

Significant Disproportionality in Special Education

Exceptional Student Services Unit



COLORADO
Department of Education

WHAT IS SIGNIFICANT DISPROPORTIONALITY?

IDEA Section 618(d) requires each state to annually examine whether significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State. Having significant disproportionality means that students of a particular race/ethnicity are significantly more likely than their other-race peers to be identified as children with disabilities, identified with a particular disability category (e.g., Autism, Intellectual Disability), placed in a particular educational setting (e.g., separate classroom), or suspended/expelled as a disciplinary measure. These requirements stemmed from historical background that “children with disabilities are often disproportionately and unfairly suspended and expelled from school and educated in classrooms separate from their peers. Children of color with disabilities are overrepresented within the special education population, and the contrast in how frequently they are disciplined is even starker” (John B. King Jr., 2016).

RACIAL DISPROPORTIONALITY IN COLORADO

Racial inequity in special education is also a concern in Colorado. By using the method States are now required to use under the amended regulation 34CFR§330, Black/African-American students in Colorado are 2.2 times as likely to be identified with intellectual disability, 2.2 times more likely to be suspended (or expelled) for greater than 10 days, 2.0 times more likely to be suspended (or expelled) for 10 or less days, and 2.0 times more likely to receive some type of disciplinary removal in a school year, compared to their other-race (non-Black) peers. Similarly, Native American students are 1.87 times more likely to be identified with Emotional disability, and 1.82 times more likely to be identified with intellectual disability, compared to their other-race (non-Native American) peers.

Please see the risk ratio table on the back of this page for more details.

NEXT STEPS

The amended regulation 34CFR§330 requires States to collaborate with stakeholders in defining what significant disproportionality means in the State. More specifically, States must set their own risk ratio threshold for each significant disproportionality category (e.g., “when a particular racial category in an LEA is at least 2.0 times as likely to be identified with Autism for 3 consecutive prior school years, that LEA is significantly disproportionate in its identification of children with Autism”), and their

History and Future Timeline

- **1975 - Education for All Handicapped Children Act of 1975 (Public Law 94-142)** was established to ensure that children with disabilities had access to a free appropriate public education.
 - Disproportionally more children of minority were placed in special education.
- **1997 – Individuals with Disabilities Education Act (IDEA)** recognized racial inequity in special education.
 - Required States to collect and examine data to determine if significant disproportionality based on race was occurring in the identification and placement of children with disabilities.
 - If States found significant disproportionality, they were required to review, and if appropriate revise the policies, practice, and procedures.
- **2004 – IDEA amendment**
 - In addition to the regulation set under IDEA 1997, the amendment required States to determine if significant disproportionality was occurring in disciplinary actions.
 - Required LEAs with significant disproportionality to use funds for comprehensive Coordinated Early Intervening Services.
 - Required LEAs to publicly report on the revision of policies, practices, and procedures.
- **December 2016 – 34CFR§330 amendment**
 - States are required to use a standardized methodology in determining significant disproportionality.

own minimum cell/n-sizes (e.g., “when an LEA has at least 10 White students with Autism and at least 15 White students in enrollment, CDE will calculate the risk ratios for the LEA’s Autism-White for that school year”). In other words, the State, along with stakeholders, is required to define rules on how the State will examine significant disproportionality.

The Exceptional Student Services Unit will host stakeholder meetings on Sept 27th and Nov 1st to work collaboratively with various stakeholders in determining these rules and to define what significant disproportionality means in Colorado. If you are interested in joining these stakeholder meetings, please email Orla Bolger (bolger_o@cde.state.co.us) or Nicholas Smosna (smosna_n@cde.state.co.us).

RISK RATIOS FOR SIGNIFICANT DISPROPORTIONALITY CATEGORIES

			Native American	Asian	Black	Hispanic	2 or More Races	Pacific Islander	White
Identification	SY2016-17	Students with disabilities	1.52	0.53	1.31	1.18	0.99	0.75	0.85
		Speech Impairment	1.24	0.81	0.80	1.16	1.03	0.66	0.92
		Autism	0.91	0.87	0.90	0.61	1.24	1.02	1.51
		Other Health Impairment	1.2	0.39	1.28	0.66	1.15	0.61	1.43
		Emotional Disability	1.87	0.32	1.78	0.66	1.18	0.37	1.28
		Learning Disability	1.76	0.35	1.43	1.57	0.88	0.76	0.66
		Intellectual Disability	1.82	0.69	2.18	1.51	0.78	2.10	0.58
Placement		Gen Ed Classroom <40%	0.87	1.62	1.71	0.96	1.17	1.72	0.83
		Separate School	0.98	1.20	1.53	0.62	1.13	0.61	1.32
Discipline	SY2015-16	In-school Suspensions > 10 days	NA	NA	1.75	1.62	0.68	NA	0.62
		In-School Suspensions ≤ 10 days	0.8	0.29	1.66	1.19	1.12	0.65	0.76
		Out-of-School Suspension / Expulsions > 10 days	0.29	0.10	2.15	1.16	1.13	NA	0.73
		Out-of-School Suspension / Expulsions ≤ 10 days	1.15	0.36	1.99	1.09	1.23	0.64	0.75
		Total Removals	0.78	0.25	2.02	1.12	1.26	0.64	0.73

Interpretation: Students of (race) are (risk ratio) times as likely to (category) compared to their other-race peers.

Example: In Colorado, students of black race were 2.18 times as likely to be identified with intellectual disability compared to their non-black peers in SY2016-17.

Where can I learn more?

- CDE Resources on Significant Disproportionality: [Colorado Department of Education-RDA website](#)
- OSEP Q&A on Significant Disproportionality: [Colorado Department of Education-Significant Disproportionality website](#)