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 4:30pm-5:30pm

Present: Jacqui Kelleher, Agency of Education, State Director Special Education; Cassidy Canzani, IDEA Federal Data Administration Director; AOE Guests: Ana Kolbach, Inclusion and Accessibility Coordinator; Caitlin Chisholm, VTMTSS 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:

4:30 - 4:35	Greetings and purpose of meeting
4:35 - 11:15	Recap of Policy and Procedures Significant Disproportionality in Special Education Memorandum by Jacqui Kelleher
11:15 - 11:30	Questions and Answers
4:50 - 5:30	Await others to join virtual meeting
5:30	Adjourn

Greetings and Purpose of Meeting:

Greetings of all participants.

Jacqui Kelleher: Asked if Caitlin and Ana got a chance to read the policy?

Caitlin Chisholm: No, VTMTSS meeting this am meeting had this as an agenda item, so wanted to attend to learn more about data collection by the division. I did not get a chance to read it ahead of time.

Jacqui Kelleher: The public hearing is a chance to for us to get testimony from the public at large; on a local issue or proposed government action. In Vermont's case we are proposing this policy, in its particular data collection methodology that is required by Federal law. We are

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following the structure of the Federal Government: proposed new policies, public hearing as part of the open meeting laws to be able to allow the public to provide oral comment on any proposed actions.

Cassidy and I have been going to stakeholders; VCSEA, Special Education Directors, Special Education Advisory Council-we did a presentation of the methodology. We listened and they were able to provide written and oral responses; we really wanted to vet this through our stakeholders. We have not seen any particular issues. I am happy to review the policy with you or give cliff notes. Cassidy can share our data collection aspect of this policy.

Caitlin Chisholm: Thank you Jacqui, that was really helpful. As being fairly new to this position/role. Hearing feedback or challenges from the field is very helpful to me and especially how MTSS could be of support for those things. Cliff note version I would love to hear so from that angle/lens if there is to be thinking to.

Jacqui Kelleher: July 2018, the Federal Government said, "look States you need a policy that addresses Significant Disproportionality". We haven't put a formal policy in place we have been doing it informally and we are trying to tighten that up. To make that part of our Annual reporting and looking at the different LEA's. Cassidy has some great slides to share for this conversation.

Cassidy Canzani: Cassidy pulled up the PowerPoint presentation.
Chart: **What is Significant Disproportionality?** This is some background actual policy and the Federal rule that required States to get their policies formalized in a consistent and comparable format.

Next chart: **What is Significant Disproportionality?** Is a representation of certain racial and ethnic groups in a special education outcome category. I will go on to tell you what the categories are. We are comparing the risk across the racial and ethnic groups within each district. When we find that there is a disproportionate risk then it becomes significant when it exceeds a certain threshold; which States have some flexibility within reason. These are the categories we are looking at: we are looking at identification of children as having a disability, 6 of the disability categories, placement in restrictive educational settings, disciplinary removals.

Next chart: **Categories of Analysis: Identification**; we look at children 3-21 which is the full scope IDEA-Part B is covered by AOE, IDEA- Part C covers all the way back to age 0-which is covered by AHS. Identification of children in particular race and ethnicity groups that are identified with disabilities with a higher rate or lower rate. Identification with Intellectual disabilities, Specific learning disabilities, Emotional disturbance impairments, Speech or language impairments, Other health impairments -which is a category that includes ADHD and Autism.

Next chart: **Categories of Analysis: Educational Environment** we are specifically looking at the school agers 6-21 and those environments that are particular to the school setting. So that is why the ages are a little different for this one. We are looking if they are inside the regular classroom

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less than 40% of the day; placed inside separate schools and residential facilities except if they are Homebound or hospital settings due to their medical conditions or in Correctional facilities; which the districts do not have educational control over if they end up there.

Next chart: **Categories of Analysis: Discipline** we look at all students covered under IDEA Part B 3-21 if they were taken;

- Out-of-school for disciplinary suspensions or expulsions 10 days or fewer
- Out-of-school suspensions or expulsions for more than 10 days
- In-school suspensions or expulsion for 10 days or fewer
- In-school suspensions for more than 10 days
- Disciplinary removals in total
  - Any in-school and out-of-school suspensions
  - Expulsions
  - Removals by school personnel to an interim alternative education setting (taking them out of the room)
  - Removals by a hearing officer

Next chart: **The Final Rule**: The Federal final rule is to enforce a standard methodology we had some flexibility as a State.

Next chart: Standard Methodology: Risk Ratios what we look at when we compare this data; which is coming from Child Count which is collected every December and then we get an update at the end of the school year-for children that exited special education in each district-they may have returned to regular education or left the district. Standard Methodology: Risk Ratios visual graph is explained.

