



OSEP Symposia Series: Significant Disproportionality

February 8, 2017

Renee Bradley

“Overview of Symposium”

>>Perry Williams: Good afternoon, and morning for those in the western part of the country. Welcome to the first OSEP Symposia Event: Significant Disproportionality, Why this topic is important to all of us. I am Perry Williams with the Office of Special Education Programs and I will be serving as your moderator for today's event. We're excited about this opportunity to reengage with you all on a national level regarding the disproportionate assignment of minority children in special education programs. This concern is not new, nor is the requirement for states and LEAs to address the extent to which significant disproportionality is occurring for all racial and ethnic groups. We hope that the information shared here today and the continued discussions result in thoughtful consideration on how to best support all students. Just some housekeeping tips before we get started. Participants will be muted throughout the symposium. We invite you to submit questions in the "Ask a Question" box under the "Q and A" tab near the bottom of your screen. We will try to address as many questions as possible during the Q and A session at the end of the event. Additional questions will be addressed in subsequent opportunities that you will receive information on next week. In the interest of time, I will be doing abbreviated introductions today, read bios of our participants can be found on the symposium site. We had planned for Ruth Ryder, our OSEP deputy director, who is currently delegated the duties of Assistant Secretary for Special Education and Rehabilitative Services to serve some opening remarks with us, but as many of you know our new Secretary of Education was confirmed yesterday and today is her first day on the job and we thought it would be best that Ruth be at the table with her on her first day. She has asked my colleague Renee Bradley to share her remarks.

>>Renee Bradley: Thank you Perry. Good afternoon and welcome to the first event for our OSEP 2017 Symposia Series. Instead of holding a virtual conference this year, we are launching the symposia series as a new effort to connect more, to have more sustained engagement with our stakeholders and to provide more opportunities for cross-stakeholder interaction. The Symposia Series is designed to meet the following goals: increasing awareness among grantees about important topical areas, increase awareness among grantees about important resources available to assist states and districts, and efforts to improve results for children with disabilities and their families, and to provide opportunities for greater engagement on important issues both between OSEP Staff and OSEP stakeholders and among the different OSEP stakeholder groups. This year the following symposia will be convened. Today's topic focusing on "Significant Disproportionality: Why this Topic is Important to All of Us". On March 22nd, we will focus on creating positive environments for children with disabilities and on May 17th the focus will be on displaying our data and conveying our stories. The Symposia Series will be available to all OSEP grantees across our formula and discretionary grants. Each symposium will have three components: the first is pre-work materials highlighting useful resources, the second is a two hour live event highlighting expert presentations, and approximately one week following the event participants will have an opportunity to engage in discussion groups related to the symposium topic. Now for today's topic. Significant disproportionality why this topic is important to all of us. The final rule on significant disproportionality was published in the Federal Register on December 19, 2016 and



became effective on January 18, 2017. We appreciate the many thoughtful comments that we received on the notice of proposed rulemaking and we discussed all of those comments and discussion section of the final regulation. States have 18 months to prepare and work with stakeholders including state advisory panels and make decisions regarding their methodology. The purpose of these final regulations is to promote equity in IDEA. Specifically the final regulations will help to ensure that states meaningfully identify LEA's with significant disproportionality and states assist LEA's in assuring children with disabilities or those suspected of having disabilities are properly identified for services received without necessary services in the least restrictive environment and are not disproportionately removed from their educational placement by disciplinary removals. These final regulations also address the well-documented and detrimental over identification of certain students for special education services with particular concern over identification results in children being placed in more restrictive environments and not taught to challenge academic standards. In addition the final regulation cautions that states and LEA's must continue to carry out requirements related to child find. There are several benefits of the regulations that include increased transparency regarding each state's definition of significant disproportionality, increased role for stakeholders including state advisory panels and determining state's risk ratio thresholds, minimum sizes and minimum sizes. State review if appropriate revisions policies and procedures and practices used in the identification, placement or discipline of children with disabilities to ensure that the policies, procedures and practices comply with the requirements of IDEA and ultimately more appropriate identification placement and discipline of children with disabilities. Today you will hear information from our grantees and experts on practices and procedures to address significant disproportionality when it has been identified, including improving the use of data and methodologies, utilizing comprehensive coordinated early intervening services and improving teacher training and early childhood environments. These presentations are supplemented with the pre-work already posted and the discussion opportunities that will follow. These regulations create an opportunity for states and local agencies to work on a complex issue impacting educational opportunities for a large number of students. Whether it is implementing these new regulations, developing and implementing their SSIP or the new accountability plans under ESSA these efforts will benefit from strong, sustained stakeholder engagement. Ruth wanted to take her last few minutes to emphasize the value of stakeholder engagement in discussing this disproportionality. If we are truly to address the inequities that contribute to significant disproportionality in discipline, identification for him within certain disability categories and placement the inclusion of a diverse set of stakeholders is crucial. Truly engaging stakeholders in a meaningful way and incorporating their feedback is no small task. There are resources, states and local agencies can use to assist them. OSEP has made significant adjustments in national centers to rep -- implement the secular nations and as the states ensuring stakeholder engagement. One resource in particular originally developed by the IDEA partnership provides a blueprint for stakeholder engagement. Leading by convening developed with input from hundreds of decision-makers, implementers, family members and has been a useful tool used by states to build a diverse stakeholder engagement process. In closing, OSEP is committed to assisting states and other stakeholders in implementing these new regulations as we all worked to improve outcomes for children including children with disabilities. Please note this symposium is not intended to address all the details of your calculation methodology, but rather focus more on supporting LEAs identified significant disproportionality. If you have additional ideas about future support related to significant disproportionality please send your ideas to significant disproportionality role at ED.gov. Thank you for joining us for our first symposium. Now I will send it back to Perry to introduce our first presenter.



>>Perry Williams: Thank you for stepping in. Our next speaker will be Michael Gross. Michael is a Senior Policy Advisor at the Office of Special Education and Rehabilitative Services. We hope you had an opportunity to do to view that 101 video posted in the pre-work site where Michael, both Michael and IDC staff along with Ruth provided basic more overview information. Today, Michael will focus his remarks on highlighting several major themes in the regulation.

Michael Gross, Senior Policy Advisor, Office of Special Education and Rehabilitative Services, U.S. Department of Education

“Significant Disproportionality: The Federal Perspective”

>>Michael Gross: Thank you very much. Thank you, everyone who is joining us today. As Perry said, I'm not going to torment you by taking you line by line through the regulations or reading to you a list of all of the requirements. Instead I want to frame the regulation in a way that makes it makes sense for thinking about how to implement. That is why we have called this part the overview. The themes Perry touched upon, the first of which is flexibility. We were under a mandate, as it were, without boring you with the details of the history, we were trying to create a methodology that was nationally uniform. That at the same time allow states a sensible way to apply the methodology in their specific circumstances. How do you do that? Are those things intentioned with one another? How do you have a national standard that is the same time locally flexible? We struggled with that for a great deal of time. As we built the standard methodology, the flexibilities became clear. And what we came up with, we hope, is a methodology that has flexibility shot throughout it.

