

COORDINATED
PROGRAM REVIEW
PROCEDURES

*PQA Staff Guide & Procedures
for Monitoring and Addressing
Disproportionality*

*Pursuant to Civil Rights
Methods of Administration (MOA 4)
2004-2005*

Coordinated Program Review Criterion MOA 4

Placement of disabled, linguistic and racial minority, homeless, and female/male students

Patterns of placement in district programs and services for disabled students, linguistic and racial minority students, homeless students, and females are consistent with patterns of placement for non-disabled students, linguistic and racial majority students, nonhomeless students, and males. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.

Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03

Introduction

The federal and state law cited under MOA 4 requires school districts to provide students with equal opportunities for education regardless of race, primary language, gender, disability, or homelessness. In its Coordinated Program Reviews, the Department reviews documentation and interviews district staff to determine whether patterns of placement in district programs and services for protected categories of students are consistent with patterns of placement for other students. If patterns of placement are significantly inconsistent, the Department looks to the district to demonstrate that placements have been made for valid educational reasons. If the district cannot demonstrate this, it will be required to develop an action plan to remedy any issues identified by the Department.

As part of its review under MOA 4, the Department now analyzes data on the distribution of various groups of students in various statistical categories in accordance with a federal method for calculating disproportionality. This appendix describes that analysis and explains what is required of each district as a result of that analysis.

In 1997, the Individuals with Disabilities Education Act (IDEA) was amended to include in Section 618(c)(1) a requirement that states collect and examine “data to determine if significant disproportionality based on race is occurring in the state with respect to—

- (A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3); and
- (B) the placement in particular educational settings of such children.”

If significant disproportionality is found, the state is to provide for the “review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements” of IDEA-97. (Sec. 618(c)(2)) See also the almost identical federal regulations at 34 CFR 300.755.

The Massachusetts Department of Education now collects this IDEA-97-mandated data through the Student Information Management System (SIMS). It uses SIMS and other methods to collect additional data about the distribution of racial/ethnic groups and other groups of students in a variety of statistical categories. In connection with monitoring under MOA 4, it will analyze for disproportionality both the IDEA-97-mandated data and the additional data for each district reviewed, as well as two sets of data provided by the district (for Section 504 Accommodation Plans and regular education alternative programs).

The sections that follow provide districts with an explanation of disproportionality, a description of how disproportionality and significant disproportionality are calculated, an overview of the categories and groups of students for which disproportionality will be calculated in school year 2004-2005, and a description of the further monitoring a district may expect if significant disproportionality is found.

At the end of this Appendix may be found a section containing the two disproportionality worksheets (on Section 504 Accommodation Plans and general education alternative programs) that each district is expected to complete electronically, print out, and return to the Onsite Chairperson at least 8 weeks before the onsite visit. Instructions for completion appear at the bottom of each worksheet.

What is disproportionality?

Disproportionality is a term used to describe a discrepancy between the patterns of placement in programs and services for disabled students, linguistic and racial minority students, homeless students, and females, and those for non-disabled students, linguistic and racial majority students, nonhomeless students, and males. Where there is a discrepancy between the pattern of placement in a particular program or service for students of a particular group and the pattern of placement in that program or service for other students, there will also be a discrepancy between the proportion of students from that group in that program or service and the proportion of students from that group in the total student population. These related discrepancies may both be called disproportionality.

Take as an example a district with 1000 students, 300 black and 700 white. If the special education program in the district has 100 students, 10% of the district enrollment, it might be expected that 10% of black students (30) and 10% of white

students (70) would be in special education. The percentage of black students (30 out of 100 or 30%) in special education would match the percentage of black students in the total enrollment (300 out of 1000 or 30%), and the percentage of white students in special education (70 out of 100 or 70%) would match the percentage of white students in the total enrollment (700 out of 1000 or 70%).

