



Exceptional Student Services

ESS Policies & Procedures

For Significant Disproportionality

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ARIZONA DEPARTMENT OF
EDUCATION

Contents

Introduction to Significant Disproportionality	3
Calculating Significant Disproportionality.....	3
Standard Methodology	3
Arizona’s Defined Areas of Flexibility	4
Calculating Risk and Alternate Risk Ratios	4
Reasonable Progress	6
Rationale for Calculation	7
PEAs Identified with 2 or 3 Years of Disproportionality	7
Activities for PEAs At-Risk	8
Activities for PEAs with Significant Disproportionality	8
Comprehensive Coordinated Early Intervening Services (CCEIS)	9
CCEIS Timeline and Activities	9
Contact Us	10

Introduction to Significant Disproportionality

The Individuals with Disabilities Education Act (IDEA) section [34 C.F.R. § 300.646](#) requires States to collect and examine data to determine if significant disproportionality based on race/ethnicity is occurring in the State and its public education agencies (PEAs) in the areas of identification, placement and discipline. Having significant disproportionality means that students of a particular race/ethnicity are significantly more likely than their other-race peers to be identified as students with disabilities, identified in a particular disability category, placed in a particular educational setting or suspended/expelled as a disciplinary measure.

Calculating Significant Disproportionality

Standard Methodology

Each PEA has the potential for up to 98 calculations if it has enough children in each race/ethnicity category to complete the calculations. Regulations require states to calculate disproportionality in 14 categories for each of the 7 racial/ethnic groups ($14 \times 7 = 98$). There are 14 categories of analysis which include the areas of identification, placement and discipline.

- 1) Identification
 - 1) Identification as a student with a disability (all disabilities)
 - 2) Autism (A)
 - 3) Emotional Behavioral Disorder (ED)
 - 4) Intellectual Disability (ID)
 - 5) Other Health Impairment (OHI)
 - 6) Specific Learning Disability (SLD)
 - 7) Speech or Language Impairment (SLI)
2. Placement in a particular educational setting, least restrictive environment (LRE)
 - 8) Inside the regular class less than 40% of the day
 - 9) Inside separate schools and residential facilities (not including homebound or hospital settings, correctional facilities or private schools)
3. Received suspension/expulsion as a disciplinary action
 - 10) Out-of-school suspensions and expulsions of 10 days or fewer
 - 11) Out-of-school suspensions and expulsions of 10 days or more
 - 12) In-school suspensions of 10 days or fewer
 - 13) In-school suspensions of 10 days or more
 - 14) Total disciplinary removals including in-school and out-of-school suspensions, expulsions, or removals by school personnel to an interim alternative education setting,

and removals by a hearing officer

The 7 racial/ethnic groups include

- 1) American Indian or Alaska Native (AM)
 - 2) Asian (A)
 - 3) Black or African American (BL)
 - 4) Hispanic/Latino (HL)
 - 5) Native Hawaiian or Other Pacific Islander (PI)
 - 6) Two or More Races (MU)
 - 7) White (WH)
- 2) Data for identification categories (all disabilities and the six specific disabilities) include children and youth with disabilities ages 3 through 21.
 - 3) Data for placement includes children and youth with disabilities aged 5 (and enrolled in kindergarten) through 21.
 - 4) Data for discipline includes children and youth with disabilities ages 3 through 21.

Arizona's Defined Areas of Flexibility

Under the amended regulations, States have the flexibility to determine reasonable risk ratio thresholds, reasonable minimum n-size(s) and cell size(s), and the extent to which PEAs have made reasonable progress under [§300.647\(d\)\(2\)](#) in lowering their risk or alternate risk ratios. Based on data analysis and educational partner involvement, the Arizona Department of Education (ADE) has determined the areas of flexibility as:

- Number of years of analysis = three consecutive years
- Minimum cell size, number of students in a specific analysis category = 11
- Minimum n-size, number of students for comparison = 30
- Risk ratio threshold = 3
- Reasonable progress = multiple criteria (see section on [Reasonable Progress](#))

Calculating Risk and Alternate Risk Ratios

As part of the standardized process, States are required to utilize the risk and alternate risk ratio formulas in avoiding disproportionate outcomes within PEAs. The cell size and n-size, as defined by the State determine which calculation is used for each area of analysis.