Next chart: **State-Selected Variables- Thresholds**- The Federal Government said that it had to be reasonable but left it up to States to determine what reasonable was. They said we could choose different thresholds across categories of analysis, but they had to be the same across racial and ethnic groups, so we wanted to set the same standards for all our racial and ethnic groups that's what this about. The one that we arrived at was 3.0 to start-by having districts having more than 3 times risk for a particular racial or ethnic group to really start doing that work of digging in and finding out why and rectifying it.

Caitlin Chisholm: Can I ask a quick question, am I right in making the assumption that one of the main factors that probably that went into choosing that policy threshold is the smaller size of Vermont, I am wondering if would you choose a higher threshold if there is a smaller N if that makes sense.

Cassidy Canzani: Yes, defiantly, what happens is if you have a smaller N sizes obviously 1 student has a much bigger effect on what the calculation actually looks like for a district and so the Cell size and the N size in this example the Federal government uses Cell to describe the group that experiences the outcome and N to describe the group that could experience it. They said up to 10 students in a cell size or 30 students in a N size would be a reasonable minimum. What we did was look at Vermont's data. Out of all the categories that they choose for analysis;

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they chose 14 different categories and there are 7 Federally defined racial and ethnic groups, with the number of districts in Vermont for school year 2019 we could have been calculating 5194 risk ratios but being a small and relatively homogenize State. We literally any data for 1315 of them so we are starting out with a quarter of these categories that have students in the racial and ethnic groups. If we had chosen 10 and 30 we would have been done to 429 areas that we would have been analyzing. We looked at how much influence at the margin; 1 particular student moving into a district particular for something that the district does not have direct control over; like if a student moves in and has a pre-existing disability or something like that. We looked at how much could 1 student moving in change the risk ratio. At a cell size of 10 and N size 30 which was considered presumptively reasonable. 1 student would have an impact of .1 on moving that risk ratio. We decided to go with 5 and 15 as our cell size and N size. It keeps it down to 1 student having an impact of .2. It allows us to analyze significantly almost 1and 1/2 times the data that 10 and 30 would be.

Caitlin Chisholm: Very interesting, I asked out of curiosity and you explained it very well, thank you.

Cassidy Canzani: Thank you, it was a big deal to find a balance between being able to analyze more data and have the opportunity to really dig into as many areas as we could while being reasonable and understanding the statistical implications and what that means for districts.

Next chart: **Minimum Cell and N Sizes**- so this shows that we had to determine minimums they can be different across category of analysis but not across racial and ethnic groups. This shows the presumptively reasonable numbers, so we went with half of what was presumptively reasonable.

Next chart: **Number of years of Data**- we had the option to look at multiple years of data, even if there was some fluctuation where 1 student was at the margin of where they were just meeting the cell size and N sizes and 1 student caused a significant shift in the risk ratio. We chose to use 3 years of data and any short-term fluctuation and that would be evened out a little bit.
Next chart: **Reasonable Progress**- we had the option we could have used reasonable progress, we decided not to go with that, at this moment as it did not look like it was going to change anything for Vermont at this point. We were going to introduce the policy and in a couple of years we will look if this makes sense to add this extra layer in here now.

Jacqui Kelleher: We are happy to work on a policy that is around equity and access and non-discriminatory practices and that is what this law speaks to. What we are doing at the agency is now that we have a standardized methodology that we can use. We will be looking annual at each LEA's numbers and scores and doing an annual report out. When we uncover significant disproportionality there is also some particular courses of actions that we will need our districts to go through and the AOE's opportunity to help with continuous improvement. When you are identified with significant disproportionality: you have to take specific actions; this also involves your IDEA Part B grant- the LEA will receive a letter detailing their risk ratio analysis

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of disproportionality and any other required actions. If the LEA is identified having significant disproportionality the LEA is restricted from reducing its maintenance of effort by 50% reduction rule as it is indicating there may be some practices or policy or things that maybe happening or that are not working- you can't reduce your grant you need to be expending that money particular around this issue. LEA their balance should be above that risk ratio that threshold, they need to review and revise policies, practices and procedures to be in compliance with IDEA. They will need to public report on these revisions. Comprehensive Coordinated Early Intervention Services (CCEIS) they will need to reserve 15% of their total IDEA Part B money and they are going to have to spend their funds towards CCEIS to specifically address those factors that contribute to significant disproportionality. This is really going to be a challenging and thoughtful process. Where if you are an identified as a district you will do a root cause analysis and really understand the factors that might be contributing to your numbers. Those factors have to be made clear, there will be a plan is made in response to those factors. The 15% of the IDEA funding will need to be specifically allocated to address those factors. This could be from anything from looking at culturally responsive classrooms models, training in PD for staff, faculty, parents for whatever those factors are that may or may not be unique to a district you are required to address them. This will also involve in some monitoring to be able to make sure that they are using the funding appropriately and will have to be approved. It will take some level of technical assistance because we want them to have continuous improvement if it is a result of inappropriate identification or placement with discipline. We want to be the resource and support for our districts to help them improve those practices.