I am not going to go through, as I said, the nuts and bolts of the methodology. If you have questions I invite you to look at some of the pre-work materials that are available. We will assume that we can jump right in and talk about setting risk ratio thresholds and what those are. The first major topic is flexibility, the first area of flexibility is the flexibility the states have when setting their thresholds. Have to set 14 of them, because there are 14 categories of analysis and the risk ratio threshold for one need not be the same as the threshold for another in fact in some cases it makes sense for the threshold to be the same and in some cases it doesn't make sense for the threshold to be the same at all. So the states have the flexibility to set thresholds that makes sense in their circumstances. They can do so by taking into consideration widely divergent conditions at some of their localities have questions or demographics, poverty, special school districts and so on. The idea is we build in a way to address the widely different conditions states are facing. There is no such thing as a perfect methodology. We struggled a great deal with which statistical tool to choose. There were a number of reasons we settled on risk ratio. We are very conscious of the fact that every statistical method has its limitations and risk ratio has its limitations like others. It can produce volatile results when working with small populations. How do you prevent the methodology from producing results that don't signify the answers you exclude certain small populations from the analysis in the first place. You do that by sitting minimum cell sizes and sizes, the top of the bottom of the risk ratio fraction. When a population is too small to measure you don't do the significant disproportionality analysis for that category of analysis. The states have flexibility where to set the minimum cell sizes. If I am in the Panhandle of Nebraska I'm going to have one set of considerations. Most of my school districts are quite role. If I am in downtown Chicago it is another question entirely. The flexibility we have for minimum and sizes addresses another need as well. If you are eliminating the problem of volatility you are eliminating the idea that you can get a result of significant disproportionality because one or two families have moved into the district. Small change in the population is not going to produce a large change in risk ratio. Another way to address



the question of small populations is that while the state is required to analyze for a significant disproportionality every year to do a risk ratio calculation every year the determination of whether significant disproportionality exists doesn't have to be made every year. It may be made after one or two or three years prior. Looking at the data we can say all right last year was a blip we are back down below the risk ratio threshold now there is no point in assigning a determination significant disproportionality every year. That was a statistical anomaly. This flexibility also allows us to take into consideration the realistically long time required for systematic change. If I have made a systematic change in my processes and procedures in an attempt to address significant disproportionality I want to give it time to work. In that same vein of the state and the district to put into place to fix, change and you want to give it time to work, if it is working why interrupt. When we call the reasonable progress flexibility that the state at its option does not have to determine that there is significant disproportionality in an LEA if for the two previous consecutive years the risk ratio is coming down. Even if it is above the risk ratio threshold. Again, why interrupt something that is working. From Stan to Stern we are trying to get the idea of flexibility into how you make this work as a practical matter on the ground. That brings me to the last question of flexibility, timing. Renee mentioned this in her introduction. Regulations are effective that means the Code of Federal Regulations has changed. States don't have to come into compliance. States don't have to start using the standard methodology until July 1 2018. The thinking being this gives you enough time to set your risk ratio thresholds, N sizes, N cell sizes to hold consultations and be prepared to do this 18 months hence. That should cover flexibility. The second big theme is one of reasonableness. And this is related. Everything the state is selecting, risk ratio thresholds, minimum sizes and sizes, progress framed in terms of reasonableness. Is to guide all determinations. If you want a definition, it is reasonable -- reasonableness of all circumstances. Take into consideration all the relevant facts and circumstances. Racial and ethnic composition, enrollment demographics, conditions correlated with disability, when deciding on the settings for your standard. We have given you some help in that.

In the selection of reasonable values. If you look at the regulation you will see we have written that a minimum cell size greater than ten minimum and decides no greater than 30 or presumptively reasonable. If that suits your statistical needs you don't have a whole lot to do. If you choose a number larger than ten for the cell size or larger than 30 for the n cell, we may have a conversation about why those a reasonable in the circumstances but at or below those values, not necessary so again reasonableness if you want to think of it as a form of flexibility it is the second large characteristic or theme in the regulations. Next slide please.

The final change gears. This comprehensive CEIS from the importance here is that the remedy has been expanded that under the prior rules CEIS could not be used to serve children with disabilities or preschool children aged 3- 5, now they can. So that we think goes a long way to lessening the concern about moving 15% of your IDEA part B set aside a budget. And is really one of the significant changes in the themes in the regulation. I am getting towards the end of my time, so I'm going to wrap it up. I do not want to keep you longer than is necessary. One important limitation for comprehensive CEIS that is it has to be targeted to address the factors that contribute to the significant disproportionality in the first place. Whether that is lack of access to instruction or diagnostic screening, economic cultural linguistic barriers to appropriate identification of placement, inappropriate use of disciplinary removal, differences in achievement etc., and the tool is a directed tool. How to gets at the factors contributing to the significant disproportionality that has been identified. So that is a quick overview of the major themes. I will take my seat and Perry will come back and bring your next speaker. Thank you very much for your attention, it is much appreciated.



>>Perry Williams: Thank you very much, Michael. Our next presentation will be a panel from our OSEP funded IDEA data center also known as IDC. Tom Monk and Nancy O'Hara will talk about this escape -- success Gap Tool and how can be used to identify the school district level factors contributing to significant disproportionality.

Tom Munk, Ph.D. and Nancy O'Hara, IDEA Data Center

"Examining Success Gaps to Identify Factors that Contribute to Significant Disproportionality"

>>Tom Monk: I am Tom Monk from the IDEA data center. Nancy and I are going to talk today about the new regulations and how they emphasize the factors that contribute to significant disproportionality is about IDC's success gaps toolkit that can help districts to address the. About how IDC has supported states and districts in using the success gaps tools and their significant disproportionality work over the past few years and we will have links to other resources that can support states in addressing significant disproportionality. Imagine you're in a district that has been identified with significant disproportionality. Perhaps one group of children in your district is more likely than others to be identified for special education. Perhaps one racial ethnic group in your district is more likely to be identified in a specific special education category. Or one group is more likely to spend time outside the regular classroom. Or one group of students is more likely than other groups to be suspended or expelled. Significant disproportionality is easy to identify mathematically. But its meaning can be a little harder to unravel. That is what we want to talk about. For example the new regulations recognize sometimes overrepresentation of one group of students may actually represent a problematic under identification of another group of students.

Because of challenges like these the new regulations require that when a state determines a significant disproportionality is occurring in the local education agency, that LEA must identify and address the factors contributing to the significant disproportionality. We take that requirement very seriously. In that we've been working on it for the last few years at the IDEA data center. This make sense because first identifying issues which can be complex. The regulations themselves list some of the possible factors that contribute to significant disproportionality. A lack of access to scientifically based instruction. Economic, cultural or linguistic barriers to appropriate identification or placement in particular educational settings. And appropriate use of disciplinary removals. Lack of access to appropriate diagnostic screenings. Differences in academic achievement levels and policies, practices or procedures that contribute to significant disproportionality. These are just some of the factors that might contribute to significant disproportionality in your LEA. Thinking about those factors that are listed, how many of these would be identified in an LEA's review of policies, procedures or practices. We think of policies and procedures is mostly found on paper while practices are found in actual interactions between staff and students. To current LEA reviews get to the practice level? To a depth? One resource for helping LEAs identify factors that may contribute to significant disproportionality is the success gaps toolkit. The toolkit provides a process and resources needed to find the factors leading to success gaps among groups of students. Notice we are talking about success gaps, not significant disproportionality. Let me clarify that. What do we mean by success gaps?

We define a success gap very simply as a gap in educational outcomes between different groups of students. You can see that on the graphic. Success gaps can occur for any groups of students. And it may be in many areas such as graduation rates, reading proficiency, or placement. Significant



disproportionality is one example of a success gap. Significant disproportionality and other success gap suggest that some groups of children in the school or district may not be receiving equitable educational opportunities. The significant disproportionality are frequently related to other kinds of success gaps resulting in poor outcomes or lack of success for students in the affected groups.