Risk Ratio

If a PEA meets the cell size and n-size requirements for a particular area, the risk ratio will be applied. The risk ratio compares the rate of the target group versus the rate of all other students within the PEA for a particular outcome.

Example risk ratio:

PEA #1 had 40 Hispanic/Latino (HL) students with disabilities (SWD) out of a total of 100 HL enrolled students.

$$\frac{40 \text{ HL SWD}}{100 \text{ HL}} = .4$$

Risk of a HL student in the PEA being identified with a disability

PEA #1 had 100 non-HL SWD out of 1,000 non-HL students in the PEA.

$$\frac{100 \text{ non-HL SWD}}{1,000 \text{ non-HL}} = .1$$

Risk of a non-HL student being identified with a disability

To calculate the risk ratio, divide the risk of a HL student by the risk of a non-HL student.

$$\frac{.4 \text{ (rate of HL SWD)}}{.1 \text{ (rate of non-HL SWD)}} = 4$$

Risk Ratio

PEA #1 is identifying students who are HL at 4x the rate as their non-HL peers. Arizona's threshold is 3.0, so PEA #1 has disproportionality related to the identification of HL students.

If PEA #1 meets or exceeds the threshold for three consecutive years, the PEA will be identified as having significant disproportionality in that category.

Figure 1: Example of a Risk Ratio

Alternate Risk Ratio

If a PEA does not meet the n-size requirements for the comparison group, then the alternate risk ratio is calculated. The alternate risk ratio compares the PEA's rate of the target group versus the State rate for the comparison group.

Example alternate risk ratio:

PEA #2 had 10 Hispanic/Latino (HL) students with disabilities (SWD) out of a total of 95 HL enrolled students.

$$\frac{10 \text{ HL SWD}}{95 \text{ HL}} = .1053$$

Risk of a HL student in the PEA being identified with a disability

PEA #2 had 8 non-HL SWD in the PEA. The PEA comparison group does not meet the cell size requirements so a reliable comparison cannot be made within the PEA. Therefore, the alternate risk ratio is used and compares the PEA rate for the target group to the state rate for all other races.

$$\frac{22,465 \text{ non-HL SWD}}{220,440 \text{ non-HL}} = .1019$$

Risk of a non-HL student in the state being identified with a disability

To calculate the risk ratio, divide the risk of a HL student in PEA #2 by the risk of a non-HL student in the state.

$$\frac{.1053 \text{ (PEA rate of HL SWD)}}{.1019 \text{ (State rate of non-HL SWD)}} = 1.03$$

Risk Ratio

PEA #2 is identifying students who are HL at a slightly higher rate than state's non-HL students.

An alternate risk ratio (and risk ratio) of one represents proportionality. Based on the calculation, PEA #2 does not have disproportionality in identifying HL students for special education and related services.

Figure 2: Example of an Alternate Risk Ratio

If the cell size or n-size requirements for the target group are not met, then it is not possible to calculate that area. The PEA would be exempt for that specific race/ethnicity.

Reasonable Progress

If a PEA has exceeded the risk ratio threshold for three consecutive years, they may not be identified with significant disproportionality if they made reasonable progress. Arizona defines reasonable progress as showing a minimum decrease in a PEA's risk ratio threshold of 0.5 for two consecutive years.

Figure 3 illustrates an example of a PEA that would not be identified with significant disproportionality because they made reasonable progress.

FY25 Risk Ratio	FY24 Risk Ratio	FY23 Risk Ratio
4.8	4.3	3.1

PEA reduced risk ratio $\geq .5$

PEA reduced risk ratio $\geq .5$

Figure 3: Example of Reasonable Progress

Rationale for Calculation

In accordance with [34 C.F.R. §300.647\(b\)](#), in 2020, Arizona reported all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress and the rationales for each to the US Department of Education.

