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Bureau of Special Education Support FY'23 Memo #22

Date: January 5, 2023

To: Superintendents of Schools  
Administrators of Special Education

From: Bureau of Special Education Support  
Division of Learner Support

RE: Significant Disproportionality Calculations for FFY'21: Discipline

The New Hampshire Department of Education (NHED), Bureau of Special Education Support (Bureau) is writing with information for districts relative to the Bureau's annual determination of significant disproportionality for all school districts for Federal Fiscal Year 21 (FFY'21). The process for calculation and determination was outlined in Bureau of Student Support FY'20 Memo #1.

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 chart detailing their three-year risk ratio analysis of disproportionality for Discipline for FFY'21 by the end of the following week.**

Significant Disproportionality is determined when a school district exceeds the threshold in any target group (see [FY'20 Memo #1](#) for calculation of threshold and definition of target group). For any district where significant disproportionality is determined the district's email will include a letter with the required actions.

For FFY'21 the most recent data used in calculating the risk of significant disproportionality are:

- For Disciplinary Removals:
  - The Cell Size Data Source is Disciplinary Removals from School Year 2021-2022 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, 2021 Child Count by district by race

### **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:

- 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 Lexie Ferraro at [Alexandra.m.Ferraro@doe.nh.gov](mailto:Alexandra.m.Ferraro@doe.nh.gov) or (603) 271-3750.