Caitlin; this is where these are Early Intervention services what is the relationship with MTSS, relationship Early MTSS these are some really unique collaborative conversations that we can have as we build this particular section of this program. So that is how this is going to directly impact our districts.

Caitlin Chisholm: Very interesting and exciting. I am really glad I joined in and to have learned so much. I am excited that work is being moved forward for equity. The actions they would need to take after identified makes sense and being in-depth continuous improvement work. I am not sure how involved Tracy Watterson has been with this. Our team has worked on a continuous improvement tool that Chris Kane has seen. We are in collaboration with PBIS to see how they might want to inform this improvement tool. We are partnering with EQA team to potentially put in our driver diagram tool that very much comprehensively assesses their causes to a potential problem or challenge as well as comprehensively allows LEAs and schools so think about change ideas. The only difference that VTMTSS is bringing to that process is scaffolding to provide supports in the form of prompts when leadership teams are thinking about this stuff. For example: they already brainstormed around causes it might be a lack of collaboration around behavioral practices so then they start brainstorming causes around behavior. If they are to use the VTMTSS driver diagram they would go through all the components; they might have already captured all ideas having to do with collaboration and once they get to the excel tab systems. They might think about the norms that need to be involved and the vision that needs to be involved and some of the time and resources with

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some of their collaboration change ideas. It is supposed to provide that holistic framework for everything you might want to think about when you are considering one specific idea. Now that we are bringing in PBIS so that they can inform how we might be thinking about positive behavior supports that is incorporated in our tools too. It seems like such a wonderful opportunity that you are working on this on this work as well and that as we move in to working with the field to do more and more TA around basic continuous improvement work. We will be all primed for protentional doing work around more specifically challenging that have to do with significant disproportionality identification. It seems so beautifully aligned. Have you seen this tool yet?

Jacqui Kelleher: I am familiar and have not got to play with it. Are you in piloting stage?

Caitlin Chisholm: We are moving into pilot stage. Is this process going to start in the fall of this coming year?

Cassidy Canzani: We are going to start analyzing data in the late spring early summer June July time frame on the school year 2018-2019 and going back the 3 years ending in 2018-2019.

Jacqui Kelleher: This is good. Having this methodology and this policy is a brand-new requirement for this year for IDEA Part B application. It's a good thing for us to step it up. For us get this process more formalized and to get a vision underway on how we are going to support districts through that. Good on OSEP for doing that!

Caitlin Chisholm: Thank you very much, very exciting. I will bring this information to the MTSS team tomorrow morning. I am sure they will as I have some brainstorming thoughts as well.

Jacqui Kelleher: This is a project example of the tight collaboration between; data, finance, special education program both TA and monitoring. This is going to bring this tightly together to implement this right and well. We are expecting to collaborate with the work you do, so we are cohesively, and we are aligned and could help our districts to see how it all fits together- the "big picture". I am excited for that.

Caitlin Chisholm: Yes! Imagine adding VTMTSS and EQ to that list would be so cool. Thank you so much for your time.

Caitlin Chisholm, Jacqui Kelleher, Cassidy Canzani- Goodbyes good day.

Ana Kolbach: From that data and finds; with going back in time do we have to put that into the SPP/APR?

Cassidy Canzani: No, the SPP/APR looks at significant discrepancy and disproportionate representation. It is a just little different than significant disproportionality. For instance, with significant discrepancy there is a requirement to compare LEA's to other LEA's across the State.

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significant disproportionality you have to compare it within the LEA. It is slightly different and much more open ended what your calculations look like for the SPP/APR.

Jacqui Kelleher: Just to add to that; the identification of a district with significant disproportionality it is not a finding of non-compliance with IDEA. However, the AOE, we are required to make an annual determination of significant disproportionality for all LEAs. It is going to be its own separate piece. We are not making a finding of non-compliance like we are with a monitoring visit. So that is the slightly different in that sense. It is going to impact a lot of the stuff we do.

Ana Kolbach: How often are we allowed to change this methodology?

Cassidy Canzani: From my understanding we are allowed to change whenever we want; we could change it every year within the limits the what rules gives us the flexibility on. We don't want to do it too often as our data would not be comparable from year to year.

Ana Kolbach: Thank you.

Ana Kolbach, Jacqui Kelleher, **Cassidy Canzani-** Goodbyes good day.

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