IDC's success gaps toolkit based on research that identifies common elements that improve educational outcomes for all students. It is possible to improve achievement or outcomes for certain subgroups of students with disabilities in a district or school if the students have equitable access to appropriate and high-quality educational programs. Embedded in the success gaps toolkit is an idea about what that means. High-quality education is data based. Responsive to the cultures that students and families bring to the schools. It is built on the base of a high-quality core instructional program for all students. It includes universal screening and frequent progress monitoring as part of a multitier system of support. If all of these elements are not equally available to all groups of students one results might be significant disproportionality or other success gaps. I will turn it over now to my colleague, Nancy O'Hara.

>>Nancy O'Hara: Thank you, Tom. Good afternoon. Success gaps toolkit does not identify your disproportionality. That happens before you want to use the toolkit. Once you know what you're significant disproportionality is, then it is time to think about the toolkit is one of the resources you can use to begin to identify some of the factors. The success gaps toolkit contains the white paper and the rubric around which the rest of the toolkit is built. It has been newly revised to be more inclusive in preschool as well as updated with language from Every Student Succeeds act. Describes, in the toolkit, a process to consider reviewing practices that may be the root causes of significant disproportionality. It contains all the resources you would need to use the process. It will have agendas, power points, videos, all sorts of resources so you can use a process. The toolkit provides the supports that your district or school leaders need to lead this work. What you might have noticed on the previous slide that Tom showed you was district leadership and parent engagement are not included in those five factors yet we all know those are critical in school success. Within this toolkit we have built those in. Leadership is built right into it by the district leaders or school leaders facilitating the toolkit, parent engagement was in each of the five sections of the rubric rather than the separate standalone item.

Once you have identified a success gap you can use the toolkit. The first thing you want to do is form a local stakeholder team to focus on your significant disproportionality. As you begin to form your team it's very important to know what your focus is. What was your area of significant disproportionality or areas? Is it about white students being over identified in autism? Is it about the Hispanic students who are placed in more restrictive environments? Or any of these other factors. You want to know what your focus group is as you form your team. On your team you want to have representatives that are impacted by the significant disproportionality. You want to think about family members represented by the group that is disproportionate. You want to think about your general and special end staff and support staff that work with students who may be impacted by the significant disproportionality as well. And you also want to think about community members. Who are the community members that also have information and knowledge about this particular group?

Once you have a team you use the toolkit to go through the process. The toolkit will give you all the materials you need and describe the process. This is for the leadership comes into play because leadership is going to identify and certified -- and set aside time to commit to the process it is multiple meanings that will happen in two at find the root cause of significant disproportionality in two hours it



is a commitment of time. The other part the leadership is so critical to be it has to be a safe and honest environment. We are talking about sensitive topics people can get very excited about. Or offended by. It is important that the environment is safe for individuals to honestly talk about what they see as their responses to the rubric and you work toward consensus of your group. It is so important to have the Friday of team members as well as this welcoming safe environment. Certainly you disaggregate the data and you keep disaggregating the data. You keep digging deeper enter the process you will document decisions you are making as a team, why you made the decision so you document the evidence. Once you have gone through that rubric all five sections we talked about, then you have priorities. Very solid reasons why that may be contributing to those factors that are causing significant disproportionality and you can develop a plan of action to address your significant disproportionality.

When it all works right when significant disproportionality goes away you are less likely to have success gaps and more likely to have education success. This is the tool kit which will give you the resource for at the end. We will talk for a few minutes now about how states have been using the success gaps tools and materials, as well as how IDC has supported some of those states who use these. Just as a reminder, success gaps are really designed for use at the district and the school level. States can support that use. One example, it can be used in conjunction with self-assessments or protocols states are already doing. Most states already have in their processes for significant disproportionality, a self-assessment review, a monitoring protocol and you can add the success gaps materials to that and really get to the practices level. I would ask you the question, as I believe Tom asked, does your self-assessment or your monitoring protocol really get to the practices of what is happening in your district. We think the success gaps materials bring that level of additional information to a review and a policy. There are also multiple states that already have used them multiple years of data before they identify significant disproportionality. As a new regulations specifically allow now but those that have already been doing that have these the success gaps materials with districts that may be in years one and two of data not yet identified by the multiple your definition but states have used the success gaps materials proactively to say take a look at what is happening, getting close to meeting the threshold the state has set for the number of years so use the success gaps materials is kind of a proactive preventative way to think about it so you don't get to the label of significant disproportionality. The other way we have seen states use the materials is if they do identify significant disproportionality than one of the things they do is require their districts to create an action plan to address significant disproportionality and the success gaps materials are a great way to start reviewing your issue, your significant disproportionality, get to the root cause and develop the action plan to address significant disproportionality.

So IDC has worked with states and can help states think about it. One of the first things you have to think about as you look at this is building state capacity. States have to be able to, the toolkit works with all the areas of significant disproportionality as we go forward. So we will start with state capacity building. Before a state can expect a District two user toolkit, state staff must have the understanding of significant disproportionality, what the toolkit and process requires by Fidelity and what the toolkit does not too is drop some experience in using the material so they can support the districts. IDC can work with state staff to learn about significant disproportionality and how to use the toolkit. We have been doing this work with a few states already. States, also as we know, have multiple ways of handling significant disproportionality. There has been lots of flexibility. Because of new regulations states are really starting to rethink and revise their processes and procedures. IDC staff can work with states to think about how they are revising some of these processes or procedures and how the toolkit for success gaps could be part of some of those revised processes. The new regulations require a lot of



stakeholder input, as we all know and have heard. IDC has been helping a few states seek to form stakeholder groups and provide information about significant disproportionality in their input. One of the comments we've heard a lot from some of those stakeholder groups has been if we use multiple years of data we feel like we are letting districts get away with something if we wait three years. There is disproportionality happening that we are not addressing. Several stakeholder groups have asked for a process that districts could be required to do prior to being identified, kind of as I said a few minutes ago, in those years before you meet the threshold for the defined number of years if you are a year 1 or 2 is there a process and the success gaps toolkit is one of those processes that could certainly be used to address some of that.

