Rethinking Discipline, Significant Disproportionality, and Indicators 4, 9, and 10

The purpose of this document is to provide information and clarification about different MA DESE equity initiatives that relate to students with and without disabilities. This document explains the differences in calculations, district identification processes, and technical assistance and professional development supports.

This document focuses on four different initiatives:

* [Rethinking Discipline](#_bookmark0);
* [Significant Disproportionality in Special Education](#_bookmark1);
* [Indicators 4: Significant Discrepancy in Discipline in Special Education](#_bookmark2); and
* [Indicator 9](#_bookmark3) and [Indicator 10](#_bookmark4): Disproportionate Representation in Special Education.

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| RD - Rethinking Discipline icon | **Rethinking Discipline** is a DESE initiative to reduce rates of suspension and expulsion for all students (as well as disproportionate rates by race/ethnicity and IEP status), in response to state law Chapter 222. |
|  | **Significant Disproportionality**: IDEA requires states to measure whether students from certain racial and ethnic groups are disproportionately **receiving special education services in specific disability categories**, whether they are disproportionately **placed** in certain settings, and whether they are disproportionately receiving certain kinds of **disciplinary removals**. IDEA requires different calculations for this measurement than it requires for Indicators 9, 10, 4A, and 4B. |
|  | **Indicators 4A and 4B** are required by the Individuals with Disabilities Education Act (IDEA) and measure whether students with IEPs, overall, and from certain racial and ethnic groups, receive out of school suspensions or expulsions in districts more than students with IEPs statewide. |
|  | **Indicators 9 and 10** are required by IDEA and measure whether students from certain racial and ethnic groups are disproportionately receiving special education services, both in general and in specific disability categories, because they were inappropriately determined eligible for special education services. |

# RD - Rethinking Discipline iconInitiative: Rethinking Discipline

**Summary:** Initiative to reduce rates of suspension and expulsion for all students, in response to state law Chapter 222. More information on Rethinking Discipline and related discipline initiatives is available here: <https://www.doe.mass.edu/sfs/discipline/>

**Regulations and Requirements:** [Chapter 222: An Act Relative to Student Access to Educational Services and Exclusion from School](https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter222) // [603 CMR](http://www.doe.mass.edu/lawsregs/603cmr53.html) [53.00](http://www.doe.mass.edu/lawsregs/603cmr53.html)

**Data, Calculations, and Identification Process:** DESE completes a multi-year analysis of the student discipline data districts submit as part of the School Safety and Discipline Report (SSDR). DESE in launching into a [phase two](https://www.doe.mass.edu/sfs/discipline/pln-update-sy2023.docx) for the initiative, with a reset of the data, and starting with 2-year cohorts beginning in Winter 2023-2024. In Winter 2022-2023 DESE is issuing preliminary identifications based on one year’s worth of data. DESE currently identifies schools for over-reliance on long-term suspension if the school had greater than 100 students enrolled and at least 5 percent of students suspended for more than 10 cumulative days in the most recent school year and in one of the two prior school years.

DESE also utilizes a two-step system to identify schools and districts with disproportionality in suspension and/or expulsion rates by student race/ethnicity or disability status. This methodology focuses on schools and districts with large disparities as well as high rates of removal overall. More information on this process is available here: <https://www.doe.mass.edu/sfs/discipline/calculations-sy2023.docx>

**Overview of Requirements and Expectations for Districts:** The schools and districts identified through the Rethinking Discipline initiative are required to submit action plans for approval. Starting with the phase two first 2-year cohort, identified schools and districts will be required to develop and implement a full school-year action plan, with approximately ½ year of support in the development of it and the same amount of time in the transition away from it into more sustainable practices.

**State or Federal Reporting Requirements:** State

**Professional Development, Technical Assistance, and Other Resources:** The schools and districts identified through the Rethinking Discipline initiative are strongly encouraged to participate in professional development opportunities offered through the Rethinking Discipline Professional Learning Network (PLN).