If, on the other hand, this 100-student special education program has 40 black students and 60 white students, then there is a discrepancy between the patterns of placement in special education for blacks and for whites: the proportion of all the black students in the district who are in special education is 40/300 or 13% and the proportion of all the white students in the district who are in special education is 60/700 or 8.6%. Because black students are placed in special education at a higher rate than white students, there will also be a discrepancy between the proportion that black students make up of the students in special education (40/100 or 40%) and the proportion that black students make up of the total student population in the district (300/1000 or 30%). Likewise, there will be a discrepancy between the proportion that white students make up of the students in special education (60/100 or 60%) and the proportion that white students make up of the total student population (700/1000 or 70%).

Such disproportionality in the district's placement patterns is considered to be significant when it exceeds the threshold described in the next section. The existence of significant disproportionality will trigger further investigation by the Department, beginning with a discussion with district staff. That investigation may show that there are valid educational reasons for the district's placement patterns, in which case the district will be deemed to be in compliance with MOA 4, or it may not, in which case the district may or may not be found in noncompliance with MOA 4.

How are disproportionality and significant disproportionality calculated?

Many states, as well as the U.S. Department of Education, continue to struggle with choosing a single method of calculation to determine whether significant disproportionality under IDEA-97 exists within the state and within its districts. Research has shown that there is no consensus as to how to measure significant disproportionality or even how to define it. Until consensus develops, in order to maintain consistency with federal reporting, the Massachusetts Department of Education has chosen to adopt the current federal measures of disproportionality and significant disproportionality—both for its inquiry into race-based disproportionality in special education, mandated by IDEA-97, and its inquiry into other types of disproportionality.

This measure has to do with the second kind of discrepancy noted above and is called *relative difference*. It is the difference between the percentage that students from a particular group constitute of the students in a statistical category and the percentage that that same group of students constitutes of the district's adjusted*total enrollment—as compared to the percentage the group constitutes of the district's total enrollment. If the relative difference is greater than +0.20 or less than -0.20, the disproportionality is considered to be significant.

Take as an example a district where students whose primary language is Spanish make up 65% of the total district enrollment but 75% of special education students. The relative difference is the difference between the percentage of Spanish-speaking students in special education (75%) and the percentage of Spanish-speaking students in the total district enrollment (65%), as compared to the percentage of Spanish-speaking students in the total district enrollment (65%). The relative difference is thus $(75\% - 65\%)/65\%$ or $10\%/65\%$ or 0.15.

By way of contrast, take as another example the district where students whose primary language is Spanish make up 10% of the total district enrollment but 20% of special education students. The relative difference is the difference between the percentage of Spanish-speaking students in special education (20%) and the percentage of Spanish-speaking students in the total district enrollment (10%), as compared to the percentage of Spanish-speaking students in the total district enrollment (10%). The relative difference is thus $(20\% - 10\%)/10\%$ or $10\%/10\%$ or 1.0.

In both of these cases the absolute difference between the proportion of Spanish-speaking students in special education and the proportion of Spanish-speaking students in the district is 10 percentage points. But the relative differences are very dissimilar: by viewing the difference between the proportion of Spanish-speaking students in special education and the proportion of Spanish-speaking students in the district in relation to the latter, one derives a relative difference in the first example of 0.15 and a relative difference in the second example of 1.0. The disproportionality in the second district would be considered significant since $+1.0 > +0.20$. The disproportionality in the first district, since $-0.20 < +0.15 < +0.20$, would not.

For an example where the relative difference is negative, consider a district where females make up 52% of the total district enrollment but 45% of the Title I enrollment. The relative difference is the difference between the percentage of females in Title I (45%) and the percentage of females in the total district enrollment (52%), as compared to the percentage of females in the total district enrollment (52%). The relative difference is thus $(45\% - 52\%) / 52\%$ or $(-7\%) / 52\%$ or -0.13 . Since $-0.20 < -0.13 < +0.20$, this disproportionality would not be considered significant.

*Adjusted total enrollment includes students in private special education schools whose tuition is paid by the district. In the rest of this Appendix, when total enrollment is referred to, it should be assumed that what is meant is adjusted total enrollment.

What data will be analyzed in connection with MOA 4?