As he said the toolkit is really designed at the district and school level. Building that district or school capacity to review or address the factors that cause significant disproportionality and that is something we have been looking at, working with, with a few states. Something we can do as we move forward. One of the things states often like to look at creating a forum for significant disproportionality, when they have identified a group of districts is having significant disproportionality. One of the practices already in place with them is to convene those districts in a type of forum, bring those LEAs together and receive information about significant disproportionality and how to address it. The success gaps toolkit is a great facilitator of a conversation with LEA teams when they come if they bring a team. We think that is a great use of the toolkit. We have helped some states plan forums that way. The challenge often, however, in bringing together a forum at the state level is you can't always get districts to bring the number of team members and desired team members. If you remember a few slides back we talked very specifically about how critical the team makeup is for using the success gaps materials. One of the things that is probably important is that the district learns about the success gaps at a forum and they are facilitated to learn to use it but the expectation is they go back to their district to really go through the process with fidelity and think about it, use the toolkit in depth so they can really get to some of the root causes or factors that may be contributing to significant disproportionality. In that case it is probably important that people from the state staff understand and are also able to help facilitate, coach, give the district support in order to use the toolkit. Sometimes an LEA wants to work with a particular school or region of schools. We talked about how the state can help the LEAs. Sometimes when he gets back to the LEA level and they start to look at their data in more detail, they look that there is a school or cluster of schools that tend to be at the root of some of the data that may be causing some of the significant disproportionality. So they may ask a group of schools or a few schools to use the success gap at the school level and really look at their particular school rather than at a districtwide view. That is another use for more in-depth work. And sometimes when a district may have had continuing significant disproportionality with little or no improvement, then the state really wants to work more closely with a particular district. They can use the success gaps material. We have worked with a couple of state to do this, focusing on a particular district so that district created a team. The state in district work together going through the success gaps material to really identify where some of the challenges as it relates to significant disproportionality are. What are some of those factors and how can we address one state we know we were had a forum for all of their districts, as I described. And then they offer districts on a first-come first-served basis if you would like to work more closely with the state and IDC to do in-depth work, then they gave them that opportunity. They made it sound like a great opportunity to work more closely for some really direct TA to address significant disproportionality. Several districts took advantage and the state and IDC have worked closely with one to take the work they already with the success gaps rubric and really dig down and identify with their issues were. I will give you one more example of work within a state and district. In a particular state we have done some work with success gaps one district was there and had been



identified with significant disproportionality for several years prior to the state introducing the success gaps as part of the process. They convened a state forum with multiple districts. This particular district had been there a number of years, some of their background. They were pretty much, their disproportionality was the discipline of student. There to be almost all black majority students and the faculty was also almost all black majority students. So they were using the rubric and they thought before they started the success gaps materials they knew what their issues were going to be. In fact they came to the table prior to the work and said here is what our root cause is. We know what it is. And that was one of the root causes. When they actually went through the rubric and started to think about it honestly, they found out that another one of their issues was about cultural responsiveness. They were surprised themselves, because they felt like it was a majority black district, majority black staff, culture things were not the issue. They found out it was the culture related to poverty that was the real issue. Because the faculty although the same race ethnicity as the students for the most part, the faculty were the middle class of the community and many students that were having these discipline issues were very low income very impoverished students. It was kind of an eye-opening to that district to think about it that way. They are making improvement, I will say that district has not resolved all of their significant disproportionality yet but for the last two years they have brought the numbers down. With the new flexibility with regulations it's very possible in the future, even though they haven't gone below the state's threshold they could be approaching the flexibility requirements with the new regulations as they move forward. So as we start to wrap up, talking about success gaps materials, I want to talk to you about a few resources.

These are the resources available to you. We have made all these links on the PowerPoint, so when you are able to get to the PowerPoint. The fact sheet on equity and IDA which links you to other resources as well, as well as memo 08-09 uncoordinated early intervening services. It will probably need tweaks in the future but it is mentioned multiple times in the comment so we felt like it was an important resource. These are resources IDC has for determining significant disproportionality in several of these are undergoing revisions because of the new regulations. That they are out there now and will be adapted soon. Methods for assessing racial and ethnic disproportionality a special assistance technical guide as well as a spreadsheet you can use to calculate disproportionality. And the IDC success gaps toolkit is the link at the bottom of the page.

Some additional resources related to significant disproportionality and or CEIS that are available on a variety of TA center websites include the CEIS resources step-by-step posted on the CIFR website. It walks you through an easy to a variety of resources and all steps of identifying districts who may be required to provide CEIS or voluntarily providing CIS there's a quick reference guide the MOE reduction eligibility decision tree and worksheet as it interacts with CEIS the navigating CEIS white paper, IDEA has a training module, multiple data training modules and the one Module three is about the May data submission where the MOE CIS data is submitted. There is also six, 18 data check edit tools for the MOE CIS and the B match user guide is another resource -- the B maps user guide -- and that is it. So please, all this information you can find from the IDC website at IDEAdata.org. Thank you.

>>Perry Williams: Thank you both Nancy and Tom. Next we will hear from Dr. Eddie Fergus. He is an assistant professor at NYU an expert in supporting states' dish identified with significant disproportionality. Based on his work around the country he will focused on how schools are utilizing comprehensive coordinated early intervening services to address significant disproportionality. His presentation will build on Tom and Nancy's presentations in terms of the ghost to the next step in the canal -- looking how schools are utilizing CEIS funds.



Edward Fergus, Ph.D., Assistant Professor, New York University

"How SEAs and LEAs Can Take a Lead on Significant Disproportionality 2.0"

>>Edward Fergus: Good Afternoon, everyone. Good morning for colleagues on the West Coast thank you for taking the time to engage in this conversation around disproportionality. A rare opportunity for us to get a great deal of clarity come together as a community of practitioners. So what I am first going to talk about is honestly setting the stage in terms of the importance of CEIS plans, funding and plans related to it in for me this draws from the last 15 years of work in particular working with nearly 70 school districts on disproportionality.

First I will highlight the core policy context around this and questions. I'm actually going to talk through a paper that is actually undercurrent review for a journal that really pays attention to this conversation. What are we learning from CEIS plans as I have been part of the landscape of our work since 2004, reauthorization of IDEA?

We know there is a reality around the policy context which is districts are required to a lot up to 50% of their Part B funds to address these issues. What became imperative policy to practice question is how school districts are translating guidance on CIS fund utilization into strategies for remedying racial and ethnic disproportionality. I will focus on secondary data collected as part of a project with the state education department between 2011 and 2013. The sample I am drawing from is a sample of around 12 school districts cited for significant this proportionality. These districts are receiving specialized target technical assistance in the form of a grant a select external consultants and as well they participated in a four part process that involved self-review, because analysis and identification of remedy areas.

These next two slides give a quick snapshot of these districts. The percentage of racial ethnic and Roman, percentage of free reduced lunch student eligibility in honestly the type of significant disproportionality citation. You can see there is a complete range of school districts that were being cited by state education department for significant disproportionality. What did we learn? This is a quick snapshot of some of the things I learned in the review of this data. There are core areas that cut across all of these different districts in with the outline in their CEIS plans. The first column is RTI response to intervention. The next column is PBIS and MTSS, the next column is equity consultant CRE training. Cultural responsive education training. Next column is data consultant or systems next column specific interventions and lastly equity goals in the broadest sense equity trajectory as part of the CEIS plans. I will walk through what each one actually emerged as within each one of these districts.

One of the first things is what cut across everyone was all of these LEAs school districts were following the policy provisions built into the utilization of CIS funds and plans they developed. There was close attention to the utilization of funds to support professional development intervention supports particularly in areas like RTI, PBIS, MTSS, data consultant and culturally responsive education consultant or training. These are range of types of things in these 12 districts as you can see the range from convenience to help build RTI framework to actual nuts and bolts of developing RTI framework, trainings that were specific specifically done by approved -- Friday of providers. C training for generating education teachers and some types of trainings one element built-in was designation of these trainings should have happened with special end together in order to begin solving the barriers that existed amongst these groups. More around the types of policy provisions that also emerged



looking at activities that focus on piece builders, in two specific districts that MTSS and PBIS activities involve trainings on crisis prevention and legal requirements regarding suspension. In addition another proponent LEAs pay close attention to following policy provision is around utilization of consultants around providing trainings specific to issues around culture and culturally responsive education as well as data systems are analysis necessary and order to improve a school district capacity to continuously look at disproportionality versus it being simply been annotated from the state but not the continuous element of their improvement data analysis over time.

