Overrepresentation?
Under-identification?
Both?
Understanding the Terms

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Significant Disproportionality


• 34 CFR §§300.646 (revised Dec 2016) & 300.647 (new Dec 2016)

• For each local education agency (LEA), state education agencies (SEAs) must determine whether significant disproportionality based on race/ethnicity is occurring with respect to the following:
  • Identification of children as children with disabilities, including identification as children with particular impairments
  • Placement of children in particular educational settings
  • Incidence, duration, and type of disciplinary actions, including suspensions and expulsions
## Identification Categories

### Identification

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Categories</th>
</tr>
</thead>
</table>
| • Children ages 6-21  
• Must also include children ages 3-5 by July 1, 2020 | • All Disabilities  
• Intellectual Disabilities  
• Specific Learning Disabilities  
• Emotional Disturbance  
• Speech or Language Impairments  
• Other Health Impairments  
• Autism |
Standard Method – Risk Ratio

Identification:

\[
\frac{\text{Number of children from racial/ethnic group in disability category}}{\text{Number of enrolled children from racial/ethnic group}} \div \frac{\text{Number of all other children in disability category}}{\text{Number of all other enrolled children}}
\]
Example: White Autism in the LEA

\[
\begin{align*}
24 \text{ White children are identified with autism} & \quad 100 \text{ White children are enrolled} \\
\div & \\
4 \text{ Non-White children are identified with autism} & \quad 50 \text{ Non-White children are enrolled}
\end{align*}
\]
White risk for autism $= \frac{24}{100} = .24$

Non–White risk for autism $= \frac{4}{50} = .08$

White risk ratio for autism $= \frac{.24}{.08} = 3.0$
Example: White Autism in the LEA (cont.)

White risk ratio for autism = \( \frac{.24}{.08} = 3.0 \)

- White students are *three times as likely* as all other students in the LEA to be identified with autism.
- Because the risk ratio is not exactly 1.0, there is a *disproportionality*.
- Because the risk ratio is greater than 1.0, we can say that White children are *overrepresented* in autism.
If this were an LEA in your state, what theories could they investigate, or questions could they ask, to identify the factors contributing to the overrepresentation?

White risk ratio for autism = $\frac{0.24}{0.08} = 3.0$

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Risk Ratio Threshold and Overrepresentation

• The state must set a reasonable risk ratio threshold *over which* disproportionality based on race or ethnicity is *significant*.

• Imagine that the state chose a risk ratio threshold of 2.5.
  • 3.0 is *over* the threshold.
  • The LEA has a *significant disproportionality* in the category of White Autism.

• *Every* measured *significant* disproportionality represents a *significant* overrepresentation of some racial or ethnic group in some disability category.
Overrepresentation, Underrepresentation, and Equal Representation

- Risk Ratio = 1: Equal Representation
- Risk Ratio > 1: Overrepresentation
- Risk Ratio < 1: Underrepresentation
- Note that overrepresentation and underrepresentation are defined in a purely mathematical way.
- Whenever a racial or ethnic group is overrepresented in a disability category, at least one other racial or ethnic group must be underrepresented in that category.
### Example: Autism Calculations in LEA

<table>
<thead>
<tr>
<th>Racial/ethnic group</th>
<th># identified with autism</th>
<th>Total enrollment</th>
<th>Risk</th>
<th>Risk for other</th>
<th>Risk ratio</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>24</td>
<td>100</td>
<td>.24</td>
<td>.08</td>
<td>3.0</td>
<td>Overrepresentation</td>
</tr>
<tr>
<td>Black</td>
<td>1</td>
<td>25</td>
<td>.04</td>
<td>.22</td>
<td>0.2</td>
<td>Underrepresentation</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3</td>
<td>25</td>
<td>.12</td>
<td>.20</td>
<td>0.6</td>
<td>Underrepresentation</td>
</tr>
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</table>
If this were an LEA in your state, how would you guide them to interpret the data?

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Over- and Under-identification

- **Office for Civil Rights (OCR) Dear Colleague Letter** released with the revised significant disproportionality regulations:
  - **Over-identification** “means the inappropriate identification of a student who does not actually have a disability and who does not need services as a student with a disability.”
  - **Under-identification** “refers to the failure to appropriately identify a student who has a disability and who does need services as a student with a disability.”
Four Key Terms in Significant Disproportionality

- Overrepresentation and underrepresentation:
  - Count students; use formula.

- Over-identification and under-identification:
  - Check for appropriate identification.
If this were an LEA in your state, what questions would you ask them to investigate the White overrepresentation?

