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Bureau of Student Support FY'20 Memo #1

Date: July 3, 2019

To: Superintendents of Schools  
Administrators of Special Education

From: Office of the Commissioner of Education  
  
Division of Learner Support  
Bureau of Student Support

RE: Significant Disproportionality

The New Hampshire Department of Education (NHDOE), Bureau of Student Support (Bureau) is writing with information for districts relative to the Bureau's annual determination of significant disproportionality for all school districts. Significant disproportionality is determined using a three-year risk ratio analysis of district data, pulled from NHSEIS, to determine if there is disproportionality based on race and ethnicity in the identification, placement, and discipline of children with disabilities.

All districts will receive a letter and a chart detailing their three-year risk ratio analysis of disproportionality. Significant Disproportionality is determined when a school district exceeds the threshold (see below for description of calculation). For any district where significant disproportionality is determined the district will receive a letter outlining the required actions.

The following is information for district personnel to review in preparation for dissemination of the risk ratio analysis and accompanying information.

To assist in understanding the terms used in this memo please find attached a Significant Disproportionality Glossary

**Determining Significant Disproportionality**

Pursuant to 34 CFR 300.646 and 300.647 of the IDEA, states must collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the local educational agencies (LEAs) of 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;
- B. The placement in particular educational settings of such children; and
- C. The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

The IDEA required states to make significant disproportionality determinations using stakeholder input and new methodology determined reasonable per 34 CFR 300.646. In December of 2016 the US Department of Education released revised regulations under IDEA to require State Education Agencies (SEAs) to set a standard methodology for analysis of disproportionality. This includes setting a threshold above which the SEA will determine disproportionality in the identification, placement, or discipline of children with disabilities within an LEA, is significant.

Through the revised process New Hampshire has determined reasonable

Pursuant to 34 CFR 300.646 and with stakeholder input, New Hampshire has established reasonable a threshold above which disproportionality is significant. The threshold is:

- A risk ratio, Total Removals Per Child (TRPC) ratio, or alternate risk or TRPC ratio where appropriate, of 3.50 or higher for three consecutive years in the same target group;
- Where no reasonable progress is shown.

The target group is the district specific area, sub-area and racial category being calculated. Reasonable progress in New Hampshire is defined as at least a 10% rate of decrease in risk or alternate risk ratio from year to year over the three years in the target group. (See glossary page 5 for more on reasonable progress. See glossary page 1 for chart of specific areas and sub-areas)

### **Calculating Risk of Significant Disproportionality**

In determining if significant disproportionality is present, a risk ratio is calculated for three consecutive years, for each of the sub-areas, and in each of the seven racial/ethnic categories (*Hispanic/Latino, American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White, or Two or more Races*) where a minimum cell size and a minimum N size are met (see glossary page 1 for definition of N Size)

The risk ratio calculates the specific racial/ethnic group's risk of receiving special education and related services for a particular disability, being placed in a particular educational environment, or experiencing a particular disciplinary removal as compared with the same risk for all children not in that racial/ethnic group.

Risk ratios can produce unreliable numbers when applied to small populations. Therefore, a minimum cell and N size are put in place to reduce the possibility of a district being inappropriately identified with significant disproportionality. Based on federal guidance and stakeholder input, New Hampshire has determined a minimum cell size of 10 and a minimum N size of 30 as reasonable for our state.

The specific outcomes (sub-areas) for which disproportionality is calculated are:

- For Identification (ages 3-21):
  - All Disabilities
  - Autism
  - Emotional Disturbance
  - Intellectual Disability
  - Other Health Impairment
  - Speech or Language Impairment

Bureau of Special Education FY'20 Memo #1

July 3, 2019

Page 3 of 5

- Specific Learning Disability
- For Placement (ages 6-21)
  - Inside the Regular Classroom less than 40% of the day
  - In a Separate School or Residential Facility
- For Disciplinary Removals (ages 3-21)
  - Out-of-School Suspension totaling 10 days or less
  - Out-of-School Suspension/expulsion totaling greater than 10 days
  - In-School Suspension totaling 10 days or less
  - In-School Suspension totaling greater than 10 days
  - Total Disciplinary Removals

As of the date of this memo, the current year's data being calculated is for Federal Fiscal Year (FFY) 2017. For FFY'17 the data used in calculating the risk of significant disproportionality is:

- For Identification:
  - The Cell Size Data Source is the October 1, 2017 Child Count by district by race for each specific outcome
  - The N Size Data Source is the October 1, 2017 General Enrollment by district by race
- For Placement:
  - The Cell Size Data Source is Environment from the October 1, 2017 Child Count by district by race for each specific outcome
  - The N Size Data Source is the October 1, 2017 Child Count by district by race
- For Disciplinary Removals:
  - The Cell Size Data Source is Disciplinary Removals from School Year 2016-2017 as reported in the New Hampshire Special Education Information System (NHSEIS) by district by race for each specific outcome
  - The N Size Data Source is the October 1, 2016 Child Count by district by race

Risk is calculated by dividing the cell size by the N size for a particular target group or comparison group, with a target group being defined by an area (e.g. identification), outcome (e.g. autism), and racial category (e.g. Asian) and a comparison group being defined as the same area and outcome, with all of the children not in the target racial category (e.g. all non-Asian children).