However one of the things in my examination around the CEIS plans, of concern that emerged was utilization of these external consultants, particularly those that pay attention to culturally responsive topics are activities that appear in these plans as one-time activities without any explicit development around institutionalizing specific set of equity goals. Those districts were identified they have a process in policy and practice gaps existing in those moments where they were engaging consultants around culturally responsive topics. They appear to be one off sets of activities and/or -- disconnected from the broader set of areas that they identified in their CEIS plans. On the other hand the data analysis or systems consultancy actually suggest there could be a potential of how these school districts were actually embedding into their work plans, close attention to disproportionality is one of those analysis areas, imperative for them to pay attention to how they actually do their practice.

Another area is districts showed up was the nature to which there was -- the nature of how they paid attention to fidelity. CEIS Fidelity. CEIS plans merely provide a window into how districts are interpreting guidance provided by the state education department on funding expenditures regarding disproportionality. They begin to give some indication whether this plan would yield indirect or direct on distributional. The degree to which the absence of information regarding professional development for intervention quality and/or fidelity monitoring actually may result in these activities also being one offs or runtime activities. Later on I will talk about a set of recommendations I have around what state education departments and school districts can do to really improve to ensure what they are building into CEIS plans actually has longevity.

The next set of findings really speak to the degree to which the absence of language around equity and CEIS plans. Filled identification of patterns of racial ethnic disproportionality in special education may direct districts to consider race-based issues and policies, practices and procedures that is not directed to districts to consider adopting equity guided goals. As Nancy already highlighted that the engagement around discussions of addressing significant disproportionality require close attention to understanding that there is a racialized issue emerging in relation to disproportionate representation. Though there may be identification through this root cause process in which school districts actually have gaps existing within their systems there also has to be an understanding if these gaps are existing in systems it means they are impacting everyone within the system. The broader question is where it is disproportionately affecting certain groups of kids so that necessitated closer attention to what are equity based issues that have to be tackled. Despite the low incidence of equity goals or activity identified in the CEIS plans to districts in which expressive language in equity goals appeared to suggest a level to which district commitments to addressing racial ethnic distributional it could be a systemic strategy versus a compartmentalized singular policy practice or procedure which is the long-term concern around if there isn't a clear definition around equity school districts are actually doing the remedies that are actually enacted within school districts will be singular and or one-time set of activities. The next slide you will see an example of one of the school districts, one of 12 school districts that actually adopted, had a school board adopted policy that included explicit language around equity.

In particular they define equity they include in their definition of equity three major components. One, the first one being there is an explicit understanding of the numerical goal meaning that they are trying to close something to me redo something or improve an area. Certainly, the outline degree to which there is a close attention to access and opportunity being the guiding practice and procedural framework necessary for improving disproportionality and lastly the last component is attention to the types of culture and beliefs we want to promote and the culture and beliefs that are the ones that are setting the stage for disproportionality being rationalized as an appropriate outcome to actually exist. That attention, this type of definition is something that I am starting to see and a lot more school district particularly school districts and working with to ensure they are constantly paying attention to those three prongs of equity.

Lastly a moment in terms of key points is that there is a need for us to make sure that the CEIS plans, state education departments are helping to support school districts around as they are developing them to ensure they are research-based as well as ensuring that there is -- with the networkers closer attention degree to which equity is defined by school districts in terms of how they not only understand they have gaps in their systems but also what are the core issues that have led to those gaps being disproportionately affected certain groups of kids.

And another component is understanding the potential around another role I see also that specifically state education departments can play in terms of CEIS plans is greater attention in terms of making sure there is quality around those plans. School districts are walking into an arena where there may not be a great deal of understanding across the board in terms of what are the specific types of systems, practices and policies implicated in this issue and state education department can play a significant role in really helping to outline the types of guidance, the process of examining how disproportionality is emerging.

Lastly I want to talk about the nature of the recommendation particularly around aligning CEIS plans and root cause approach which Nancy and Tom talked specifically around in terms of the IDC example. So, root cause processes which have been existing for quite some time here in this landscape of disproportionality and you see a range of tools that are continuously existing throughout the country. These are examples, this -- each of the four there, once you have access to the PowerPoint these are hyperlinks you can connect to, various types of examples of doing root cause analysis. What is important is that there is close attention to the fidelity of the process. Each one of these processes go beyond what many school districts consider this looks like the five Y's process but in actuality all of these represent a much more robust, evidence-based approach to really identifying the core causes playing a role of significant disproportionality.

Lastly, the last component in terms of my recommendation around ensuring there is [Indiscernible] between CEIS plans and root cause process is that there is close attention to what it actually means for a CEIS plan to be mapped onto what actually came out of the root cause analysis. You various examples across the country, California is one particular example that has been doing it. A state I have been working with and also another component that also requires close attention around the comprehensive CEIS plans and their alignment with root cause process is the degree to which there is an infusion around, and infusion of using the framework from the national implementation resource network that really outlines for many types of organizations the importance of implementation science be embedded in the manner in which we not only identify an issue but also how to go about remedy



and as well as monitoring the wellness to which we are actually, we should be expecting effect is result of the plans we have developed. And with that, thank you.

>>Perry Williams: Thank you, Eddie. I'm sure bringing your real examples to this discussion is helpful to this discussion. We appreciate you. Before we move on several participants have asked about the IDEA.gov site being down this is an unfortunate glitch we are working to address systems possible. In the meantime resources for the symposium can be accessed through the OSEP ideas site and the materials Nancy and Tom mention can also be found at IDEAdata.org. Now we are going to share two short video examples from our Part B funded programs that can assist states and local agencies in addressing significant disproportionality and also as examples of how Part D investments can contribute to this effort. Our first video is from Phil Strain, professor at the University of Colorado, Denver who will provide the pyramid project strategy to provide alternatives to suspension in early childhood settings. Our second video is from Kent McIntosh, professor at the University of Oregon who will share a promising way to increase the motivation of teachers and service providers for addressing disciplined disproportionality through the use of data. Additional information on both strategies are available in the pre-work resources.

Phil Strain, Ph.D., Professor, University of Colorado Denver

"Pyramid Equity Project: Providing Alternatives to Suspension and Expulsion in Early Childhood Settings"

>>Phil Strain: Hello, this is Phil Strain from the University of Colorado at Denver. It is my pleasure to be with you today. To tell you a little bit about the pyramid equity project and how it has been designed to address disproportionality and discipline practices of the early childhood level. As we have all been made painfully aware in the last two years, there are totally unacceptable levels of suspension and expulsion of young children from early childhood settings. And we also know that there are alarming racial and gender disproportionality is an implementation of suspension and expulsion as well. Briefly today, I want to share with you how the pyramid equity project is designed to address the concerns around suspension and expulsion. It has been said that the way one defines a problem will determine, insubstantial measure, the strategies used to solve it. I guess the corollary of that is, that if you get the definition wrong, you'll never come up with the right solution. So, I want to really focus on how we define the concepts and the strategies around suspension and expulsion in our project. First of all, suspension and expulsion are behaviors engaged in by adults. I guess that's obvious at one level. But, was perhaps not so obvious is, that adult behavior change, there for adult, as well as adult thinking change an adult filling change, has to be a primary target if we are going to solve the issues around suspension and expulsion. To be sure, child challenging behavior often precedes adult action around suspension and expulsion. But child behavior change alone is not the necessary or sufficient solution. Second, it is important to recognize that the adult behavior change that we seek is one that has to be encouraged and sanctioned and intensively supported by service delivery systems. Service delivery systems that first establish a leadership team that is committed to better, more efficacious, and more just and equitable discipline practices. This is one of those cases where practitioners acting alone is not sufficient. Systemic change is what is necessary. Third, it's important to recognize that the core evidence-based discipline practices that we promote in the pyramid equity project are not surprisingly based upon the pyramid model for the social and emotional development of young children, and infants for that matter. This pyramid model has been demonstrated to be effective in multiple randomized controlled trials. Moreover, any of the discrete teaching practices that are the heart and



