?

Keeping it consistent helps provide a consistency threshold across all categories.
I believe that there should be a 'community served' element, which would allow for consideration of the service/attendance area to be an aspect of the determination of % for disproportionality. A weighted approach when considering the number of transient students who are present due to Trauma based factors could become a mitigating factor.
I'm not aware of any identifier that would be "less problematic" so it would make sense to keep this consistent.
If we truly want to change the outcomes for marginalized groups, our policies need to reflect that
I believe that every school sometime faces increases in racial/ethnic groups from year to year. You cannot hold one or two groups accountable as each student deals with different situations, such as Historical Trauma. You need to have a flat line to cover everyone instead of singling out certain groups.
I am unsure if this should be different for total special education identification. I feel 2.0 should be for all, except special ed which would be 2.5
Disproportionality in any category should be an area of concern and should be investigated.
Analyze people, policies, practices Questions: What is it about our people, practices and practices that is resulting in these inequities? Who is making decisions about the data? Policies – Who is creating the policies (all white men? middle class only?) What do the policies look like (difficult to read, huge book) We need to understand peoples' lived experiences with the policies Ask students/staff/parents questions about the policies Are they aware of what the policies are? Are there misunderstandings about that? Do teachers understand the policies and implementations of them? Practices – What are the professional learning structures in a district (are they authentic, do they allow people to problem solve around issues they are having?)
Needs in each area may be different and may require different amounts of resources
It would be helpful to be consistent.
I see a lot of ELL kids put into special education and it appears that some of their issues may be more language related than actual disability. Some smaller schools use special ed to address the language issues because they do not have a functional ELL program and this is a way to give kids extra support.
I think it needs to be the same in order to get districts to begin taking serious action.
I am not quite clear on the use and definition of risk ratio in this situation.
I think EBD should have it's own risk ratio and be more stringent than other categories.
Consistency is good.
I chose yes because all LEAs identified as having disproportionality should plan to address that disproportionality as soon and as fully as possible.
The same risk ratios allow for more meaningful comparisons between measures. In addition, just as it is unethical/illegal to have different risk ratios for different ethnic groups, it could also be questionable to assign different risk ratios for different outcomes.
I believe that the same risk ratio should be used regardless of disability area.
For continuity purposes. Additionally, why should we "allow" possible over representation in certain areas and not others?
For ease of data collection and uniformity
We should not be using superlatives of all, this should be a case by case basis. However we need a threshold that starts the trigger.
I believe that they should be the same.
In discipline and placement categories, a RR more stringent than other categories would better serve an equity agenda.

Q: Other comments related to risk ratio threshold(s):

I hope that districts will be given a lot of training and support in how to work with these subgroups.
My overall feedback is that by the time students are identified under IDEA, it is often too late. I realize the risk ratio is a result of a federal requirement, however my perspective is that by using a technical formula as the approach to disproportionality, a technical solution is often the result. Unfortunately, these efforts do not address the root cause of disproportionality. I would recommend efforts to reduce inequities in special education start in the core educational environment with an effort toward adaptive solutions (i.e. how we think about students and differences and what we as educators can change to prevent inequities).
Families need to have a good home life to show their children or child how behave . If a child live without a mother or a father that will hurt the child .
I think that supporting 51 school districts would be appropriate. Maybe starting by lowest 5% for the larger support and the second 5% up to 10% with a needs assessment and improvement plan.
I am concerned about the impact on small school districts if they had to use 15% of funds toward this because they are small and may not have many students of color. I am also concerned about schools not referring kids with real needs for fear of repercussions from having a high ratio. I think the 15% of funds is too much, especially for small districts.
Risk ratios seem as though an amount of disproportionality is acceptable in a district. In reality, it should be determined by looking at the percentage of the population within that district of each racial background. For example, if 5% of a district is African-American, then no more than 5% of the discipline referrals or no more than 5% of all students in SPED should be African-American. If a risk ratio of 2.0 is acceptable, then that tells the public that it is acceptable if students of color are twice as likely to be placed in SPED or given discipline referrals.
SLD is increasing for Hispanic students because we use a remediation model instead of being proactive and pre-teaching the academic language that students need in order to be successful. I think districts are just not choosing to identify African-American students because of the disproportionality issues, but we have an issue with racism that is not being addressed to a degree that shows success.
I do not think requiring districts to do a needs assessment, create a plan, or reserve money if they have a high risk ratio are effective. Outcomes for students have not changed because of this, so I don't think it is necessary to do all of this work when it doesn't change things. I also think that you need to look at districts who have smaller sizes than 100 because this still can be an area of concern. I think a different criteria and plan needs to be put in place. I think our hearts are in the right place, but it is not changing things. It is just extra work at this point.
Very small schools should be considered carefully as a year with one or two students identified can significantly skew data. In the case of very small schools, an average over time (such as 5 years) should be used to determine disproportionality.
I think the ration should based on the percentage of minorities in the district and those who are special ed. There should be a threshold rate based on the total student body, the percentage of minorities and minorities in special ed.
What we are find is that intervention leading to placement is lacking differentiation in the core which is leading to a greater disproportionality of EL students placed into intervention, without consideration of linguistic and cultural indicators. By keeping the risk ration threshold lower, we are sending a message of the importance of meeting students needs (linguistic and/or academic) in all instructional environments
I do not think we should be using this just because the federal government informed us to use it. It appears to be a great tool that should shed some light onto how race and special education is looked at in specific LEAs
I am fine with the risk ratio threshold. But I think we should only have to calculate the students that we identify in an initial evaluation. Many times, our students that transfer into the district are already identified and at that point, we feel like it is difficult to follow the process and them possibly recommend dismissal or convince parents that we want to re-evaluate the students ourselves.

