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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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April 19, 2018

( ) Action Required

( X ) Informational

### BULLETIN NO. 030-18 SPECIAL EDUCATION

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers  
Educational Service District Special Education Directors  
School District Special Education Directors

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Changes in the Calculation of Significant Disproportionality, Under IDEA

CONTACT: Glenna Gallo, Assistant Superintendent, Special Education  
360-725-6075, [glenna.gallo@k12.wa.us](mailto:glenna.gallo@k12.wa.us)

### PURPOSE/ BACKGROUND

With the goal of promoting equity, the Individuals with Disabilities Education Act (IDEA) was amended and final rules issued, effective January 18, 2017, to ensure states meaningfully identify Local Educational Agencies (LEAs) with significant disproportionality and that States assist LEAs in ensuring that students with disabilities are properly identified for services, receive necessary services in the least restrictive environment, and are not disproportionately removed from their educational placements for disciplinary purposes. The rules originally required States to implement the new calculations by July 1.

From July 2017 to February 2018, Office of Superintendent of Public Instruction (OSPI) staff began soliciting input from stakeholders to establish Washington state's new criteria for determining Significant Disproportionality designations, including the state flexibility options permitted under the revised regulations. Flexibility options under review and discussion included: (a) Washington state risk ratio thresholds, (b) minimum N-sizes, (c) minimum cell sizes, (d) the use of up to three consecutive years of data, and (e) the determination and use of a State-specific definition of "reasonable progress" for districts who may initially meet the thresholds but have made progress in lowering the risk ratios. During the eight month time period, information on the progress and schedules of multiple meetings was provided through GovDelivery, Educational Service District (ESD) meetings, and a publicly-posted OSPI Special

Education Monthly Update Newsletter. More than nine meetings were held, in person and virtually, to allow multiple options for stakeholders to receive information and provide feedback. All recommendations were reviewed, and moved forward for consideration by the State Special Education Advisory Council (SEAC) in February 2018.

Several themes emerged from the input provided by Washington state stakeholders, including:

- OSPI must provide leadership and be accountable for development and implementation of training and professional development resources.
- Focus on state systemic improvement.
- The new calculation should align with agency-wide discipline disparity calculations.
- Comprehensive Coordinated Early Intervening Services (CCEIS) must be aligned with the Every Student Succeeds Act (ESSA) planning at the school district level to leverage resources and increase positive impact on behalf of all students.

The new calculations, along with the calculations currently used in Washington state, are displayed below, with changes bolded:

<b><u>Significant Disproportionality</u></b> <b>(identified LEAs set aside 15% IDEA funds)</b>	<b>Current WA Criteria</b>	<b>New WA Criteria</b>
Target Group (Numerator) Minimum Cell Size	10	10
Comparison Group (Denominator) Minimum Cell Size	10	<b>20</b>
Risk Threshold for Significant Disproportionality	≥4.0 in the same cell, using a <b>weighted risk ratio</b> calculation	≥3.0 in the same cell, using a <b>risk ratio</b> calculation
Use of multiple years	3 consecutive years	3 consecutive years
Standard for Reasonable Progress	No standard for reasonable progress	<b>Calculate uniform reduction of ≥5% each year for 2 consecutive years for each LEA; not applicable if LEA threshold exceeds 6.0</b>

<b><u>Disproportionate Representation</u></b> <b>(Indicators 9 and 10)</b>	<b>Current WA Criteria</b>	<b>New WA Criteria</b>
Target Group (Numerator) Minimum Cell Size	10	10
Comparison Group (Denominator) Minimum Cell Size	10	<b>20</b>
Risk Threshold for Disproportionate Representation	≥2.0 in the same cell, using a <b>weighted risk ratio</b> calculation	≥2.0 in the same cell, using a <b>risk ratio</b> calculation
Use of multiple years	3 consecutive years	3 consecutive years
Standard for Reasonable Progress	No standard for reasonable progress	No standard for reasonable progress

In February 2018, the U.S. Department of Education (U.S. DOE) posted in the [Federal Register](#) the notice to postpone compliance for two years, and is accepting comments until May 14. A final timeline decision will be made by the U.S. DOE prior to July 1. Regardless of the federal implementation timing decision, Washington will continue efforts to promote equity for students who receive special education services and will begin implementation of the revised calculations on July 1, in the following manner:

- 1.) Significant disproportionality data using both current and new calculations will be provided to school districts and publicly posted during the 2018 school year. Information will continue to be provided to ESDs and school districts through OSPI newsletters and ESD meetings with superintendents and special education directors, as well as on the [OSPI website](#). Specific technical assistance will be provided at the ESD or school district levels upon request.
- 2.) If the U.S. DOE delays implementation of the regulations, significant disproportionality designations for 2018 school year will be based on the current WRR methodology and the full implementation of the new methodology is planned for the 2019 school year. This will provide a transition year which permits each school district to review, develop, and implement improvement plans based upon data flags identified through the new methodology.

- 3.) If the U.S. DOE moves forward with the original July 1, implementation of the regulations, significant disproportionality designations for 2018 school year will be based on the new methodology.

An updated bulletin will be disseminated as additional information becomes available. Additional resources are available at the [OSPI website](#).

#### **INFORMATION AND ASSISTANCE**

For questions regarding this bulletin, please contact Sandy Grummick, Program Supervisor, at 360-725-6075 or email [sandy.grummick@k12.wa.us](mailto:sandy.grummick@k12.wa.us). The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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