<table>
<thead>
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<th># identified with autism</th>
<th>Total enrollment</th>
<th>Risk</th>
<th>Risk for other</th>
<th>Risk ratio</th>
<th>Result 1</th>
<th>Result 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>24</td>
<td>100</td>
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• 300.646(d)(1)(ii) Must identify and address the factors contributing to the significant disproportionality, which may include, among other identified factors,
  • a lack of access to scientifically based instruction;
  • economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings;
  • inappropriate use of disciplinary removals;
  • lack of access to appropriate diagnostic screenings;
  • differences in academic achievement levels; and
  • policies, practices, or procedures that contribute to the significant disproportionality.
How does this list of possible factors from the regulation affect your thoughts? How might your LEAs address those factors?

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  - economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings;
  - inappropriate use of disciplinary removals;
  - lack of access to appropriate diagnostic screenings;
  - differences in academic achievement levels; and
  - policies, practices, or procedures that contribute to the significant disproportionality.
From the Regulation

• 300.646(d)(1)(iii) Must address a policy, practice, or procedure it identifies as contributing to the significant disproportionality, including a policy, practice, or procedure that results in a failure to identify, or the inappropriate identification of, a racial or ethnic group (or groups).
Did your plan to address the significant disproportionality address a contributing policy, procedure, or practice?

- 300.646(d)(1)(iii) Must address a policy, practice, or procedure it identifies as contributing to the significant disproportionality, including a policy, practice, or procedure that results in a failure to identify, or the inappropriate identification of, a racial or ethnic group (or groups).
Overrepresentation of White students in Autism and Other Health Impairments

• Possible cause:
  • Unequal access to health care
  • Under-identification of non-White students

• Possible solution:
  • “broader use of developmental screening for young children – which may be supported by comprehensive CEIS.”

Federal Register, Vol. 81, No. 243, December 19, 2016, p. 92412
SUMMARY
Overrepresentation

“occurs when a high percentage of students of a certain race have been identified as students with disabilities, as compared to the overall enrollment of students of that race in the district.”

Overrepresentation (cont.)

At its base, significant disproportionality is defined by overrepresentation in a simple, purely mathematical way – the risk ratio for the group in question exceeds a reasonable threshold set by the state.

• This definition is complicated by state-defined minimum cells sizes, n-sizes, standards for measuring reasonable progress, and a period of up to three consecutive years mathematically identified. In some cases, an alternate risk ratio is substituted. But the definition remains purely mathematical, with no consideration for appropriate or inappropriateness of identification.
Overrepresentation (cont.)

“We understand that overrepresentation of one racial or ethnic group that rises to the level of significant disproportionality may occur for a variety of reasons, including

• over-identification of that racial or ethnic group,
• under-identification of another racial or ethnic group or groups, or
• appropriate identification with higher prevalence of a disability in a particular racial or ethnic group.”

[Example given regarding overrepresentation of African American students with emotional disturbance.]

Underrepresentation

“occurs when a low percentage of students of a certain race have been identified as students with disabilities, as compared to the overall enrollment of students of that race in the district.”

Underrepresentation (cont.)

• Overrepresentation of a particular racial/ethnic group is always accompanied by underrepresentation of at least one other racial/ethnic group.

• In a case of significant disproportionality (overrepresentation), always consider corresponding underrepresentations.
Over-identification

“means the inappropriate identification of a student who does not actually have a disability and who does not need services as a student with a disability.”

Over-identification (cont.)

Significant disproportionality of a particular racial/ethnic group might be caused by its over-identification.
Over-identification (cont.)

“The basis for congressional action was largely due to a concern that students of color were being identified too often for special education services, and placed too frequently in segregated settings, in ways that were detrimental to their education.”

Under-identification

“refers to the failure to appropriately identify a student who has a disability and who does need services as a student with a disability.”

The overrepresentation of a particular racial/ethnic group might be caused by under-identification of a different racial/ethnic group.
Under-identification (cont.)

<table>
<thead>
<tr>
<th>Concern</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEAs might under-identify in order to address the mathematical finding of overrepresentation.</td>
<td>“nothing in these regulations establishes or authorizes the use of racial or ethnic quotas limiting a child’s access to special education and related services, nor do they restrict the ability of Individualized Education Program (IEP) Teams or others to appropriately identify and place children with disabilities.”</td>
</tr>
</tbody>
</table>

*Federal Register, Vol. 81, No. 243, December 19, 2016, p. 92381, column 3.*
OUR GOAL

Appropriate Identification of Children
For More Information

• Visit the IDC website
  http://ideadata.org/

• Follow us on Twitter
  https://twitter.com/ideadatacenter

• Follow us on LinkedIn
  http://www.linkedin.com/company/idea-data-center
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