The Department will provide reports--generated from school year (SY) '04 data collected through the Student Information Management System (SIMS)--showing distribution by race/ethnicity, gender, primary language (English, Spanish, or other), LEP status, and IEP status in the following statistical categories: special education enrollment, 8 special education placement categories, 13 special education disability categories, Title I enrollment, enrollment in vocational programs (both Chapter 74 and non-Chapter 74 programs), and enrollment in Advanced Placement courses (AP).^{*} For all these categories the relative difference will be calculated by the Department and included in the reports. The Department may also provide reports--generated from SY '03 data collected in a variety of ways—showing distribution by race/ethnicity and/or other variables for suspensions and retentions.

The district will be responsible for completing two worksheets, one showing distribution by race/ethnicity, gender, primary language, and homeless status in the category of students with Section 504 Accommodation Plans, and one showing distribution by race/ethnicity, gender, primary language, homeless status, and IEP status in the category of enrollment in general education alternative programs. The district will use its own statistics as well as statistics provided by the Department to complete electronic versions of these worksheets; relative difference for the distribution of each of the various groups of students in each of the two categories will be calculated automatically by the Excel program used.

*Special education enrollment, special education placement categories, and special education disability categories will not be analyzed by IEP status.

What additional monitoring may the district expect if the threshold for significant disproportionality is exceeded in a particular statistical category?

If the relative difference for the percentage that a particular group constitutes of a particular category is greater than $+0.20$ or less than -0.20 , the onsite team will investigate the disproportionality further, beginning with a discussion with district staff. It may

- conduct additional interviews of staff, parents and/or students;
- request additional documentation; and/or
- require the district to supply more detailed information about policies, procedures, and practices with respect to the category or categories in question.

Further investigation may or may not result in a finding of noncompliance with MOA 4.

Massachusetts Department of Education
Monitoring Disproportionality

The Process

KEY PREPARATION ACTIVITY:

*It is essential that the two required worksheets be completed electronically, printed out, and given to the Onsite Chairperson **AT LEAST 8 WEEKS PRIOR TO THE ONSITE VISIT**, as this information is used in planning the scope of the Department's program review activities, in preparing for the onsite phase of the Coordinated Program Review and in making critical determinations regarding district compliance with criterion MOA 4.*

Districts should begin preparation of this required Coordinated Program Review data well in advance of the due date set by the Department's Onsite Chairperson.

Gathering Data

The Onsite Chairperson will provide the district with reports containing unsuppressed¹ data, collected through the Student Information Management System (SIMS), for which *relative difference* has been calculated and appears in **bold** print.

Note: since this data is unsuppressed, it must be treated as confidential. In these reports, generated from the Student Information Management System (SIMS), distribution by race/ethnicity, gender, primary language (English, Spanish, and other), LEP status, and IEP status is analyzed for the following categories:

1. Special education enrollment
2. Disability type
3. Special education placement (“educational environment”)
4. Title I enrollment
5. Chapter 74 vocational programs—enrollment
6. Non-Chapter 74 vocational programs—enrollment
7. Advanced Placement enrollment

¹ Represents the placement of all students within each subcategory. For reasons of confidentiality, data reports for public view usually do not report student data when fewer than 6 students are represented in any category or subcategory.

Special education enrollment, special education placement categories, and special education disability categories will not be analyzed by IEP status.

The Onsite Chairperson may also provide the district with reports, generated from multiple sources, that include data on suspensions and retentions.

The district will provide the Onsite Chairperson with the attached worksheets completed by the district for:

1. Section 504 Accommodation Plans
2. General education alternative programs

Using data about total district enrollment for various groups from the reports provided by the Department as well as data gathered from local records, the district will provide the enrollment data for Section 504 Plans and General Education Alternative Programs in the electronic forms provided by the Onsite Chairperson, according to the directions found at the bottom of each page.