After completing a detailed file review and disproportionality assessment there should be no 15% requirement if all eligibility determinations are appropriate
After analysis of disproportionality and all eligibility determinations are appropriate, no penalty should be assigned
If a self assessment has been completed and the outcome is that all students are appropriately placed there should not be a penalty.
When detailed examination of cause to disproportionality is found to be founded - 15% penalty and detailed examination should not occur for 3 more years.
After completing a detailed file review and disproportionality assessment there should be some leeway.
After completing a deep file review and needs assessment, if all placements are appropriate then there should be no penalty percentage.
After deciding that a student's placement is appropriate, those student's should not be counted in future data pulls.
Cell Size should be a factor that is considered
We often start with a dominant narrative and then work to confirm or disconfirm what we know already What don't we know? Example 1: Which subgroups do we need more information about? Our scores say that our Asian population has high achievement scores on average, but are there groups of students within that are struggling? To do this, we need to disaggregate data. Expand types and units of analysis We tend to ONLY analyze students (student outcomes – ODR's, suspensions, attendance, achievement scores, sp. ed. rates) What about data from parents, community, students? (we have BoQ, SIR and Climate data from formal surveys, but no informal data) Need to use both qualitative and quantitative data Example: One school has a higher mean score than the other, but it also has a much larger range of scores, which tells there may be more issues with equity at that school (high mean score in itself is not necessarily better) Ask questions about outliers and who these kids are (if a majority of these are students of a particular group, then we need to look at this further)
I feel the risk ratio should be set to 1.5 or 2.0.
It is a challenge for districts that are very mobile that we are often help accountable for students who were identified by other districts and not identified by us. If we believe the student was incorrectly identified then we attempt to do a reeval as quickly as possible, but the parent often refuses to consent as they do not want to give up the services in place. It would be helpful if in the new data collection systems, districts could be held accountable for the students they refer verses the ones identified by others.
Perhaps you should also look at Econ. Status, race/ethnicity and ELL status (Lau level) as well.
Continue with the statewide trainings and share "success models" or Districts who have experienced success in changing perceptions and behavior.
Identifying LEAs at a lower risk ratio compels them to address problems while they might be more manageable. Assuming the repercussions of being identified are that positive action is taken, then identifying LEAs at a lower risk ratio is more proactive.
In addition to analyzing risk of a specific racial groups, there should also be an analysis across all non-majority groups as compared to the dominant racial group.
These are not acceptable risk ratio thresholds -- they should be 1:1.
Because our Native population both in LEA's and the state is low, it will be difficult to assess no matter what methods or thresholds are implemented

Q: Do you recommend Wisconsin continue with its current criteria for reliable data? If yes, please explain why:

I really pick moving to a smaller cell size, however perhaps a sliding or graduated approach that does consider small communities and the unique issues that may exist.
I think there should be some type of sliding scale, that identifies under criteria of the current standards, but identifies and puts on watch districts under the OSEP standards.
I'm so scared if we change to United States Ed, it won't work in Wisconsin because we have so many different school districts
I recommend whichever criteria produces the most reliable data.
Small districts can not be given a "free pass" to be disproportional just because they are small.
I do not agree
I am not sure.
I do not fully understand the USDE/OSEP guidelines on "reliable data"
Many times, State data tracking is not up to date on best practices. Adopting some, a majority, but not all, criteria by the US Department of Education may prevent this
Reliable data means real numbers
Don't set minimum sample and population sizes.
Seems fair and consistent.
To be honest, I would trust the regulations set by the state of Wisconsin over the Federal Regulations because Wisconsin has consistently shown to be a leader in the nation in education and I know that the program Wisconsin has in place, when explained to the LEA and school districts, is a good system to keep using.
I am not sure that the US criteria would be appropriate either. As an educator that works with American Indian students in a rural setting I have been frustrated at the lack of attention that our consistently disproportionate number of students receiving special education services has gotten. Our district, like many other rural districts that serve American Indian populations, has such small numbers that we will never be able to break that threshold that will identify us as having an issue to work on. I STRONGLY urge the WI DPI to lower the minimum sample size so that small schools can be identified as disproportionate and start the work to rectify the situation.
Keep criteria local, personal and immediate: Make sure people feel empowered and believe they can contribute something, and that we all want to hear what everyone has to say Example: Send an invite and let people know the topic and that you are interested in their perceptions and perspectives Example: Have one on one conversations with others from different groups ahead of time - here are the issues we are struggling with, what do you think about...?
Wisconsin has done a good job of assuring accuracy in it's approach for reliable data
The State would be better able to identify the unique make up of each district and use that as a part of their evaluation/calculation.
I think the current criteria is appropriate for our "racially homogenous" districts
Set the bar at the lowest possible threshold to identify the problem sooner than later
Adopt US OSEP criteria in order to include more LEAs in analysis.
Given Wisconsin's small school districts and their general racial homogeneity, too many school districts are being excluded from being identified because they do not have enough students in the numerator or denominator, as demonstrated by the slide on page 14 of the input session document.
These data are not reliable. They do not address systemic issues and causes. The equation is flawed, simplistic, and discriminatory.
This will allow the school district more flexibility to work with the Department of Public Instruction on a corrective action plan.
We need to focus on our geographic area however we need to do a better
It is working.

