



COLORADO
Department of Education

Changes to Indicator 4 Definitions Effective with the 2024-2025 SY

Presented by: Exceptional Student Services Unit, Data Team

October 2023

SPP/APR and Indicator 4

- The Individuals with Disabilities Education Act (IDEA) requires each state to develop a State Performance Plan/Annual Performance Report (SPP/APR) that evaluates the state's efforts to implement the requirements and purposes of the IDEA and describes how the state will improve its implementation.
- The SPP/APR includes indicators that measure child and family outcomes and other indicators that measure compliance with the requirements of the IDEA.
- Indicator 4 is one of 17 indicators states must report on annually in the SPP/APR.



Indicator 4 - Discipline

What does Indicator 4 Measure?



- Measures suspensions and expulsions greater than 10 days in a school year
- 10 days is cumulative
- Includes students ages 3–21
- Only includes OUT-OF-SCHOOL suspensions and expulsions*
- States report the percentage of Administrative Units (AUs) that have a **significant discrepancy, as defined by the state**, in the rate of suspensions and expulsions greater than 10 days in a school year
 - 4A: % AUs with significant discrepancy
 - 4B: % AUs with significant discrepancy by race/ethnicity
- Data lag one year: In the February 2024 SPP/APR submission, which is the Federal Fiscal Year 2022 (FFY 2022), states will report significant discrepancy found in the 2021–2022 School Year (2021-2022 SY) data.

*Source: <https://sites.ed.gov/idea/files/Universal-TA-for-FFY-2020-2025-SPP-APR.pdf>.



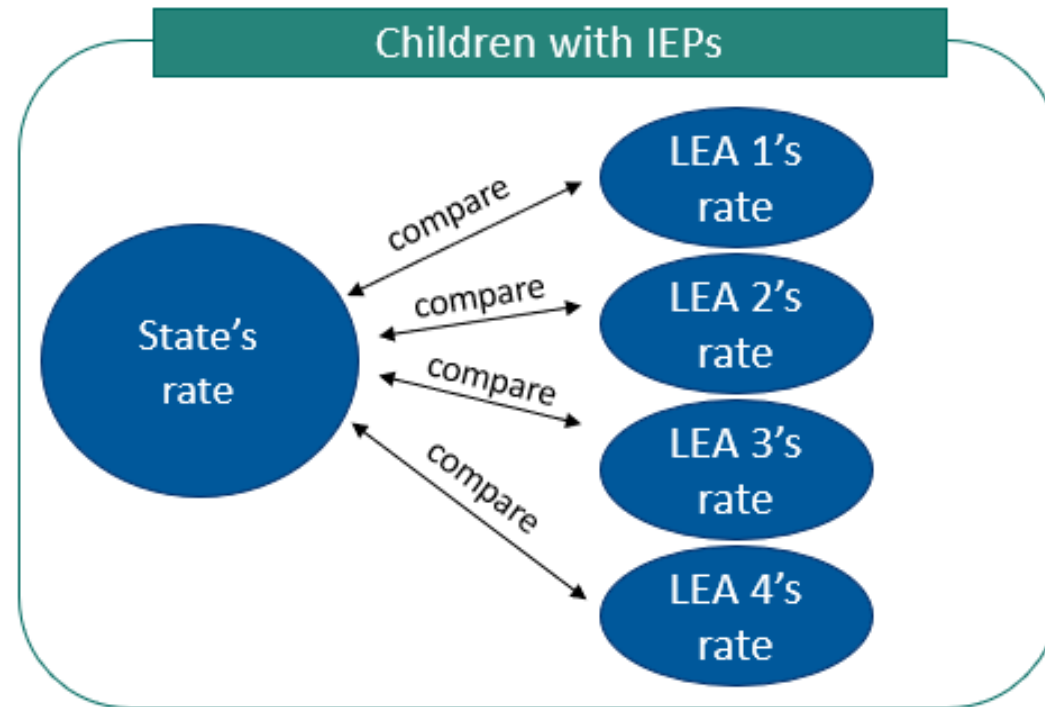
Measurement

- 4A = Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of out-of-school suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and
- 4B = Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, **by race or ethnicity**, in the rate of out-of-school 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, as defined by the State, 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.