Analyzing the Data

The Department-Provided Data

For each of the seven categories--special education enrollment, special education placement categories, special education disability categories, Title I, Chapter 74 vocational programs, non-Chapter 74 programs, and Advanced Placement (AP) programs-- where data is provided by the Department the *relative difference* has been calculated and appears in **bold**. The Department and district reviewers need only assess whether those bolded numbers are less than -0.20 or greater than +0.20. If these values exceed the threshold, then there **may** be noncompliance, and further investigation by the Department's Onsite Team will be triggered. Since these reports contain unsuppressed data they cannot be forwarded to the district in an email since it is not a secure internet connection. The chairperson will have to provide hard copies of the data reports at the time of the orientation

The District-Provided Worksheets

The Onsite Chairperson will retrieve the electronic versions of the worksheets from the shared intranet drive and provide these forms to the district either by email, floppy disc, or compact disc. The district will complete worksheets for Section 504 Accommodation Plans and general education alternative programs according to the directions found at the bottom of each worksheet. District staff need only input in the electronic version of the worksheet the requested data, using data from the reports provided by the Onsite Chairperson as well as data gathered from local records. Formulas for calculating relative difference are imbedded in the worksheet--no calculation will be required of the district.

The Results of the Data Analysis and Next Steps

After the analysis of the data is complete and **IF** the Onsite Chairperson and the District have identified areas of concern, i.e. the relative difference for one or more categories is less than -0.20 or greater than +0.20, then the Onsite Team will investigate further as deemed appropriate. This additional monitoring **may** include any or all of the following activities:

- Conducting additional interviews of staff, parents and/or students;
- Requesting additional documentation;
- Requiring the district to respond with more detailed information concerning policies, procedures, and practices with respect to the category or categories in question.

Work Sheet for Calculating Disproportionality for 2003-2004 Section 504 Accommodation Plans

District Name: (1)					
Person completing this report: (2)			Date of Report: (3)		
Total district enrollment 2003-2004	(4)				
Total number of students on Section 504 Plans 2003-2004	(5)				
Group	Total district enrollment for this group 2003-2004(6)	Total group count for this category 2003-2004(7)	Relative Difference (8)	Is the relative difference greater than +0.20 or less than -0.20? (9)	
<i>Race/Ethnicity</i>				> +0.20	<-0.20
African American					
White					
Asian					
Hispanic					
Other					
<i>Gender</i>					
Male					
Female					
<i>Primary Language</i>					
English					
Spanish					
Other					
Other					
<i>Limited English Proficient (LEP)</i>					
LEP					
Not LEP					
<i>Homelessness</i>					
Homeless					
Not Homeless					
Instructions for Completing Table					
(1) Insert district name where indicated.					
(2) Insert the name of the person completing this report where indicated.					
(3) Insert the date of the report where indicated.					
(4) Insert the total district enrollment for the school year 2003 – 2004 where indicated.					
(5) Insert the total number of district students on Section 504 Plans for school year 2003-2004 where indicated.					
(6) In this column insert the total number of district students in 2003-2004 in the group identified in the first column.					
(7) In this column insert the number of students from this group on Section 504 Plans in 2003-2004.					
(8) The relative difference should appear in this column automatically when the form is completed electronically. No calculation required by district.					
(9) Indicate where the relative difference is greater than +0.20 or less than -0.20 by placing a check mark in one of the columns provided.					

Work Sheet for Calculating Disproportionality for 2003-2004 General Education Alternative Programs

District Name: (1)					
Person completing this report: (2)				Date of Report: (3)	
Total district enrollment 2003-2004	(4)				
Total number of students in general education alternative programs 2003-2004	(5)				
Group	Total district enrollment for this group 2003-2004 (6)	Total group count for this category 2003-2004 (7)	Relative Difference (8)	Is the relative difference greater than +0.20 or less than -0.20? (9)	
<i>Race/Ethnicity</i>				> +0.20	< -0.20
African American					
White					
Asian					
Hispanic					
Other					
<i>Gender</i>					
Male					
Female					
<i>Primary Language</i>					
English					
Spanish					
Other					
Other					
<i>Limited English Proficient (LEP)</i>					
LEP					
Not LEP					
<i>Homelessness</i>					
Homeless					
Not Homeless					
<i>Special Education</i>					
IEP					
No IEP					
Instructions for Completing Table					
(1) Insert district name where indicated.					
(2) Insert the name of the person completing this report where indicated.					
(3) Insert the date of the report where indicated.					
(4) Insert the total district enrollment for the school year 2003 - 2004 where indicated.					
(5) Insert the total number of district students attending '03 -'04 general education alternative programs where indicated					
(6) In this column insert the total number of district students in 2003-2004 in the group identified in the first column.					

