

South Dakota Indicator 4 Stakeholder Input

April 3, 2024
Advisory Panel for Children with Disabilities

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Do you ever think...?

What is SD's suspension/expulsion rates among students with disabilities?

Are students with disabilities suspended/expelled at a comparable rate across the state?



I hope students of a particular racial group aren't suspended/expelled more than others!

What is SD Dept of Ed doing to monitor appropriate usage of suspensions/expulsions for students with disabilities?

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Federal Interests on Disciplining of Students with Disabilities

Concerns:

- Removal of the students from their IEP placements
- Missing instruction
- Are students with IEPs suspended/expelled at the same rate as students without IEPs?
- Are students of all racial groups suspended/expelled at the same rate?
- Do school districts have the sound discipline policy, procedure, and practices that align with law (IDEA)?



States must:

- Collect and report the discipline data annually to the U.S. Dept of Ed.
- Analyze the discipline data in the specified ways
- Flag and examine any districts that discipline students with disabilities in concerning ways
- Report to the U.S. Ed and the public the results of the examination every year

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Federal Interests on Disciplining of Students with Disabilities

- U.S. Ed pays special attention to

the long-term out-of-school suspensions/expulsions of students with disabilities

- Many parts of *HOW* states examine this data is up to the state to decide.



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SPP/APR Indicators

1. Graduation
2. Dropout
3. Participation and Proficiency in State Assessments
4. Suspension/Expulsion
5. LRE Placement
6. Early Childhood Settings
7. Preschool Outcomes
8. Parent Involvement

Results Indicators Compliance Indicators

9. Disproportionate Representation in Special Education
10. Disproportionate Representation in Specific Disability Categories
11. Timely Initial Evaluation
12. Timely Part C to B Transition
13. Secondary Transition IEPs
14. Post School Outcomes
15. Hearing Requests Resolved
16. Mediation Agreements
17. State Systemic Improvement Plan



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Today's Goal

- Discuss *HOW* South Dakota should examine the long-term out-of-school suspensions/expulsions of students with disabilities
- We ask you to:
 - Understand what is specified by the law/U.S. Ed (so cannot be changed) and what is up to the state
 - Advise the SD Department of Education



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SPP/APR Indicator 4

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What is Indicator 4?

- Divided into 4A and 4B
- In both, states report the percentage of LEAs that have a **significant discrepancy, as defined by the state**, in the rate of out-of-school suspensions and expulsions greater than 10 days in a school year

4A
The % of LEAs where the out-of-school > 10-day rate is much higher than the state's rate

4B
The % of LEAs where a racial/ethnic group's out-of-school > 10-day rate is much higher than the state's rate

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What is Indicator 4?

Important factors about Indicator 4

- Out-of-school suspensions/expulsions
- Include students with IEPs whose out-of-school suspensions/expulsions cumulate more than 10 days in a school year
- If district's rate or district's race-specific rate is significantly higher than the state's rate, the district's policy, procedure, and practices must be reviewed.

Indicator 4 is about **extreme** discipline
It makes states review the discipline practices of districts that use this extreme discipline practices at a higher rate.

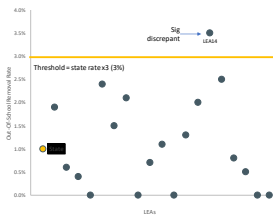
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Indicator 4A

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What is Indicator 4A? – State vs. District Comparison



- Compare the 10-day out-of-school suspension/expulsion rate of students with IEPs from each district to the State
- State sets a threshold of significance
- LEA that exceeds the threshold has a significant discrepancy
 - The LEA's removal rate is significantly discrepant from the state rate.
- The LEA deemed significantly discrepant undergoes a review of policy, practice, and procedure

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What is Indicator 4A?

LEA	Students with IEPs suspended/expulled 10+ days	Students with IEPs enrolled	Rate
LEA1	3	150	1.9%
LEA2	1	100	0.6%
LEA3	0	80	0.4%
LEA4	0	90	0.0%
LEA5	9	385	2.4%
LEA6	5	300	1.5%
LEA7	7	350	2.1%
LEA8	0	390	0.0%
LEA9	3	430	0.7%
LEA10	5	450	1.1%
LEA11	0	130	0.0%
LEA12	5	400	1.3%
LEA13	9	450	2.0%
LEA14	7	200	3.5%
LEA15	8	300	2.5%
LEA16	3	350	0.8%
LEA17	1	168	0.5%
LEA18	0	147	0.0%
LEA19	0	200	0.0%
LEA20	4	450	0.9%
State	55	5530	1.0%

- For Ind4A, States must report:
- How many districts are there in the State total
 - What is the state-level rate? (e.g., average, total)

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What is Indicator 4A? – Minimum cell/N size

States must

- 1) Set the minimum cell and/or N sizes with stakeholder input
- 2) Provide rationales as to
 - 1) Why they are *reasonable*
 - 2) How the minimum cell and/or N sizes let the State appropriately analyze and identify LEAs with significant discrepancy.

