Public Hearing on Vermont's Policy and Procedures: Significant Disproportionality in Special Education Meeting Minutes

Meeting Place: Virtual
Address: Teams Meeting platform
Date: April 20, 2020 11:00am-12:00pm

Present: Jacqui Kelleher, Agency of Education, State Director Special Education; Cassidy Canzani, IDEA Federal Data Administration Director; Ric Reardon, Director, Castleton Center for Schools, Betty Roy, Inclusive Systems Coordinator

Agenda:

1. Review of the Policy on Significant Disproportionality in Special Education for Vermont
2. Public Comment/Discussion

Items available for preview:

- [Policy and Procedures Significant Disproportionality in Special Education Memorandum](#)
- [Public Posting Significant Disproportionality Hearing](#)

Agenda for Meeting:

11:00 - 11:05	Greetings and purpose of meeting
11:05 - 11:15	Reading of Policy and Procedures Significant Disproportionality in Special Education Memorandum by Jacqui Kelleher
11:15 - 11:30	Questions and Answers
11:35 - 12:00	Await others to join virtual meeting
12:00	Adjourn

Greetings and Purpose of Meeting:

Greetings of all participants.

Ric Reardon: stated he has been a long-time educator in Vermont and lived in Florida for 15 years; and the differences between the two states. Disproportionate with the numbers the way they are. It's easy to disaggregate and aggregate numbers and make sort of determinations about whose doing what well. Since 2007, watching Vermont's progression towards reporting outcomes on students with disabilities. Primarily, due to challenge such as the low N numbers or cell sizes.

Jacqui Kelleher: announced purpose of meeting is an interesting piece as it is Federal requirement and not necessarily a controversy topic. Getting feedback, questions and opinions is really important

Contact Information:

If you have questions about this document or would like additional information, please contact:

Jacqui Kelleher, Student Support Team, at jacqui.kelleher@vermont.gov.

for the State. We are obligated to submit this policy by May 15th. We have met with different stake holder groups for initial input on cell sizes, N sizes, threshold.

Jacqui stated that she had the policy to review. Cassidy has different visuals; if you have specific questions about the numbers and how we came up with the methodology. We would like to make it as interactive as possible.

Ric has reviewed the policy and has it on hand to view.

Reading of Policy and Procedures Significant Disproportionality in Special Education Memorandum by Jacqui Kelleher:

- [Policy and Procedures Significant Disproportionality in Special Education Memorandum](#)

Questions and Answers:

Jacqui Kelleher: With that said, Cassidy has visuals and she has been the one from our data team that has been deciding what might work best for Vermont. If you have any comments or testimony that you would wish to provide. We would love to hear from you.

Ric Reardon: First thing would be if there is a way to display or describe the categories? What is it you that you are disaggregating? Having gone through the No Child Left Behind debacle, years ago and all those subcategories. I am curious where the areas are you are collecting data are?

Cassidy Canzani: Pulls up a PowerPoint chart. These categories are broken out by the Federal final rule on Significant Disproportionality. It is:

- Identification of children as having a disability or one of six particular impairments
- Placement of children in restrictive educational settings
- Incidence duration ad type of disciplinary removals

I have a slide on each of those, so we can get real specific. For identification we are looking for children ages 3 through 21:

- we are comparing children identified as children with disabilities in a particular race or ethnicity category to the risk of being identified with any other children in any other race or ethnicity category.
- The same for Intellectual disabilities, Specific learning disabilities, Emotional disturbance impairments, Speech or language impairments, Other health impairments -which is a category that includes ADD, ADHD and Autism.

Ric Reardon: What is the justification going with these 6 and not the other 7 categories of disabilities?

Cassidy Canzani: Good Question-Jacqui do you know why the Federal government shows these 6? Is it because they are the largest?

Ric Reardon: Well LD is not there

Jacqui Kelleher: Specific learning disabilities

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Ric Reardon: Oh yes there it is. The other ones that are missing are mostly low incidence.

Jacqui Kelleher: Correct, we are going with the Federal guidance on those 6. Typically, the national trends are that's where the largest discrepancies tend to be are in those 6 categories.