(7) In this column insert the number of students from this group attending gen. education alternative programs in '03 -'04.	
(8) The relative difference should appear in this column automatically when the form is completed electronically. No calculation required by district.	
(9) Indicate where the relative difference is $> +0.20$ or < -0.20 by placing a check mark in one of the columns provided.	

Next Steps if the Results of the Data Analysis Require Further Investigation

If the relative difference for any group in any category is less than $-.20$ or greater than $+.20$, it does indicate a significant disproportionality of the values compared, but it does not necessarily indicate noncompliance with the requirements of MOA 4.

If the calculated relative difference is outside the established values $\pm .20$ the following procedures should be taken to determine the source of the disproportionality and whether or not there are valid educational reasons for it.

1. Meet with district administrators responsible for ensuring the implementation of civil rights requirements to review and discuss the data. This discussion might center on sample size or educationally valid reasons for the disproportionality.
2. If this discussion does not reveal the reasons for the disproportionate values, investigate further. This additional monitoring may include any or all of the following activities:
 - Conducting additional interviews of staff, parents and/or students;
 - Requesting additional documentation;
 - Requiring the district to respond with more detailed information concerning policies, procedures, and practices with respect to the category or categories in question.

If the discussion with district administrators and any further investigation do not show educationally valid reasons for the significant disproportionality, a third step, corrective action, needs to be taken as described below.

Step 1 Meeting with district administrators

If the calculation for relative difference shows significant disproportionality, the Chairperson will meet with the district administrator(s) responsible for ensuring compliance with all federal and state civil rights laws and regulations to discuss and explore its causes. Jointly, the district and the Onsite Chairperson will examine and analyze the data for possible root causes for the disproportionality and determine whether there is concern about practices in the district, program, or school that warrants further investigation.

Key Questions:

1. Is the disproportionality the result of small sample size? If yes explain
2. Is the disproportionality the result of educationally valid placement decisions? Explain
3. Is the disproportionality most evident in a particular school or program? Explain
4. Is further investigation required to determine the root causes for the disproportionate values? If so, what are the areas of concern and which activities would best reveal the causes of those concerns?

Step 2 Next step strategies

Depending on the scope of the disproportionality one or more of the following activities may be employed to investigate the disproportionality:

- Hold interviews with staff, parents, and/or students
- Have the district complete the pages entitled “Policies, Procedures, and Supplementary Information” for each category where the disproportionality exists.
- Have the district respond to the Chairperson’s request for specific clarifying information regarding the concern or concerns

Step 3 Corrective Action

If, after the cooperative investigation, no educationally valid reason for significant disproportionality has been shown, the district should be found in noncompliance with MOA 4. Since corrective action will be necessary to address the noncompliance, the district and the Onsite Chairperson will discuss the **root causes** of the disproportionality and the most effect approaches to its correction.

Since the nature and scope of the required corrections will vary significantly from district to district the corrective actions should be designed to be responsive to the root causes uncovered. They may include revisions to policies and procedures, mentoring of targeted staff, awareness training for staff, etc.

In any case the corrective actions need to be measurable.

The following websites contain a wealth of resources and links concerning this topic and examples of culturally responsive schools and classrooms. Should there be areas of disproportionality that the Onsite Chairperson and the district need to investigate, provide the sites to the appropriate district contact person for reference during the investigation and use in developing corrective action if it is found to be necessary.