soul of this tiered support model have been demonstrated to be effective in literally hundreds of other experimental studies. Moreover, in 2016, my colleagues and I here in Colorado, demonstrated that the implementation of the pyramid model can reduce suspension and expulsion on a statewide level, here in Colorado, by more than 50%. And, I would refer you to challengingbehavior.org for more information on the pyramid ball and its implementation components. One of those components that is important to can't -- to talk about his context is the use of the fidelity measure the teaching pyramid observation tool which allows us to assess the implementation of the independent variable at the individual classroom level. Supplementing the period model, because of the significant racial and gender disparities and the incidence of suspension and expulsion, the trending project is developing materials and strategies to address implicit bias and to increase the use of culturally responsive practices in our demonstration sites. Fourth I want to emphasize that the pyramid equity project recognizes that both suspension and expulsion are things that happen more often when there is a disconnect between service providers and adult family members. There for another component of the support that we provide to programs is around developing positive and reciprocally helpful relationships between service providers and adult family members. Fifth, we believe that it is essential that service delivery programs, if they are going to be successful, and a limited in suspension and expulsion, and using more research-based and effective discipline practices, they must be utilizing data on the incidence of challenging behavior and responses to those challenging behaviors on a regular basis. Why is that the case? It is the case because the mere absence of suspension and expulsion does not equate to a quality service delivery program at the early childhood level, especially for children with persistent and serious challenging behavior. There for, we have developed a data system that we call the behavior incident report that provides in-depth analysis and real-time of individual, challenging behavior and the discipline events surrounding this challenging behavior and data from the system that allows program leaders to make important strategic decisions about where to put their internal personnel development resources, how to identify in a cost-efficient and rapid fashion the children who may need more intensive support and have a track -- and how to track and intervene on disproportionate practices around discipline, specific to race and gender. This data system, the behavior incident report, because of its nature and how it's utilized also allows service delivery programs to track changes in the competencies of staff and the behavior of children as well as to track disproportionality across time. Well, it is time for me to wrap up. And let me wrap up with this thought. And that is that neither suspension nor expulsion are evidence-based practices at least at the early childhood level. To the contrary, the evidence suggests that these are racially discriminatory practices in their utilization. That they ironically remove the children most in need of instruction from that instruction and that they sabotage essential and pivotal relationships with adult family members. That is why the overarching aim of the pyramid equity project is not just to reduce suspension and expulsions but to take them 20 and to demonstrate that early childhood programs and the parents and the children in those programs can all be successful when programs and practitioners utilize evidence-based discipline practices to a high degree of fidelity. A thank you for this time to provide a brief introduction to the pyramid equity project and look forward to your questions and comments. Thank you.

Kent McIntosh, Ph.D., Professor, University of Oregon

"Equity in School Discipline: Enhancing Commitment through Teacher Training"

>>Kent McIntosh: Disproportionality's in school discipline by race, ethnicity or disability is such a big problem in education today that it can seem insurmountable to teachers. And it leads even the most

carrying educators at a total loss for what to do. They are being asked to solve a problem that's bigger than school. But at the same time who better to solve the problem than teachers. Here is how we use to try to motivate educators to tackle this problem. We would share their data showing the extent of discipline disproportionality is. So we would show a graph showing data that black or African-American students are over two and a half times more likely to be sent to the office than white students. The idea is to shock people into action, create this cognitive dissonance between what is happening and what our values are. But the problem is it usually has the opposite effect. Defensiveness about the data or just plain old despair. What we are doing now is to use data a little differently. Research is showing the disproportionality is not consistent across all situations. In some specific situations step discipline decisions are perfectly equitable across groups. That other situations are more vulnerable to the effect of implicit bias in our discipline decisions. Our national data from over 6000 schools in 48 states show that disproportionality is more likely for subjective problem behaviors such as the three D's of defiance, disrespect and disruption and classrooms and hallways and in the afternoons. However each school might have different patterns. If we have discipline data systems that allow us to disaggregate patterns of referrals we can use discipline data to identify areas of equity, where things are going well where we can build on and there is a disproportionality or we can use strategies that are most likely to enhance equity where it is most needed. I give you an example from a real partner in school. The school had perfect equity in attendance referrals but a specific pattern of inequity and discipline referrals. Using the discipline data guide one of the free equity resources from the OSEP TA Center on positive behavioral interventions and supports the school team use their data system the schoolwide information system to instantly calculate separate drafts by race to find differences. The team found that the strongest disproportionality was an issue in referrals to black students for a specific situation, defiance in the classroom in the first 30 minutes of the school day. Now all of a sudden this huge societal problem turns into a scenario where we can use our good teaching strategies to improve outcomes. So they came up with a three-point plan number 1, have food available for any student who came to school hungry. Number 2 to greet all students at the door by name and say something positive on their way in and number 3 start with easy review work before moving on into teaching new or more difficult academic skills. So what is needed to do this? For one a discipline data system that allows teachers and administrators to look at graphs of referrals and suspensions disaggregated by the student group of interest whether that is race, ethnicity, language, status, disability. And also training ongoing coaching in clear steps for one identify disparities, two identifying those specific situations that are vulnerable to implicit bias number 3 selecting strategies that are most likely to work in implementing them well and number 4 monitoring effectiveness of the plan. A free guide for this process is available at the equity page on the PBIS.org website along with other resource guides on engaging instruction, policy changes and cultural responsiveness of school behavior support systems.

>>Perry Williams: Welcome back live. Thank you both Phil and Kent, they will be available in the Q&A session if you have questions for them. I'll ask Eddie to join us again to share another brief practice example of a district moving in the right direction and then we will move to the Q&A session.



Edward Fergus, Ph.D., Assistant Professor, New York University

"District Improvement Example: Moving in the Right Direction"

>>Edward Fergus: The short example I will give from one of the many school districts I worked with actually a recent school district I worked with. I first want to say thank you to Gary Bloom the former superintendent and the current superintendent, Chris Monroe who provided -- gave me permission to provide this as an example for the workaround disproportionality. Significant disproportionality. So real quickly Santa Cruz city school district identified for significant is proportional black African-American students in the 2012-2013 school year conducted a request analysis and invite various causes including a section called, absence of culturally responsive approach in educational practice and policy and inconsistent effective intervention strategies. So what this Santa Cruz city school district it is pay close attention to the these three main areas of what they identified out of their root cause and layered it into their CIS activities. The first one around instructional quality. The attention to specifically around developing school site tears of instruction and intervention and the process they went through was labor-intensive and at times felt as if there were an iterative process of going back to the tears of instruction and same Henry outlined everything that we, necessary to ensure we have quality instruction made available to all our kids. Russell paid attention to developing types of observation rubrics necessary to ensure we are following up on that instructional depth. In particular one of the salient points of what they've done is paid attention to how you can monitor that with an equity of lens. And a couple of slides I will give you an example to show you how they put it into their observational tools. The next area was in terms of interventions. They were able to mobilize funding opportunities to hire RTI coordinate or sit each of their school sites. This helped to really catapult their ability to start developing the intervention cycles that have been built out as part of the tears of instruction as well as major responsibilities around these RTI coordinators in translating these intervention strategies overtime into core instruction programs. This element of the work, again take time. It actually took them longer to pay attention to what is the best way we can actually ensure the interventions we are developing are getting the effect we desire. Once we learned that they were able to bring it back to the core instructional program and see how can we leverage this so that now because part of our tier one set of practice. And lastly there culturally responsive approach. The manner in which they worked on him obviously instead of having a set of consultants come in and help them as a district leadership team build their competency around -- particularly helping them define what is equity for Santa Cruz school district in a particular they can look at equity from a three prong lens what is the numerical goal but are access and opportunity goes and what are the types of culture and beliefs we want to promote and the ones we want to reduce to ensure we are not replicating this pattern of disproportionality.