- **Risk Ratio Threshold:** ADE, along with stakeholder feedback, selected a risk ratio threshold of 3.0. In 2020, this threshold was selected after calculation using the standard methodology. Out of all the PEAs that met the minimum n and cell sizes at that time, 8% of PEAs had a risk ratio of 3.0 or greater. Using a normal distribution of scores with a mean of 1.1 and a standard deviation of 0.8, 2 standard deviations and the highest 2.5% of risk ratios, 2.7 would be the risk ratio threshold. However, the State opted to set the risk ratio threshold 0.3 higher to decrease the likelihood of PEAs establishing race-based quotas/caps to avoid being identified with significant disproportionality. With the use of both the multi-year and reasonable progress flexibilities, 3% of PEAs had a risk ratio of 3.0 or greater for 3 consecutive years without reasonable progress. In discussion with our technical assistance (TA) providers and our stakeholder groups, it was determined that 3.0 was a reasonable risk ratio threshold.
- **Reasonable Progress:** With feedback from our stakeholder groups and our TA providers ADE determined that a decrease of at least 0.5 for each of the two prior years in the risk ratio using the standard methodology demonstrate positive changes in policies, procedures, and practices that are beneficial and sustainable for PEAs that might otherwise be found significantly disproportionate, and allows them to continue making growth in the area(s) of significant disproportionality without the 15% fund allocation for Comprehensive Coordinated Early Intervening Services (CCEIS) activities.
- **Cell Size and N Size:** Arizona's stakeholders found the minimum cell size of 11 and minimum n-size of 30 to be reasonable. According to the US Department of Education, minimum cell sizes no greater than 10 and minimum n-sizes no greater than 30 are presumptively reasonable (see [34 C.F.R. §300.647\(b\)\(1\)\(iv\)\(A\) and \(B\)](#)). Arizona selected a cell size of 11 to enhance transparency between ADE and stakeholders, as any number smaller than 11 must be redacted to protect student privacy.

PEAs Identified with 2 or 3 Years of Disproportionality

PEAs can be identified with having disproportionality in one of two ways; either being at-risk or having significant disproportionality. PEAs identified as **at-risk have a risk ratio of 3.0 or higher for the past two consecutive years** while **significant disproportionality has had a risk ratio of 3.0 or higher**

for the past three consecutive years within the areas of identification, placement or discipline. Table 1 illustrates the distinction between the two.

Table 1: Actions Related to PEAs Identified as At-Risk vs. PEAs with Significant Disproportionality

Identification	Notification from ADE	Policy, Procedures, and Practices (PPP) Review	Analysis & Action Plan Form	Comprehensive Coordinated Early Intervening Services (CCEIS)
At-Risk (Risk ratio of 3.0 or higher for 2 consecutive years)	✓	–	Optional	–
Significant Disproportionality (Risk ratio of 3.0 or higher for 3 consecutive years)	✓	Required	Required	Required

Activities for PEAs At-Risk

Table 2 illustrates the two columns highlighted in red represent how this fictional PEA was identified as being at-risk for the identification of black students with an emotional disturbance for the past two consecutive years.

Table 2: Example of a PEA's Risk Ratios Above 3.0 for Two Consecutive Years

Entity ID	PEA	Area of Significant Disproportionality	Race/Ethnicity	FY24 Risk Ratio	FY23 Risk Ratio	FY22 Risk Ratio
1234	ABC Elementary District	Identification - ED	BL	3.87	3.52	2.91

As a result, ADE will send a notification to the PEA that will include information on available support and regulatory requirements of significant disproportionality. Notified PEAs are encouraged to consider utilizing the optional analysis and action plan form internally to reduce the risk of future identification, analyze the root cause(s) of disproportionality and develop improvement activities around areas of need.

Activities for PEAs with Significant Disproportionality

Table 3 highlights three columns in red, which indicate how this fictional Public Education Agency (PEA) was identified as having Significant Disproportionality in the identification of White students with autism over the past three consecutive years.

Table 3: Example of a PEA's Risk Ratios Above 3.0 for Three Consecutive Years

Entity ID	PEA	Area of Significant Disproportionality	Race/Ethnicity	FY24 Risk Ratio	FY23 Risk Ratio	FY22 Risk Ratio
1234	ABC Unified District	Identification - A	WH	4.25	3.57	3.00

As a result, ADE will send a notification to the PEA that will include information on available support, recommended timelines, requirements for CCEIS, and regulatory requirements of significant disproportionality. PEAs are required to complete the analysis and action plan form and provide CCEIS for an upcoming school year.

Comprehensive Coordinated Early Intervening Services (CCEIS)

PEAs who have been identified as having significant disproportionality are required to reserve 15% of their combined IDEA Part B Section 611 and 619 funds as part of CCEIS as defined by section [34 C.F.R. § 300.646](#).