Q: Should the Wisconsin Department of Public Instruction adopt a reasonable progress standard as part of its criteria for determining disproportionality in special education identification, placement, and discipline? Please explain:

It just makes sense.
The numbers vary too much to make this very reliable
it just makes sense
I would choose the .25 improvement in progress.
Recognizes those LEAs making progress toward the standard.
Just like school report cards, proficiency and progress are both meaningful.
Often the types of philosophical changes truly need to address inequities take time to see the result of.
It must be understood that the change will be slow and measured over times.
There is a fear that school districts may start to remove students with a true need just to meet the reasonable progress standard.
By adopting a reasonable progress standard it gives support to those districts that are moving in the right direction and could be a motivator in helping said district to reach the goal of eliminating disproportionality.
It needs to be noticed that in this most fair pf an unfair process, due to the difference between the size of districts in our state, that when they are making progress it is significant.
As the district progresses, there may still be a significant impact and the current students and the support should be ongoing until the district no longer struggles with disproportionality.
Yes, only if by "reasonable progress" that refers to progress amongst all students, not just white, i.e. the eliminated districts show minimal racial disproportionality.
It would be an accountability measure.
We all need to be working to get better.
A reasonable progress standard makes sense if looking at longitudinal data to eliminate small fluctuations year to year due to small enrollment in certain populations. It needs to be viewed through the lens of equity and decreasing the gap over time.
I believe that identified districts could show progress in order to not be identified.
If a district has found an effective way to reduce disproportionality in special education identification, placement, and/or discipline, they should be able to focus their resources on sustaining their effective work.
I guess, yes. That being said, I think the entire way we do it is flawed. Has anything changed since we require states to do this. We should look at the root cause of over identification. Is it because we do not have assessment tools or guidance from the state for English learners and learning disability? Is it because we don't have great ways to assess students who are black for EBD? Is it because we don't have accurate assessment tools or because we don't have accurate ways to identify these students with exclusionary protocols. We need to focus more on the why is this happening? Then provide professional development to these districts in a way that works for them and free or charge. We should not require people to do an assessment and create a plan...it is just busy work and not changing things (is my guess anyway).
Our focus should be on continuous improvement. Identifying LEAs who are making progress could have negative consequences for the district/its reputation.
Accountability. Having a progress standard will hold the state and local districts accountable.
This could off set the issue of the smaller districts getting identified when there is no actual systemic issue.
Allows for growth towards target
What is reasonable? I think the state should have something that all LEAs are meeting so that they know that they are actually meeting that "reasonable progress." What is reasonable to one may not be reasonable to the other.
Attainment of the goal is obviously the first and most important measure; however growth data within all of our greatest areas of need tells a story that should not be left out of the equation.
Acknowledges that systemic change is a significant effort and encourages progress.