Ric Reardon: Yeah deaf blind etc., is pretty cut clear isn't it

Jacqui Kelleher: Yes

Cassidy Canzani: Yes, that makes sense too.

Ric Reardon: Cassidy, do you have anything else you were going to share?

Cassidy Canzani: I can go into more detail if you like; about the educational environment and the Restrictive discipline, if you want to get deeper into those, we don't have to -it's totally up to you.

Ric Reardon: No, the only thing I have to say about the educational environment is that one of the frustrations I ran into and mostly down in Florida, but I do see in here in Vermont as well. There is a lot of times that kids with disabilities are physically placed in general ed settings. But there is not a lot going on there as far as the connection with typical learning that's happening for the other kids. They are often in the back of the room with a paraeducator doing some sort of like misaligned work. So, I am always little bit skeptical of the 80% number. That for instance we might see kids in general ed settings because its one thing to be there and it's another thing to be benefiting directly from meaningful participation. If this focused really on the ones who end up in regular ed for less than 40% of the day that's a different conversation.

Jacqui Kelleher and Cassidy Canzani: agreed simultaneously

Ric Reardon: Something that struck me when talking about disaggregating numbers and looking at different categories. When No Child Left Behind first came out. The statement was that in 14 years every student in the world is going to be proficient in reading and math. As a long time, Special Educator and Special Education Director, I knew that wasn't realistic. It made no sense for me to say out loud; how about the white population succeed at 100% and how about because kids with disabilities that are so far behind their peers and that maybe 70% of them are proficient by 2014 and what that really means is would be 30% don't have to be. I always ask myself: Who are those 30% that we aren't worried about collecting data on? In other words, we met our 70% threshold so those 30% of kids could be my son. Sometimes it seems personnel. Seemed like schools could skate

If the cell sizes and the N numbers are set at 15 and 5, if schools don't have those numbers? Are you worried those kids are going to skate as well? Meaning school has 2 children with down syndrome and the LEA don't have to report that number but if those kids are in segregated settings then they are not in compliance; if you start comparing them to State data. I know statistically it doesn't make sense for 2 kids. Your thoughts; this is more philosophical frankly than it is quantitative or qualitative. Because we are so small the good news is, we don't tend to create separate programs for kids in wheelchairs or kids who with Autism. We get them into general ed settings with appropriate supports. Because we are so small numbers wise; I worry about not having to report because we are so small. When the rubber meets the road and you decide you want to compare their little tiny numbers with the State average; that statistically would seem to be a nightmare. Your thoughts?

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Cassidy Canzani: Yes, the reason we picked 5 and 15, we were trying to balance those concerns. The Federal government determined that cell size of 10 and the N size of 30 would be considered presumptively reasonable. We took a look at our numbers and realized that excludes about 2/3 of the categories that we could look at there. We looked how much of each of the different cell sizes and N sizes would allow 1 child to change a LEAs risk ratio for a particular category. We felt 5 and 15 would allow us to analyze much more of the data while also ensuring that the addition of 1 student who really needed for instance: a separate placement or was identified with particular disability and happened to be in a small racial and ethnic group; would only change the risk ratio by .2 per student. Yes, we really did take those concerns into considerations and try to find the best balance we could to reflect reality; while also trying to maintain as much ability to really analyze and hold everyone accountable much as possible.

Ric Reardon: A lot of the kids will fall into more than one category. Is it likely they may have dual disabilities? Meaning they could be reported more than once.

Cassidy Canzani: For this particular, calculation we are obligated to use the disability that the LEA determines to be the child's primary disability. Vermont does collect data on primary and secondary disabilities, for this calculation it is our Federal guidelines that we look at primary disability for each child. Meaning each child is counted once.

Ric Reardon: You mentioned it not a non-compliance issue. Will it be eventually?

Jacqui Kelleher: Good Question. We currently through our State Performance Plan look at discrepancies. There is a difference between significant disproportionality and discrepancies. With the discrepancies piece it's on the radar we are evaluated by the Federal government each year with this indicator. If we are experiencing slippage in those particular areas or data. We are obligated to do something about it state-wide.

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