CCEIS activities **must**:

- Address the needs of those student subgroups that were identified as the basis for causing the PEA to be identified as significantly disproportionate, but not exclusively for those student subgroups
- Focus on academic and behavioral instructional services and professional development

Both objectives are achieved by having the PEA complete the Significant Disproportionality Analysis Guide in the area where they were flagged. The purpose of this process is to encourage the PEA to thoughtfully examine potential contributing factors to significant disproportionality. This reflection then forms the basis of their CCEIS Plan. Example uses of CCEIS funds can be found in our [CCEIS Q&A section](#). Additional guidance can be found on our [CCEIS webpage](#).

CCEIS Timeline and Activities

When a PEA is identified with significant disproportionality, they **must** use 15% of their Part B allocation (611 and 619) to address factors contributing to disproportionality. Figure 4 presents a timeline of possible CCEIS fiscal allocation years to select from. Table 4 details the activities, including implementation of the action plan, intended to be completed during the chosen fiscal year.

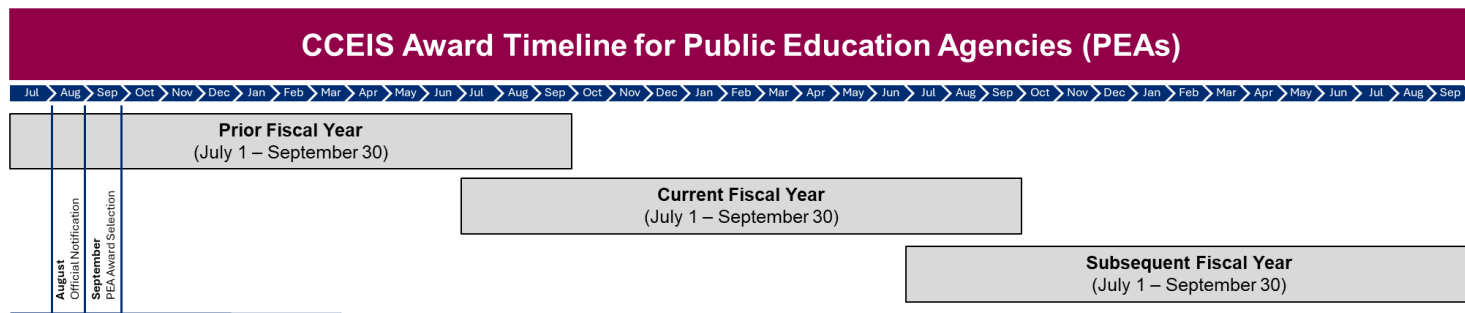


Figure 4: CCEIS award timeline for a PEA identified with significant disproportionality

PEAs identified with significant disproportionality must allocate and spend the required 15% of their IDEA Part B Section 611 and 619 funds on CCEIS activities. The PEA may choose to reserve the required 15% from one of either the prior, current, or subsequent fiscal year awards and designate what portion of the reserved funds are to be allocated from 611 or 619 or both. All CCEIS funds reserved must be spent during the period of availability applicable to the award year chosen. **PEAs must notify the ADE in writing from which of these awards to allocate CCEIS funds and submit a plan and budget for how they will be spent.** The CCEIS analysis guide and plan, review by the ADE, and implementation are time-intensive activities. Please plan accordingly when designating an allocation year for CCEIS funds.

Table 4: Activities to be completed during the chosen fiscal year for a PEA identified with significant disproportionality

Activity
ADE will notify the Special Education Director at the PEA
PEA Special Education Director and/or PEA representatives and stakeholders watch ADE's introductory videos on significant disproportionality
PEA confirms with ADE the award year to designate 15% of its' Part B IDEA funds
PEA sends policies, procedures, and practices to ADE
PEA completes Significant Disproportionality Analysis Guide
PEA receives feedback on the Analysis Guide
PEA completes the CCEIS Action Plan in accordance with data from the Analysis Guide
ADE specialists review CCEIS Action Plan and work with the PEA as needed to grant approval
PEA updates their grant in the Grants Management Portal to budget the amount that will be set aside for CCEIS and updates as needed
Progress updates to ADE: PEAs must submit at least two updates during the CCEIS Action Plan—one at midpoint and one at completion
Final CCEIS reports: PEA sends final progress report and the total count of students both with and without disabilities that were impacted by the funds

Contact Us

For questions related to significant disproportionality, please send an email to the [ESS Operations inbox](#).