I believe that districts that create plans may take 2-3 years to see significant results. It helps districts if DPI could establish what reasonable progress so that districts that traditionally have been identified are not identified while they are making reasonable progress.
I think growth and improved trend lines should be recognized.
This looks at growth and improvement in the considerations. The progress could be tied to the 15% requirement being waived.
If progress is being made, maybe the 15% requirement isn't necessary
There should be a look at the growth and improvement. The progress could be tied to the 15% requirement.
Recognizes that improvements are occurring or identifies when changes need to occur
If you are making progress then should not be penalized. The progress could be tied to the 15% requirement.
This looks at growth and improvement in the considerations. The progress could be ties to the 15% requirement being waived
It is motivating and recognizes that change is a process that takes multiple years.
Too many District may have to set aside the 15% set aside for the IDEA funds. If Districts are making efforts to reduce the disproportionality and can show progress than they should not be required to tie up funding that can have greater impacts in other areas for students.
This will allow DPI to account for different situations such as a small sample size.
Too artificial
Again, this provide a consistent measure across the state and country.
This continues to be a struggle and we are working diligently to ensure appropriate placement. It becomes an issue with our students who transfer into our district with services already provided.
Once a district is identified, it will take time for the numbers to be impacted, so this measurement should be based on their progress towards that change, rather than the years it may take for the numbers to reflect equity.
Growth model in a trauma informed system has to accept the understandings that come with trauma. Until the Judicial system and the juvenile placement systems can address the needs that match the numbers, small steps and reasonable expectations need to be developed.
Needed so districts can assess progress in a common way
I believe that once the district is told they no longer have to be expected to have a plan they will digress. I think each LEA needs to decrease the dispro to a level of expectation set by the state and and then maintain that level for 2-3 years to demonstrate the efforts are embedded in their practice and sustainable over time.
To date, I don't believe we have enough districts that have made meaningful and significant progress in closing some of these gaps and a reasonable progress measure might be too preliminary. At this point, it would be great to see districts get below the threshold and stay there. Also, the requirements (CEIS and needs assessment), aren't so restrictive that the work of the district couldn't continue. I would think these would be helpful supports.
Populations change and progress is hard to track when you might not have the same students year to year.
I believe schools should be able to show progress, but I am worried that not having the identification will open the door to complacency and checking it off.
Last year we were recognized as being high in disproportionality in Special Education, even though our school district is 99% Native American. It was explained to me that we had too many students in pullout and not in inclusion. We have made significant changes to the way we are teaching our special education students and I think DPI would see progress in our work.
Reasonable progress is very vague and with smaller districts these numbers will fluctuate often.
It is the moment of necessary and "reasonable progress" should mean NOW. Celebrate success and Interrupt what is not effective.
I believe we should follow what the majority of states are to keep the standards consistent.
If oversight has been demonstrated and progress towards lowering the risk ratio a LEA should be able to develop a plan to continue with the work.
This would allow schools to make attainable goals and follow through

We use progress monitoring in all areas. This should be no different
It appears from the presentation that WI LEAs have been favorably progressing
Some schools may never be able to meet benchmark but if they are making progress, they should be encouraged to keep doing good work
However, I have issues with "progress" . From year to year the population of a subcategory can change, and many of my referrals for spec. ed. are generated by parents, not teaching staff. So no matter how much I support teachers, parents/guardians who feel a special ed. label is appropriate to support their child will make referrals and provide data to support qualification. It seems that parent education is a factor, and then the issue of students transferring in with a label from another district.
By having an reasonable progress standard, school districts will be able to self-monitor themselves as well.
Important to watch for progress
If the state feels the district is implementing with positive intent, showing better data, and also engaged in changing their behavior/climate.....it should be taken into consideration.
This allows us t make data driven decisions that can inform us about needed supports(zones of proximal development)
While reasonable progress is very good, schools that demonstrate disproportionality need to continue planning and devoting resources until they no longer meet the criteria, not just until they are "not as bad."
This answer is Yes - with safeguards. A reasonable progress standard would allow Wisconsin to demonstrate progress by raising the rate for the comparison group. Safeguards must be in place to ensure that the risk ratio is reduced only by reducing the risk for the minority group in question, not by increasing it for the comparison group.
<p>According to the Leadership Conference on Civil Rights (letter dated May 16, 2016), “Risk ratios are wholly inappropriate measures of progress whenever the concern is that the underlying risk levels of segregation or disciplinary exclusion are unacceptably high. This is especially the case for racial/ethnic groups in a district. Increasing the risk level for restrictive placement or discipline for the comparison groups, which would reduce the risk ratio but not the overall exclusion of students from the classroom, should never be considered progress. One pre-requisite for progress must be that the group with the highest risk level must see a reduction in its risk level before any reduced ratio could be considered progress.</p> <p>“For example, if 60 percent of Black students and 20 percent of all non-Black students with disabilities were suspended for less than 10 days in year one, and that changed to 60 percent and 30 percent in the next year, the risk ratio would decline from 3.0 in year one to 2.0 in year two with absolutely no improvement to the high exclusion rates experienced by the disproportionately disciplined Black students. Therefore, while we support the concept of crediting districts for progress, it is only appropriate if the Department specifically requires that progress entail a decrease in the risk of the highest group. Similarly, progress should never be credited against an otherwise disproportionate district if progress is based on an increase in risk to the comparison group. Our recommendation of a reduction requirement, however, does not mitigate the very serious problem that real progress can be overlooked if ratios are still used as the primary measure of progress. For example, if the suspension rates changed from 60/20 in year one (ratio of 3.0) to 10/2 (ratio of 5.0) the second year, Black students would have experienced a 50 point reduction in their discipline risk, and all others an 18 point reduction. Given the harms from disciplinary exclusion, most would agree that progress was made for all students. The reduction for Black students in this example would have been over 3 times that of the ‘all other’ group. In this example the risk difference (racial gap) would have narrowed from a 40 point gap to an 8 point gap. However, the risk ratio for Black students in this example rose from 3.0 to 5.0. The district dramatically reduced the suspension rate of the highest suspended group, and narrowed the racial difference, but it should not be credited with making any progress given the strong negative effect on Black students.</p> <p>“This problem of progress using ratios applies equally to reducing disproportionality in restrictiveness of placement. Regarding disproportionality in identification, using risk ratios to measure progress is similarly</p>