Cell size and N size too large = Most districts are exempted from being examined = "unreasonable"

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	Numerator = Cell	Denominator = N	
	suspended/expul. students with IEPs >= 10 days	enrolled	Rate
LEA14	7	300	2.3%
LEA15	8	300	2.5%
LEA5	9	385	2.4%
LEA7	7	350	2.1%
LEA13	9	450	2.0%
LEA6	5	300	1.5%
LEA2	5	400	1.3%
LEA10	5	450	1.1%
State	55	5530	1.0%

What is Indicator 4A? – Minimum cell/N size

If the minimum cell size was 5, 12 out of 20 districts would be excluded.

Is this reasonable?

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What is Indicator 4A? – Minimum cell/N size

Pros: More districts have a chance to exceed the threshold, therefore, considered as "examined". Can ensure that long-term suspensions/expulsions are used appropriately

Small

Minimum cell/N size

Pros: No need to conduct the policies/practice review for district with 1 student's out-of-school 10-day discipline

Large

Cons: False positives – districts where there is no problem with their discipline policies/practices must be examined for a small number of out-of-school >10-day discipline (e.g., 1 student)



Where is the happy medium?

Cons: Many districts don't meet the minimum cell and/or N sizes, therefore, excluded. State cannot ensure that the discipline policy/practices are appropriate. Will be deemed unreasonable

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How is Ind 4A currently implemented in SD?
How is SD proposing to change its Ind 4A methodology?

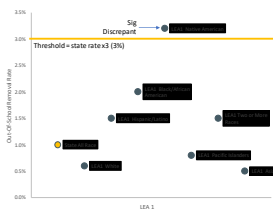
We'll hand it off to Sadik!

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Indicator 4B

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What is Indicator 4B? – State vs. LEA by Race Comparison



- Compare the 10-day out-of-school suspension/expulsion rate of students with IEPs between State and LEAs **by race/ethnicity**
- State sets a threshold of significance
- LEA that exceeds the threshold with one or more racial groups has a significant discrepancy
 - The LEA's race-specific discipline rate is significantly discrepant from the state rate.
- LEA deemed significantly discrepant undergoes a review of policy, practice, and procedure

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What is Indicator 4B? – Minimum cell/N size

In LEA 1

If the minimum cell size was 5, and the threshold was x3 of the state rate (1.0%), so 3.0%, would LEA 1 receive the policy, procedure, and practice review?

	American Indian/Alaska Native	Asian	Black / African American	Hispanic/Latino	Two or more Races	Native Hawaiian / Pacific Islanders	White	All Races
Cell size Students with IEPs who received out-of-school >10 days	0	0	1	5	0	0	3	9
N Students with IEPs Enrolled	10	20	50	130	20	1	300	531
Discipline Rate	0.0%	0.0%	2.0%	3.8%	0.0%	0.0%	1.0%	1.7%



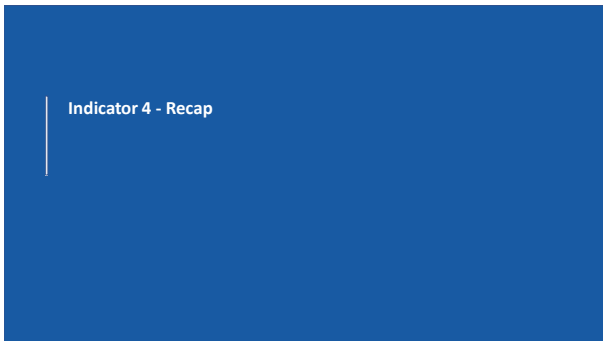
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What is Indicator 4B?

- The same as 4A except broken down by race/ethnicity.
- States must set the minimum cell/N sizes with stakeholder input.
- States must set the threshold of significance – must be the same threshold for all racial groups.
- States report;
 - How many districts exceed the state-set threshold of significance with any race/ethnicity, therefore, receive the review of policy, procedure, and practice?
 - Out of those who received the review, how many had noncompliant policy, procedure, and/or practice?



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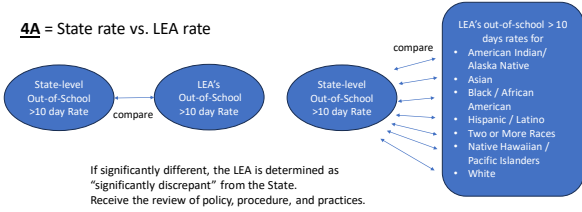


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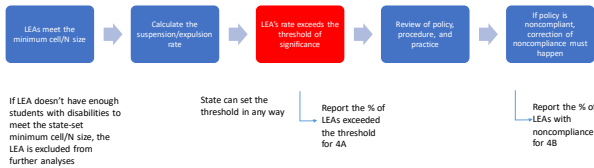
What is Indicator 4? - Recap

4B = State rate vs. LEA race-specific rate

4A = State rate vs. LEA rate



What is Indicator 4? - Recap



Keep in mind

- Exceeding the threshold, therefore being significantly discrepant, doesn't make the district noncompliant.
- ONLY IF a noncompliance is found during the policy, procedure, and practice review, the State would issue a finding and require a correction.

How is Ind4B currently implemented in SD?
How is SD proposing to change its Ind4B methodology?

We'll hand it off to Sadik!