National Center for Culturally Responsive Educational Systems www.nccrest.org

and

The Education Alliance at Brown University <http://www.lab.brown.edu/topics/equity.shtml>

Suggested Questions for Further Investigating Disproportionality

Interviewees may include students, parents, administrators, and staff. The persons selected for interviews should be selected so as to clarify areas of concern or clarify the root causes for the disproportionality.

[Note to interviewer: when asking questions modify question to address the particular program or area of concern, i.e. Placement in an Educational Environment, Title I, or Advanced Placement]

Administrators and Staff:

What is your involvement with this particular program?

Do you know the criteria for accessing this program? Please explain.

Do you know the exit criteria for this program? Please explain.

Can you explain why the disproportionality in this program (the interviewer should explain what that disproportionality consists of) exists?

Students:

(For students who have been in the program in question):

Were you involved in the process when you entered (the particular program)? Please describe how.

(if applicable) Were you involved in the process when you left (the particular program)? Please describe how.

(For students who have not been in the program in question):

Do you know anything about this program? If yes, what do you know? How did you find this out? If not, why do you think this is?

Has it ever been suggested to you that you should be in this program? (If so) What happened?

Have you ever tried to be placed in this program? (If so) What happened?

(For all students):

Do you have an explanation for why there is a disproportionately (low or high) number of (whatever group) in (the program in question)?

Parents:

Has your child ever been in (the program or programs at issue)?

If so, were you involved in the process when your child entered the program? Please describe how.

If your child is no longer in this program, were you involved in the process of terminating? Please describe how.

If not, do you know anything about this program? If yes, what do you know? How did you find this out?

If not, why do you think this is?

Has it ever been suggested to you that your child should be in this program? (If so) What happened?

Have you ever tried to have your child placed in this program? (If so) What happened?

Do you have an explanation for why there is a disproportionately (low or high) number of (whatever group) in (the program in question)?

Policies, Procedures, and Supplementary Information

Instructions:

Please fill out the form on the following page for each program checked off below. Please fill out the form on the page following that if “Disciplinary Procedures” is checked off below and the form on the next page after that if “Retention Procedures” is checked off. For all forms filled out, please supply the required attachments.

Program Areas

- Special Education
Specify area of concern: _____
- General Education Alternative Schools/Programs
- Vocational/Career Programming
- Title I
- Section 504
- Advanced Placement Programs

Procedures

- Disciplinary Procedures
Specify school: _____
Specify area of concern: _____
- Retention Procedures
Specify school: _____

Policies, Procedures, and Supplementary Information

Program Area: _____

School District: _____ Person completing this information: _____

Name of school where the program is based: _____

Instructions:

Please attach copies of existing policies and procedures, including any entry or exit criteria, for the program checked off by the Onsite Chairperson.

If the district does not have either an existing written policy or an existing written procedure for the indicated program, please check here.

In any case, please attach a program description for this program.

Program Description: Please attach a general narrative explanation of the curriculum and instruction, related and support services, staffing, and facilities available.

Unless included in the existing policies and procedures, please also describe:

Entry Criteria: The student conditions or characteristics necessary for admission.

Entry Process: The procedures followed to admit a student.

Exit Criteria: The student conditions or characteristics necessary for being moved from the program.

Exit Process: The procedures followed to remove a student from the program.

Policies, Procedures, and Supplementary Information

Disciplinary Procedures

School District: _____ Person completing this information: _____

Specify what school or schools these disciplinary procedures are for : _____

Instructions:

Please attach copies of existing disciplinary policies and procedures, including policies and procedures for special education students

Please also attach:

Copies of discipline logs as specified by the Onsite Chairperson

Descriptions of disciplinary actions as specified by the Onsite Chairperson

Policies, Procedures, and Supplementary Information

Retention Procedures

School District: _____ Person completing this information: _____

Specify what school or schools these retention procedures are for: _____

Please attach copies of existing retention policies and procedures. If no written policies and procedures exist, please describe the district's practices with respect to retention.

Please also attach:

Lists, for the last three years, of students who have been retained, along with information as to what school and grade they were retained in and demographic information about these students as specified by the Onsite Chairperson.

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