<p>flawed assuming our recommendations to use national comparisons have ensured that the disproportionately identified group is well above the national average. Because changes to the size of risk ratios can be driven entirely by changes in risk levels of the comparison group, ratios are poor measures of progress for the over-represented group. Thus, if states are permitted to give credit to districts for making progress, reductions to the highest group and a narrowing of the risk difference should be the required elements.”</p>
<p>I think that LEAs should continue to be identified even if they are showing reasonable progress.</p>
<p>Of course, there should be a reasonable progress standard. But determining "progress" by relying on a single ratio is problematic.</p>
<p>Progress in these areas often take time and larger systemic changes.</p>
<p>There should always be criteria to measure progress....progress is a grey area, so standards could help describe the progress being made.</p>
<p>It will allow the state to examine more closely whether the interventions LEA's used helped reduce risk of disproportionality for replication for other LEA's and determine whether utilizing IDEA Part B funds benefitted the goal of reducing disproportionate rates (cost/benefit)</p>
<p>How can we not and underserved miseducated and misplace these students. They deserve better.</p>
<p>Reasonable progress will indicate that the district is aware of the problem and actively addressing the concern. Change takes time and does not happen overnight.</p>

Q: Other comments related to “reasonable progress” standards:

.25 reduction each year for the original number so it totals a .5 at the end of two years. (2)
I would say higher, statistically significant.
See above comment. I do not want to sound negative, but want to get my point across. That being said, I really do appreciate the work DPI is trying to do to help decrease this problem. I just think that we need to brainstorm better ways to do it.
reasonable progress to me is demonstrating focused efforts to target the reduction of disproportionality.
.25 for each year for the original number so it totals a .5 by the end of 2 years
.25 each year - to show progress - with .5 improvement from original year
It should be .25 each year. so it totals a .5 at the end of 2 years
If a district is making progress they should not need to make the 15% set-aside.
Cell size needs to be negated
I do not like this idea. But I may need to hear other perspectives I am unaware of if I am standing on an island of my own in this belief.
Can the data analysts see if 0.25 is really reasonable progress
Reflective Analysis Matrix Teacher quality and distribution Discipline Policies and procedures Curriculum and Instruction Special Education ELL Contribution Approach Teams of students and staff conduct community inquiries within the school boundaries to map community resources... (College students help) History/Culture Communications/Politics Where do people come together to communicate with one another? Talk with members of a Community Advisory Council or church members that serve community ; Talk with alumni 3) Protective Services (police and fire) 4) Environmental/Economic Noise, pollution, are people recycling 5) Health and Social Services (mental health services access) Findings are shared with students, teachers and community partners Students and/or staff go into the community and do a walk through/drive through (i.e. eat at restaurant in the area) - look at types of stores, street activity, housing and zoning Need to use more than just information from the internet
Due to changing economic policies I believe it is important that WI maintain high their high standards to prevent disproportionality
I think of how we create SMART goals--something that's reasonable, achievable and measurable.
Schools making reasonable progress could be given funding or other incentives to assist them in their efforts that are working, but eliminating them from requirements to address disproportionality sends the wrong message.
adopting reasonable progress standards statewide will provide uniformity and assure best practices will be used to benefit all children. LEA's should be clear in what interventions were used that improved disproportionality and what interventions were used that did not improve disproportionate rates in order to address other possible factors related to disproportionality.

Q: General comments:

IDEA dispro identification criteria should not mirror ESSA
There are so many variables in all of this. One is the small size of some districts, and the other is how long it takes to make change in districts, etc.
I want to make sure that schools receive ongoing support throughout the year to help teachers meet the needs of all of their students.
In the survey, I didn't understand what the USDE's definition of reliable data was so that question was hard to answer.
Again, I would promote efforts be directed toward the core educational environment, to include reflective teaching practices, and consultation/collaboration among all educators to best meet the needs of all students within the core environment. In addition, I would recommend professional development around implicit bias, systemic racism, and how individual experiences shape interactions with others be offered and promoted in other venues that would garner more core academic educator participation such as WASDA, AWSA, etc. To truly effect change, more efforts need to occur prior to identification for special education.
It start at home has supports for parents like a family psychologist free to them , have a person who will do FBA, and someone who have a behavior disability that could talk to parents so they could talk to someone who has been there .
I'm interested in how we can train our professionals and staff up so that they can view through of lens of racial equity. Something like a 12 steps program os sorts that can be utilized across the state to really help substantially reduce disparities and diproportionality of students.
I think this is a good way to bring up the conversation and to have a meaningful discussion at school districts to be sure they aren't pver identifying. However, it will be seen as punitive for schools so some type of reward for progress makes sense. Also there should be an appeals process for schools that might have extenuating circumstances so that small districts don't get penalized unfairly and something in place so that schools don't underidentify in order to meet the ratios.
As an employee at Menominee Indian High School, in a district that is frequently flagged for disproportionality, I feel there needs to be modified criteria or exceptions to the disproportionality requirements; when 99.6% of your students are Native; then most of the students identified as having a disability will be Native. Same with discipline and placement. I believe it should be compared to your own population not the state/national average in decisions when practical.
In looking at disproportionality among students of color identified as SPED and receiving discipline referrals, it is also important to look at the training provided to staff and the community regarding cultural proficiency. It will be vital for instructional staff to be trained in the idea of culture and cultural differences. Too often, we have the expectations that students will come into our classrooms knowing the expectations in a school. Often those expectations are based on the cultural norms of the dominant culture. These norms may be different than the norms in a student's particular culture or family. It is also important to note that because these norms are different, it does not mean they are wrong. Understanding the norms within cultures will help educators to understand student behaviors and reduce discipline referrals. Districts ultimately need to look at their population overall. The percentage of students of color, a certain ethnicity or gender receiving office referrals or being referred for special education services should not be in excess of the overall percentage of the student population of that group within a district or school.
I struggle with thinking that because we have small subgroup populations that we can say with certainty that we don't have a problem with how we relate to and identify students who need extra assistance. I question whether it is the curriculum or the teaching that is not meeting the students where they are and then guiding them to where we want them to be. Unfortunately, I think education has gotten to the place of not being relevant to the needs for society today as we're still trying to create the manufacturing society which doesn't exist. So we often have very rigid ideas of where and what we think students should know instead of staying current with the needs of today.
Thanks for providing me the opportunity to provide feedback.

<p>Many efforts fail at the school level due to the administrator and teachers making decisions not to follow policies they feel run counter to their beliefs and their narrow experiences in their school buildings. Therefore, in order to make counter, this, disproportionality progress should be placed on their evaluations for promotion and salary increase. Teachers and administrators should be held accountable for the lack of use of RTI and other interventions before a student is placed in special education. Special education has been used as a dumping ground for minority students who teachers and administrators do not want to deal with.</p>
<p>Students that move into a district that were previously identified should not count against the LEA for the first year of enrollment.</p>
<p>I am curious with how the department will determine an appropriate sample size. I feel like a district like DeForest has less than 10% students that are in a minority ethnic group and so a few numbers could sway or risk ratio to for DeForest to be identified as disproportional. This is frustrating as I feel like I'd like to see that number for the students that were initially identified in DeForest versus those that have transferred into the district already identified.</p>
<p>This is a difficult set of data to influence dramatically in one year. Growth seems to be an appropriate way to monitor our progress.</p>
<p>A DPI support could be coming into districts and assisting them in file reviews/determining some thresholds relating to eligibility and exclusionary factors- Support for districts transitioning student and resources to reg education settings</p>
<p>Help determine thresholds related to exclusionary factors.</p>
<p>A DPI support could be coming into districts and assisting them in the file review.</p>
<p>The exclusionary factors need to be better clarified and defined. Schools need support with this. If they don't qualify spec ed then schools need support in serving these students in the regular education environment.</p>
<p>A DPI support could come into districts & assisting them in file review/ determining some thresholds relating to eligibility and exclusionary factors. May be beneficial</p>
<p>Clarify the thresholds of exclusionary factors, such as environmental, cultural and economic. You should have resources to help districts transition students into reg ed settings with new supports.</p>
<p>If DPI chooses to use a reasonable progress standard, then we would want to see a change in the risk ration of .25 or more for two prior years.</p>
<p>You need to allow for circumstances in each district that impede there progress and not rely on a rigid formula.</p>
<p>If an LEA has a problem with disproportionality, why would we think they have the capacity to do an effective needs assessment and improvement plan?</p>
<p>In the district I am in, we have been previously identified as having disproportional numbers based on race for identifying students for special education and discipline. However, many of the students we receive have trauma, poverty, transiency - we need better criteria at the state level to determine if a student achieving below grade level is due to a disability or other factors contributing to poor academic achievement (ie. identifying trauma rather than disability, these can present similar on evaluation testing such as the KTEA3). OHI seems to be the new LD, acting as an umbrella that will allow any student to qualify under it. We need stricter qualifiers for evaluating for special education.</p> <p>Additionally, many students experiencing trauma, poverty, transiency, and parents struggling with drug addiction and or incarceration present socially maladjusted or inappropriate behaviors triggering school staff to believe there is need for discipline or a special education referral. Often these students are acting out in ways that cause harm to themselves or others leaving administrators battling with the desire to help the students or keep all others safe and answer to school boards and upset communities when families discover that swearing, violence, and lack of respect for others is occurring on a daily basis in the schools. I have grave concern for the future as the opioid and heroin epidemic result in parentless students, students having experienced narcotic addiction in utero , and students living with addicted parents increases. Our school districts need to work with the state, and cities to proactively prepare for and remedy the desperate situation.</p>
<p>I believe that student mobility (# of school moves) should be tracked in or alongside of this data.</p>

