

FACT SHEET: SIGNIFICANT DISCREPANCY IN DISCIPLINE RATES

Why does the Department look at significant discrepancy in discipline rates for students with disabilities?

The Individuals with Disabilities Education Act (IDEA) requires states to develop and submit a State Performance Plan (SPP) to the U. S. Department of Education. Indicator 4 of the SPP requires states to report the percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.

***Indicator 4. Rates of suspension and expulsion: A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.*

How often does the Department look at discipline discrepancy rates?

The IDEA requires states to look at the discipline discrepancy rates of all local education agencies (LEA) annually.

How are discipline discrepancy rates calculated?

To meet the requirements of the SPP, the OSE calculates the rates of discipline incidents for students with disabilities and nondisabled students (SPP Indicator 4A), as well as for students with disabilities by race or ethnicity (SPP Indicator 4B), using district-reported data. For the purpose of this analysis, discipline incidents include any incident resulting in out of school suspension for more than 10 days as well as multiple short sessions summing to more than 10 days. Multiple short sessions are counted as a single incident. For each district with at least ten discipline incidents for students with disabilities, the following discrepancy ratios are calculated:

SPP Indicator 4A:

- Discipline incident rate for students with disabilities (number of incidents for students with disabilities / special education child count)
COMPARED TO
- Discipline incident rate for nondisabled students (number of incidents for nondisabled students / (enrollment – child count))

SPP Indicator 4B:

- Discipline incident rate for students with disabilities for each race or ethnicity (number of incidents for students with disabilities by race or ethnicity / special education child count by race or ethnicity)
COMPARED TO
- Discipline incident rate for nondisabled students (number of incidents for nondisabled students / (enrollment – child count))

A ratio greater than 4.0 (with a minimum n size of 10 disciplinary incidents for students with disabilities and the average number of incidents per 100 students with disabilities greater than 2.0 and/or average number of incidents per 100 nondisabled students greater than 1.0) is considered a discrepancy.

What constitutes a significant discrepancy?

A district with a discrepancy in discipline rates as defined above for two consecutive years is considered to have a significant discrepancy.

What action does the department take if an LEA is identified as having a significant discrepancy in discipline rates?

If a district is identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities, or for children with disabilities by race/ethnicity, for greater than 10 days in a school year, IDEA and its implementing regulations require the Office of Special Education to conduct a review of the district’s policies, procedures, and practices that are used regarding discipline.

What are the Department’s monitoring procedures for district’s identified with significant discrepancy in discipline rates?

The Department’s monitoring procedures specify that the first year a district meets the criteria to be identified as having a significant discrepancy in discipline rates, based on two consecutive years of data, the district is subject to a comprehensive review of the district’s discipline policies, procedures and practices. The comprehensive review includes a self-assessment, file review and interviews. For each subsequent, consecutive year that a district’s data indicates a significant discrepancy in discipline rates, the district will receive a modified review. This includes a self-assessment and interviews. Should the district be identified for a period of five consecutive years, the year following the fifth year, the district will begin a new five year monitoring cycle and again be subject to a comprehensive review.