The risk ratio for each target group is calculated by dividing the risk of the target outcome for children in the target racial category within the district by the target outcome risk for children not in that racial category within the district. (see page 3 of the glossary for example of calculating risk and risk ratio).

What it means: A risk ratio of 1.50 in a target group means that, in that district, children in the target racial category are one and a half times as likely to experience the target outcome as are children in all other racial/ethnic categories.

To reduce the possibility of small populations causing inappropriate identification of significant disproportionality, an alternate risk ratio calculation is used when the cell or N comparison group size for the district is less than the minimum cell or N size. The alternate risk ratio is calculated by dividing the risk of the target outcome for children in the target racial category within the district by the target outcome risk for children not in that racial category statewide.

What it means: An alternate risk ratio of 2.00 in a target group means that children in the target racial category in the district are twice as likely to experience the target outcome as are children in all other racial/ethnic categories statewide (see page 4 of the glossary for example of alternative risk ratio).

For Identification and Placement outcomes and for Disciplinary Removals In-School and Out-of-School suspension/expulsion outcomes each child will either experience the outcome or not. There are no multiple experiences in one year. Total Disciplinary Removals, on the other hand, can happen multiple times to one child in one year. For the outcome Total Disciplinary Removals, a Total Removals Per Child (TRPC) ratio is calculated instead of the risk ratio (see pages 4 & 5 for examples of TRPC and TRPC ratio).

Total Removals Per Child (TRPC) is the average number of disciplinary removals per child for a specific racial/ethnic group. TRPC is calculated by dividing the cell size (*total disciplinary removals by race*) by the N size (*October 1<sup>st</sup> Child Count by race*).

The TRPC ratio for each target group is calculated by dividing the TRPC for children in the target racial category within the district by the target TRPC for children not in that racial category within the district.

What it means: A TRPC ratio of 2.00 for a target racial category means the average number of removals per child for children with disabilities in that racial category in the district is two times that of all other children with disabilities in the district.

An alternate TRPC ratio is used when the cell or N comparison group size for the district is less than the minimum cell or N size. The alternate TRPC ratio is calculated by dividing the TRPC for the target group within the district by the TRPC for the comparison group statewide.

What it means: An alternate TRPC ratio of 2.00 in a target group means the average number of removals per child for children with disabilities in the target racial category for the district is twice the TRPC for all other children with disabilities in the state.

### **Significant Disproportionality 3-Year Analysis**

Districts will be provided a 3-year analysis of their risk ratio, TRPC ratio, or alternate risk or TRPC ratio, in each target group (each racial category of each area and outcome) today and annually going forward.

This analysis will provide districts notification of any determination of significant disproportionality and alert districts of any disproportionality that may become significant.

Please find attached the template form that will be used to provide each district with their 3-year analysis of disproportionality in all ninety-eight target groups.

If a determination of significant disproportionality is made the accompanying letter will outline the required actions for the district.

### **Determination of Significant Disproportionality**

For each district, in any racial category, in any outcome of Identification, Placement, or Discipline, where the minimum cell size and N size are met, if there is a risk ratio, TRPC ratio, or alternate risk or TRPC ratio of 3.5 or higher for three consecutive years with no reasonable progress, a determination of significant disproportionality will be made.

If a determination of significant disproportionality is made the Bureau will:

Bureau of Special Education FY'20 Memo #1

July 3, 2019

Page 5 of 5

- Provide for the review, and, if appropriate, revision of policies, practices, and procedures with the district to ensure compliance with the requirements of IDEA;
- Require the district to publically report on any revision of policies, practices, and procedures consistent with the requirements of the Family Educational Rights and Privacy Act and its implementing regulations in 34 CFR Part 99, and Section 618(b)(1) of the IDEA; and
- Require the district to set aside 15% of its IDEA, Part B funds to provide comprehensive coordinated early intervening services (CCEIS) per 34 CFR 300.646 to address factors contributing to significant disproportionality.

Should you have questions, or need further clarification, please contact Hannah Krajcik at [Hannah.Krajcik@doe.nh.gov](mailto:Hannah.Krajcik@doe.nh.gov) or (603) 271-3742.

Attachment:

Significant Disproportionality Glossary

Significant Disproportionality 3-year Analysis Template