Current practice results in avoiding providing help to students in minority groups out of fear of becoming identified for disproportionality. This practice is an end around unreasonable expectations, and lacks vision and understanding as to the dramatic changes in our children's lives--changes that 13 years ago were unimaginable.
Provide support in the transition
The children identified as dispro need this monitoring to hold up the vision to educate each and every child.
Though it will be easier for districts to monitor their own data without the weighted risk ratio, it would be great if we could get annual data reported even if we are not identified as disproportionate. This would allow districts to be more proactive and attentive to their systems.
As I said earlier, we were recognized last year as a school that had a high rate of racial disproportionality in special education, but our student population is 99% Native American. This does not make sense. Maybe the name needs to be changed so it isn't as misleading.
Social Justice in education requires critical collaborative inquiry Requires more than just redistribution; need recognition We need to redress the inequities in our system, but often do this without having full recognition of what the issues are Analyze people, policies, practices We tend to ONLY analyze students (student outcomes) Why Critical? Need to understand what issues we have around power and privilege, and what things are in place that reinforce privilege and power
The percentages of ethnic groups within the school district. Transfers from other school districts of students already identified with special needs. How much parental involvement is there?
Some staff don't want to improve disproportionality in special education. How will the state identify and handle the teachers or staff who work to ensure students of color don't succeed in their education. Is there a removal process?
I appreciate the information provided to respond to this survey, I am sorry I was not able to attend the gathering event in order to hear other people's comments and opinions
As a district who has been identified as disproportionate in the past, I find this issue challenging. I do not have teaching staff that unfairly target groups of students, and the general atmosphere of my diverse district is a sense of belonging and acceptance. My referrals are mostly generated by parents/guardians resulting from a doctor or therapist visit, or a response to poor grades. Some believe special ed. is just extra help, despite the numerous conversations we have with parents regarding the seriousness. We also have transfer in students that distort our numbers. This is a hard topic to discuss with my hard working, empathetic teachers. It leaves them feeling uncomfortable and cautious about ever considering a referral for a child of color. I am not sure the intervening steps that DPI or other groups have offered to lower identification have been successful. I have participated in at least 2 conferences, and as a person of color, I was offended and uncomfortable about making it clear we were different rather than bring us together. This year was an improvement.
Create a channel for teachers/school staff members to ask questions, voice concerns, provide feedback.
I would have preferred to do this in a group setting instead of on my own. The sharing piece is important when looking at the pros and cons, as well as clarification of some pieces
It would be great if the department would actually visit our schools, interview staff, feel the culture and climate, and offer assistance if necessary.
Disproportionality indicates institutional racism and reflects differing conditions that reinforce the achievement gap. Criteria that are weighed to determine whether schools should be addressing the issue should be as stringent as possible. Where misidentification is the result of small numbers, LEAs should have the opportunity to demonstrate this by providing justification for their numbers.
Analysis of Asian and Pacific Island and also trend data should also be included as part of the analysis so that there is a way to examine changes in specific districts over time.
The Arc Wisconsin requests that the Department require districts to determine whether there is significant disproportionality with respect to students who are placed in homebound or hospital settings, as well as correctional settings. According to the Consortium for Citizens with Disabilities Education Task Force (letter dated May 16, 2016): "...Advocates and attorneys working in the field are noticing an increasing number of students with disabilities being placed on homebound/tutoring programs (and other forms of informal removal) due to unaddressed or insufficiently addressed disability related behaviors in school. Included within this are

students who are moved to homebound without an effort to provide supplementary aides and services in less restrictive settings. These placements often consist of a child placed out of school at the district's request, who meets with a school provided tutor (who may or may not be a certified teacher) in the home or a neutral setting in the community outside of school for one or two hours per day. The child typically does not receive the related services in his or her IEP and other critical IEP services and remains at home the majority of the school day. As homebound placement marks the extreme end of the LRE continuum, a homebound placement based on unaddressed behavior raises a realistic concern about a potential LRE violation. Additionally, there are FAPE and equity concerns related to these placements.