With the goal of increasing student engagement and creating safe and supportive learning environments, DESE has partnered with [The Equity](https://www.equityimperative.org/) [Imperative](https://www.equityimperative.org/). The Equity Imperative is facilitating a year-long professional development series aimed at building participants’ capacity to develop and implement an action plan that incorporates a culturally responsive approach to alternatives to discipline. Currently, mostly of the professional development offerings are offered virtually. Visit the [Student Discipline Resources webpage](http://www.doe.mass.edu/sfs/discipline/) for information regarding the [2022-2023 school year professional development offerings.](https://www.doe.mass.edu/sfs/discipline/pd-calendar.docx)

# SD - Significant Disproportionality iconInitiative: Significant Disproportionality in Special Education

**Summary:** IDEA requires states to collect and examine data to determine if significant disproportionality in special education based on race and ethnicity is occurring in the State and in local education agencies (LEAs). State education agencies must examine and determine if disproportionality is occurring in LEAs with respect to identification, placement, and discipline.

**Regulations and Requirements:** [34 C.F.R. §300.646](https://sites.ed.gov/idea/regs/b/f/300.646) // [34 C.F.R. §300.647](https://sites.ed.gov/idea/regs/b/f/300.647)

**Data, Calculations, and Identification Process:** DESE calculates identification, placement and rates of disciplinary removal (includes 14 different categories) for seven racial and ethnic groups comparing rates for each group to rates for all other children within the LEA. Where numbers are too small for comparison, DESE compares the rates for each group to the state’s rate in a category. These analyses must be done annually. To make these calculations and identify LEAs with significant disproportionality, DESE uses a risk ratio or alternate risk ratio. This is a different risk ratio than is used for indicators 9 and 10. Calculations for discipline use the School Safety and Discipline Report (SSDR) data. Calculations for identification and placement use Student Information Management System (SIMS) data. A district is identified if its risk ratio for a particular racial/ethnic group in a particular category is **3.0 or greater for each of the previous 3 years and if no reasonable progress (lowering risk ratio by at least 0.1 each year) is made.** All districts in the state are sent a letter letting them know of their status for this analysis. Districts are also provided a detailed data snapshot.

**Overview of Requirements and Expectations for Districts:** For identified districts:

1. Review and, if appropriate, revise policies, practices, and procedures (PPPs)
2. Publicly report revisions of PPPs
3. Reserve 15% of IDEA funds for comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the significant disproportionality. Used for students ages 3-grade 12 and for students with or without disabilities
4. Identify and address factors that may be contributing to significant disproportionality

## State or Federal Reporting Requirements: Federal

**Professional Development, Technical Assistance, and Other Resources:** Any district at-risk for future identification with or identified with significant disproportionality is invited to participate in the Department provided technical assistance and professional development. This can include collaborative calls, convenings and a professional learning community. More information on this topic is available here: <https://www.doe.mass.edu/sped/idea2004/sig-dispro/>

# Indicators 4A and 4B iconInitiative: Indicator 4: Significant Discrepancy in Discipline in Special Education

**Summary:** 4A Significant discrepancy in the rate of disciplinary removal (out of school suspensions and expulsions) of students with IEPs for more than 10 days annually. 4B Significant discrepancy by race or ethnicity in disciplinary removal (out of school suspensions and expulsions) if students with IEPs greater than 10 days.

**Regulations and Requirements:** 4A and B: [(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) // [State Performance Plan / Annual Performance Report (SPP- APR](https://www.doe.mass.edu/sped/spp/maspp.html)) requires calculations to be made, districts identified and the Department to review identified districts’ policies, practices and procedures (PPPs)

**Data, Calculations, and Identification Process:**

4A: Based on the School Safety and Discipline Report reported to the Department by the school district, calculations are made on state disciplinary removal rate. Districts whose disciplinary removals of students with disabilities reach 5x the state rate for 2 consecutive years are identified.

4B: Based on the School Safety and Discipline Report reported to the Department by the school district. Districts whose disciplinary removal of students with disabilities in each or any subgroup that reaches 5x the state rate for 3 consecutive years are identified as having a significant discrepancy, and are reported to the federal Office of Special Education Programs (OSEP) if DESE determines, after reviewing the district’s PPPs, that they do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

**Overview of Requirements and Expectations for Districts:** Identify and address factors that may be contributing to significant disproportionality. All districts flagged by way of this quantitative analysis are required to send Policies, Practices and Procedures (PPPs) to the Department for a review of compliance. Districts with that DESE finds their review have PPPs that led to this discrepancy are required to write a corrective action plan which must be completed by the next reporting year.