I will briefly walk you through some simple observation tools used by the Santa Cruz city school district leaders in infusing an equity lens as part of practicing what it means for them to continuously hone equity as part of the landscape of their instructional leadership data analysis practice. This example is one of those areas that they wanted to pay attention to. What is the landscape of tier one instruction? One of the areas they significantly has spent time on was the notion of productive academic talk. Meaning to the degree to which kids are having opportunities to talk during the course -- span of classroom time as well within that time what is the quality event? Abbe responding? Are the initiating? Important element of this particular tool, it gave the leaders an opportunity to begin observing the degree to which productive academic talk was not only existing in the context of the classroom but also asking the harder question which is who is getting exposure to these productive academic talk

opportunities. Leaders to this data and were able to put it into a survey form the allow them to generate data visa for the next up development to learn, understand patterns that emerge from these observations and how can we retool our academic talk strategy.

The next tool they also infused an equity lens around was his collaborative work rubric another area of instructional practice the Santa Cruz city school district wanted to pay particular attention to, the degree to which is there sufficient amounts of collaborative work actually happening in the context of classroom. Collaborative work, productive academic talk all fall under their RTI framework in terms of what they considered core to their instructional program. So as much as the leaders were building the capacity of their staff to understand what his collaborative work was look like in the context of the classroom alchemy practice and situate making sure that everyone has an opportunity to do it well and how can we grow from that collaborative work. In this particular rubric an opportunity for them to confuse -- infuse an equity lens asked the question Elyse collaborative work -- is getting exposure on that work was in equitable distribution of that collaborative work that is happening within the context of classrooms. Basically an opportunity for leaders to give feedback to teachers through an additional lens of Santa Cruz school district, one of very school districts really making sure what they are learning from the root cause process lands in their CIS plans but also lands as part of their equity commitment as a school district, they are constantly practicing to always ask the question if we are doing these activities make sure all of our kids are getting an equitable exposure in such a way we are insuring we are not going to land with a level of disproportionate representation over time. I will close by saying Santa Cruz city school district having worked with them for over three years this particular school district is no longer identifying as significant disproportionality as the school district continues to, embedding this work, normalized element of who they are as school district. Thank you.

Questions and Answers

>>Perry Williams: Thank you, Eddie. We have time and we are going to ask that Michael and Nancy, along with Eddie join us for Q&A. We also have Phil and Kent on the line. We also have questions online we will answer as many as we can. If you have a question please submit in the "ask a question" box at the bottom of your screen. Now I will invite our panelists to come back up. Our first question: how are states re-working calculations and soliciting feedback from stakeholders? This is a question we are very interested in finding out more information about. However at this time we do not have a lot of information regarding that. A first because the final rule obviously as you know is still new, and we haven't had a lot of interaction yet with states about this particular process in terms of how they are doing it. This is exactly the type of questions we will have further opportunities for peer-to-peer learning where we hope these types of questions will be examined and discussed with states and stakeholders as well as OSEP staff and other TA providers. I will ask the panel if they have any insights into the question before we move on. How states are reworking calculations if we have any interaction with states regarding the question of reworking the calculation and stakeholder engagement.

>> Nancy O'Hara: I can talk about stakeholder engagement. One state we have worked with in anticipation of the new regulations began some stakeholder work about nine months ago where they convened and trained a group of stakeholders about the NPRM. The proposed requirements where they knew they needed to change their processes. Over a period of the last nine months they that four stakeholder meetings, planning the last two now that they have facilitated and worked really hard to make sure stakeholders really understood what the calculations men's, what it would mean to have

multiple years of data, with different thresholds could impact the requirements now they are moving forward to get some recommendations actually from stakeholders.

>>Edward Fergus: From my experience with working with different education departments, what they have been paying attention to is the degree to which, because this has been part of the in the conversation for quite a while providing an opportunity to actually engage in these dialogues with a variety of groups. In one state they have been in dialogue with a range of stakeholders around this question of what would it mean for us to have certain thresholds. More importantly in one particular state one of the strategies they actually have was to actually take what we've learned already around disproportionality and actually place it as part of their larger statewide accountability conversation so it is not isolated, it is rather embedded in constant dialogue. Other states, now that the final rights have emerged are now moving more diligently in terms of really talking specifically around this notion what it means to have the right stakeholders at the table, other community members, etc.

>>Perry Williams: Thank you both for sharing that. Those are both key examples. We all need to hear more about. One of the other things Renee mentioned earlier, one of our technical assistance centers partner, leading by convening work with respect to stakeholder engagement that work is now housed within the national Center for systemic improvements. That center will be focusing its effort to look at how to engage stakeholders in this process as it relates to the rules stay tuned for more information.

Next question, does the including of 3-5 year olds in the calculations for disproportionality apply to indicator 5? Indicator five, for those of you that don't know, is referring to part D placement and educational environment indicator for the annual performance report for school-age children. The answer to the question is no. The calculation for three to five -year-olds only applies to this provision in this particular group. So the next question, this will be for Michael. Do we know the date SEAs will have to report thresholds and standards for reasonable progress? Is it the effective date?

>>Michael Gross: It is not the effective date. The information collection request that is going to set all of these dates and the timeline under the paperwork reduction act is in process.

>>Perry Williams: Thank you. Michael again, what does it mean for states to be "in compliance" by July 1st, 2018? When do states need to make determinations for the first time using their new methods?

>>Michael Gross: I am going to refer the questioner to the document -- to the final rule itself. We answered it in great detail twice on pages 92-378 and 92-392. The document is in the pre-work material and so that would give you the answer to both of those questions and more rather than to advise this myself I will refer the answer there.

>>Perry Williams: Thank you, Michael. Eddie this question for you I'm planning a study of CEIS use for significant disproportionality. What are some good questions?

>>Edward Fergus: That's a great question. I think as state education departments and schools start paying attention to their CEIS plans, a set of good questions that need to be constant and thinking about CEIS plans is the goodness or connectedness to the root cause analysis. We actually identify causes of issues and how are they layered into CEIS plans. Within those plans what is built in their wellness to which we are actually outlining steps and processes necessary for those activities to occur. There I will refer the questioner to think about using the tools existing in the national implementation

resource network. Really pay close attention to the idea of the drivers and levers necessary to ensure an activity has a high level of fidelity -- fidelity in monitoring the wellness in which we are putting in this in order to see -- study CEIS it is a matter of ensuring making sure we are paying attention to the goodness of the fidelity in the wellness.