"The increase in these placements may be due to the fact that LEAs are now under greater scrutiny for their rates of disciplinary removals. Due in large part to the Department's leadership in this area, high levels of suspension and expulsion are noticed now, rightfully, in a manner they had not been previously. As a result, some LEAs may remove students they might once have suspended or expelled to other settings, including homebound. Similarly, these students may be sent home from school repeatedly, or placed on shortened school days. We believe based on our case work experience that this may have a greater impact on low income families and students of color. As such, we firmly support including students on homebound in the risk ratio calculation if their numbers exceed 10. Within the homebound data collection, there will be students who are on homebound or hospital services for other reasons, such as medical fragility. However, the purpose of this analysis is only to identify potential areas of concern for further investigation, and not to rule out every possible false positive. Given the seriousness of the possibility that students are being deprived of appropriate placements and due process protections, the minimal risk of a false positive is worthwhile.

"As data on the school to prison pipeline has demonstrated, some students with disabilities are disproportionately 'placed' into the juvenile justice system by the overuse and/or inappropriate use of school based arrest and juvenile justice referrals, and that students from particular protected classes may be placed into the juvenile justice system at higher rates. Due to this risk, it is not correct to say that an LEA has little control over this type of placement. While the juvenile court is an intervening factor, some LEAs 'place' more students into this system than others. If an LEA has more than 10 students placed in a correctional facility's educational program, it should be included in the risk ratio analysis for the same reasons as any other program. As mentioned above, a finding of significant disproportionality is not determinative of a violation rather it is intended to invite future investigation. As such, students with disabilities in correctional settings should be included in the risk ratio analysis."

Rethink the data -- we need deeper understanding, which the ratio does not provide. -- Fund preservice teacher education programs to help with the issue.

DPI should look at data and documentation from smaller school districts to determine impact on changes being considered and the districts demographics.

That males are doing poorly in our schools are override tified etc need to be looked at. Why are our schools not serving these boys, why has there been such a decline in male achievement and rise in males in special education?

Schools choose to try to fix numbers not looking at the nature of the issue, you (DPI) do a great job, but try to have schools do better for kids not ratios or the Department. Love to comment further

This rule addresses significant disproportionality for the limited purpose of triggering "interventions" for districts that meet the criteria. The communications on this have not made it clear, for those who might be unaware, that there is a difference between "significant disproportionality" for CEIS purposes and disproportionality due to misidentification, and that there is also a problem of underidentification of students of color in particular eligibility categories. Future communications and guidance should make these distinctions clear, and efforts should be made to protect students from the incentives for districts to misidentify or underidentify students of color in order to "game" the numbers.

This survey was hard to understand. You need a simpler more narrative survey. I am an educated teacher with a MA in Spec. ED. and mother of two special needs children and Still this was a way too complicated survey to fill out. Get out of DPI Madison and come out into our rural communities in our rural Native and Latino/a communities and do some personal interviews, town meetings, ask for REAL parent stakeholder input!!!

Explain to us what your asking...maybe in our languages..Spanish? You need Spec. ED TEACHERS OF COLOR, in BILINGUAL TEACHERS, TEACHERS WHO UNDERSTAND US, OUR WAYS, LANGUAGES, WAY BEFORE YOU ASSESS, TEST OUR KIDS...MAKE DECISIONS. WHO ARE THE PEOPLE IN POWER REALLY PROTECTING OUR CHILDREN OF COLOR WITH SPECIAL NEEDS RIGHTS. IT IS EXHAUSTING IN OUR RURAL COMMUNITIES. I HAVE A PARENT OF A CHILD IN MPS, MILWAUKEE WITH SPECIAL NEEDS AND IN RURAL WISCONSIN. YOU DO NOT HAVE HIGHLY QUALIFIED SPEC ED TEACHERS, BILINGUAL SPEC ED TEACHERS OR DIRECTORS OF SPEC ED, ADMINISTRATORS WHO REALLY UNDERSTAND, INCLUDES WI DPI. Lack of understanding of Indian Country. Complex issues for Latino/as in rural regions. Many Natives are both Native and Latino/a, Mexican...Discipline, and being pushed out by Adm & Staff, scarey for our Kids. Many of us do not feel safe with our kids in public schools, but, education is our right. System fails our kids!!! Explicit & implicit. You all in DPI need to get out of your office. Do not just send your Native or Latino Consultant. Send out highly trained in Spec. ED, culture, law, language. Policy. Who is advocating for our kids, parents? Come out and explain this survey. Town hall meetings, break it down. Not just an email!!!! Feel disappointed at all levels. We are not serving African American or Native kids with special needs in WISC!! Child Mental Health. The survey made no sense to me.

Disproportionality data for Native American children will be the least reliable since their population is the lowest; using the alternative method will still be questionable as state numbers are also low and there is no control in self identification. These factors have always been an issue and will always continue to be a limitation to data collection of Native American students, therefore, some districts will be deemed disproportionate when in fact they are not and others will not make the radar when they should. Not only will this skew the results, it could lead to inequitable funding and or inaccessible interventions necessary to appropriately address disproportionality among NA students. When this is the case, the effort to collect qualitative data is necessary and should be required.