## State or Federal Reporting Requirements: Federal

**Professional Development, Technical Assistance, and Other Resources:** The schools and districts identified through the Rethinking Discipline initiative or Indicator 4 are invited to participate in a Rethinking Discipline Professional Learning Network (PLN). See notes above.

# Indicators 9 and 10 iconInitiative: Indicator 9: Disproportionate Representation in Special Education

**Summary:** Indicator 9 addresses the overall disproportionate representation of racial and ethnic groups identified as eligible for special education.

**Regulations and Requirements:** [(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) // [State Performance Plan / Annual Performance Report (SPP-APR)](https://www.doe.mass.edu/sped/spp/maspp.html) requires calculations to be made, districts identified and the Department to review identified districts’ policies, practices and procedures (PPPs).

**Data, Calculations, and Identification Process:** To determine disproportionate representation, the Department conducts an annual analysis of October Student Information Management System (SIMS) data from the preceding three years. The Department uses a weighted or an alternate risk ratio method to calculate disproportionate representation in the identification of students as eligible for special education.

Districts are flagged for disproportionate representation if, for three consecutive years, the district exhibits a weighted or alternative risk ratio of

**3.0 or greater** for possible over-representation. This means that a student of a certain racial or ethnic group appears to be three times more likely to be identified as eligible for special education than expected based on the overall incidence rate for that racial or ethnic group.

This is a different risk ratio than is used for significant disproportionality.

Any LEA flagged for disproportionate representation receives a letter from the Department letting them know of their status and requiring the districts to send PPPs to the MA DESE for review.

**Overview of Requirements and Expectations for Districts:** All districts flagged by way of this quantitative analysis are required to send PPPs to the Department. IDEA requires the Department to determine whether the disproportionate representation is due to inappropriate identification of students for special education services by reviewing the district’s PPPs regarding disability determination and eligibility determination. If it is determined that PPPs are inappropriate and are contributing to the disproportionate representation, corrective action procedures are required.

## State or Federal Reporting Requirements: Federal

**Professional Development, Technical Assistance, and Other Resources:** The Department is in contact with all flagged districts. Districts and DESE collaborate in reviewing PPPs and making any corrective actions.

# Indicators 9 and 10 iconInitiative: Indicator 10: Disproportionate Representation in Special Education in Specific Disability Categories

**Summary:** Indicator 10 addresses the disproportionate representation of racial and ethnic groups within specific disability categories.

**Regulations and Requirements:** [State Performance Plan / Annual Performance Report (SPP-APR)](https://www.doe.mass.edu/sped/spp/maspp.html) requires calculations to be made, districts identified and PPP to be reviewed.

**Data, Calculations, and Identification Process:** To determine disproportionate representation, the Department conducts an annual analysis of October Student Information Management System (SIMS) data from the preceding three years. The Department uses a weighted or an alternate risk ratio method to calculate disproportionate representation in the identification by disability category for each of the seven racial/ethnic groups.

Districts are flagged for disproportionate representation in a specific disability category if, for three consecutive years, the district exhibits a weighted or alternative risk ratio of 4.0 or greater for possible over-representation. This means that a student of a certain racial or ethnic group appears to be four times more likely to be identified as eligible for special education in a certain disability category than is expected based on the overall incidence rate for that racial or ethnic group.

This is a different risk ratio than is used for significant disproportionality.

Any LEA flagged for disproportionate representation receives a letter from the Department letting them know of their status and requiring the districts to send PPPs to the DESE.

**Overview of Requirements and Expectations for Districts:** All districts flagged by way of this quantitative analysis are required to send PPPs to the Department. IDEA requires the Department to determine whether the disproportionate representation is due to inappropriate identification of students for special education services by reviewing the district’s PPPs regarding disability determination and eligibility determination. If it is determined that PPPs are inappropriate and are contributing to the disproportionate representation, corrective action procedures are required.

## State or Federal Reporting Requirements: Federal

**Professional Development, Technical Assistance, and Other Resources:** The Department is in contact with all flagged districts. Districts and MA DESE collaborate in reviewing PPPs and making any corrective actions.