>>Perry Williams: Thank you, Eddie. I know we are moving fast we want to get through as many questions as possible. Should the questions on the Success Gaps Toolkit be answered using the lens of the area of non-compliance (i.e. overrepresentation of black students in emotional disturbance) only or considering practices in general education?

>>Nancy O'Hara: Both, the answer is both. The answer I can be real succinct but the answer is absolutely you want to keep your focus area in mind but also you want to look at what is happening in education for all children and how the group you are working with is fitting into that and being a part of it.

>>Perry Williams: Michael this looks like a question for you. Are there other disproportionality metrics a SEA could use in addition to risk ration?

>>Michael Gross: Regulations require the determinations for significant disproportionality be made with the risk ratio. There is nothing that prevents states from using other methods for their own internal purposes and to inform them for a root cause analysis. Or whatever other reason the state might have whatever issues the state might want to explore. The determination itself must be made using the standard methodology.

>>Perry Williams: Thank you. Here's a question if we could invest in only one thing to reduce disproportionality and suspension and expulsion what would it be? I will call on Phil for this question. He provided the answer I will read it. Coaching for providers for evidence-based prevention practices including data collection and use. Kent says measuring disproportionality regularly using data to identify problems and monitor progress. Those are the answers. Next. Question for Eddie. How can we ensure that as we address disproportionality, we remain committed to addressing all student's needs?

>>Edward Fergus: A question. One of the opportunities that arise out of significant disproportionality is an opportunity for school districts and state education departments to ask the question around the wellness of what they plan to do for instructional plan as part of a behavioral plan and part of the school culture plan: the degree to which there is goodness, the way we do it the way we plan for it to occur, and when we didn't lack we improve on it to ensure it's not only affecting all of our students but more particularly its having the types of proven effect with the populations experiencing disproportionate effect. Ensuring there is success is making sure our priorities around all students but with the particular attention to the populations that we know are in the most vulnerable set of conditions that unless as practitioners actually have priority around we can potentially lose sight if we don't include them as part of an epicenter of that examination.

>>Perry Williams: Thank you. Nancy is success gaps something that I would only use if my LEA was identified as having significant disproportionality?

>>Nancy O'Hara: Absolutely not. We did not focus on those today but there are many reasons a district or school could use the success gaps to look at some equity or success gaps issues but also as we talked



about today even if the district has not yet been identified that maybe has met the threshold or is approaching the threshold for one more year, you may want to use that tool as a real proactive preventative kind of tool to identify reasons you may be seeing disproportionality.

>>Perry Williams: Thank you. I will stay with you, if I'm a principal in a school and not an LEA could I use Success Gaps in my school?

>>Nancy O'Hara: There is also a great question. Yes, we feel the success gaps tool is very effective at the school level to identify differences in outcomes among groups within your school. Again the leader of the school and the stakeholder team can use that very effectively in a school setting.

>>Perry Williams: Looks like a question for Michael: What are the major differences between voluntary CEIS and comprehensive CEIS?

>>Michael Gross: Sure. Comprehensive CEIS is required. It is a statutory remedy required upon finding of significant disproportionality. Voluntary CEIS is voluntary. There a significant difference in population served. Comprehensive CEIS can serve children with disabilities and can serve preschool children, funds reserved for voluntary CEIS cannot. And the third significant difference is the regulation requires comprehensive CEIS to be used in a way to address the factors contributing to significant disproportionality. There is no such statutory requirement for voluntary CEIS.

>>Perry Williams: I would also add to that, if I may, one other difference is the amount of the percentage of funding used with requirement and comprehensive CEIS is 15% for a finding of significant disproportionality as with voluntary CEIS, an LEA can use up to.

>>Michael Gross: Correct 15%.

>>Perry Williams: Next question. How can success gaps be used in a district with persistent significant disproportionality?

>>Nancy O'Hara: So it sounds like we're talking about it district that has had significant disproportionality over multiple years. Certainly we hope they have already been addressing or are trying to address their significant disproportionality they have been using CEIS funds but you can use the success gaps tool to really dig deeper, get down to that practice level. Look at again the idea of process that has a representative stakeholder team that is really delving into the practices. Together you are identifying which of your practices are actually not meeting the needs in all the students and really keep digging deeper into the data and the practices.

>>Perry Williams: Eddie, how can the methodology be aligned or closely connected to root cause process?

>>Edward Fergus: I think one of the beauties around as we think about methodology aside from the mechanics of it the technical aspects of the methodology in the state education what is important to understand it is one part of obviously the identification but also a great tool for the thinking in regards is a thinking tool within the root cause process. The opportunity the state education departments have, especially now particularly that the regs have a discussion around stakeholders provides an opportunity for stakeholders to also learn from what the methodology provides us a leverage to be



able to say that if we have patterns of policy practice or procedural gaps -- procedural gaps should be affecting everyone proportionately but the methodology is telling us they are making patterns of disproportionate representation while these gaps are existing and I think that is an instance I find in a lot of the work I do with the education Department of school districts is that is such a fruitful exercise of really thinking through that. There is much more that is actually happening here beyond just it are using the right methodology what is it indicate for us in terms of our process.

>>Perry Williams: Thank you. Michael, what do you do with small states that have n-sizes of 1 or 2?

>>Michael Gross: There are a number of questions packed in there. I will try to tease some of them out. I spoke about the presumptively reasonable n sizes and cell sizes of ten and 30. That is up to ten and up to 30. First, there is nothing that prevents estate from using a small cell size like that. That is entirely up to the state's discretion if reasonable in the state's particular circumstances to do that, it should do that. The effect of having a small cell size is more districts get included in significant disproportionality analysis including districts with small populations, so you increase in fact the chance of having volatile results.

>>Perry Williams: Thank you. Staying with you, Michael. Did one of the presenters say we have the flexibility to "flag" LEAs as significant disproportionality not annually if we use the multiple year of data? For example, we could flag LEAs using 3 years of data, then they hold CEIS funds for 3 years, then do the same thing again?

>>Michael Gross: That is not quite what I was saying. Not quite what I was trying to say, so thank you for clarifying. What I was trying to say is that the state has the flexibility of basing its significant disproportionality determination on one, two or three years, three prior years of data. You're going to do an analysis every year. And it is merely that determination may take into consideration the data from years before one immediately prior. For example in my data, if I am above the risk ratio threshold but not in the first I don't that year need to make a determination of significant disproportionality if I have a three-year data that is what I was trying to say particularly.

>>Perry Williams: Thanks for clean that up. Nancy, can states conduct data dives into the interconnectedness of categories that states must consider significant disproportionality (i.e. are same cohort of kids, over-identified for disability, placed in more restrictive environments and subjected to discipline)?

>>Nancy O'Hara: Absolutely you can do that. Success gaps tool is a great tool to look at multiple aspects of the data at one time. It will be important that you have the data to look at that so as district leaders are preparing for success gaps work they need to bring the data that will support the team to look further and can you have to think about the makeup of your team so you have the right people at the table to look for all the factors you are talking about.

>>Perry Williams: That concludes the questions that we have time for today to answer. If your question did not get answered in the live session we hope to answer many more in our upcoming activities as we continue to support states in this process. Unfortunately we have come to the end of our time and I'd like to thank all of our presenters, all of the participating and listening out. Thank you all just for joining us for our first 2017 symposium series. Later this week we will be saying you additional



information how you can participate in the post discussion opportunities. Thank you all and have a great afternoon.

[Event concluded]