Colorado's Comparison Methodology for Indicator 4A

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

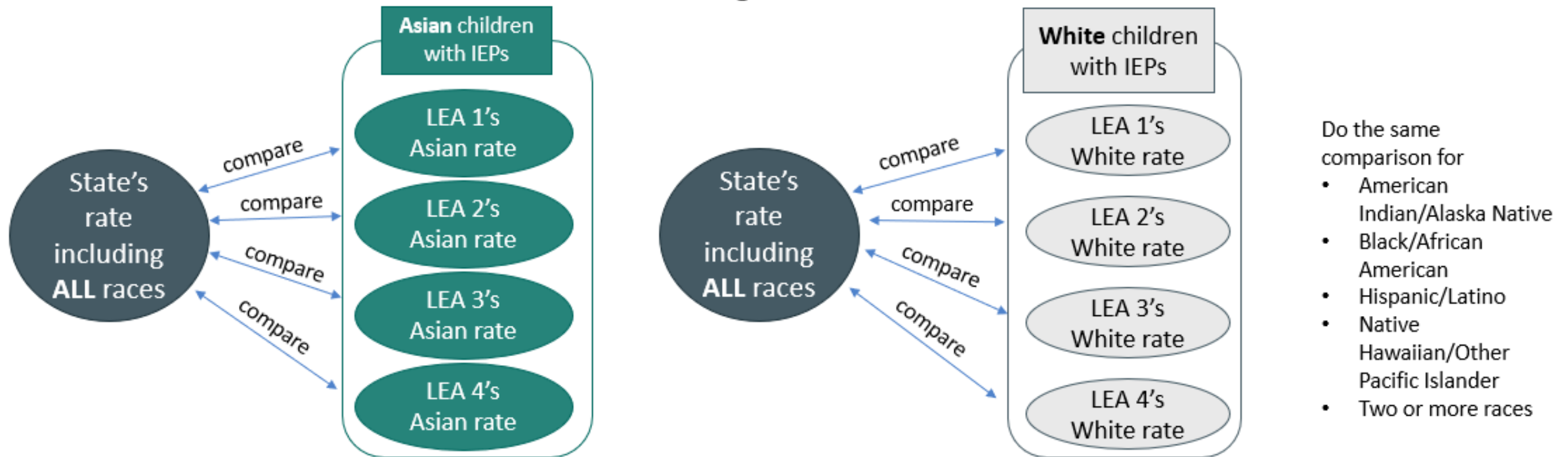
1. Children with IEPs among LEAs **within the state**



Colorado's Comparison Methodology for Indicator 4B

Compare the rates of out-of-school suspensions and expulsions greater than 10 days in a school year for

1. Children with IEPs among LEAs **within the state**



Must compare **each LEA's race-specific** rate to the **State's rate for ALL races combined (same rate as Ind 4A state rate)**.

Indicator 4 Current Definitions



Indicator 4A – Results Indicator*

Colorado identifies an AU as having a “significant discrepancy” if an AU's out-of-school greater-than-10 day suspension/expulsion rate was:

- a) more than 4.0 times of the State's rate for 3 consecutive school years.

*Target is 0% and set by states with stakeholder input.

Indicator 4B – Compliance Indicator**

Colorado identifies an AU as having a “significant discrepancy” if:

- a) five or more students of a particular racial category received greater-than-10-day out-of-school suspension/expulsion, and that race's suspension/expulsion rate was more than 4.0 times of the State's rate for 3 consecutive school years; and
- b) the policies, practices, and procedures contributed to the significant discrepancy.

**Target is 0% and set by OSEP.



New OSEP Guidance for Indicator 4 Reasonably Designed Methodology

New OSEP Guidance on Indicator 4 for FFY 2021

For Indicators 4A and 4B, the State's methodology for examining data ***must be reasonably designed to determine if significant discrepancies are occurring*** in the rate of long-term suspensions and expulsions of children with disabilities among LEAs in the State or compared to the rates for nondisabled children within those LEAs.

Factors that OSEP may consider in determining reasonableness of the State's methodology include ***whether none, or a very low percentage of, the State's LEAs are being examined*** for significant discrepancy under the State's chosen methodology, and ***whether statistically sound alternative methodologies exist or are being used by similarly-situated States.***

Source: https://sites.ed.gov/idea/files/2023/Part-B_SPP-APR_Instructions.pdf.



Factors Considered Related to Reasonably Designed Methodology for the FFY 2021 SPP/APR Submission

A state received a comment(s) from OSEP during Clarifications if:

- The state examined 0 LEAs for significant discrepancy
- The state examined a very low percentage of LEAs for significant discrepancy
- The state's threshold for determining a significant discrepancy was above the median for all states that used a rate ratio

Colorado received the following comment from OSEP during its Clarifications:

OSEP notes that the State's chosen methodology results in a threshold for measuring significant discrepancy in the rate of long-term suspension and expulsion rates of children with IEPs that falls above the median of thresholds used by all States that use a rate ratio.

Check out [OSEP's April 13, 2023, National Technical Assistance Call](#).



Stakeholder Input Meeting



Stakeholder Meeting – September 26, 2023

IDEA Data Center (IDC) facilitators and CDE data team presented:

- an overview of Indicator 4,
- the current Colorado calculations,
- reviewed OSEP's comments,
- shared various options for changes, and
- the impact of each option on the number of AUs flagging.

Participants

- Advocacy community members
- Parent representatives
- Special Education Directors
- Exceptional Student Services Unit (ESSU) staff



Issues requiring examination and recommendations

As compared to other states, CO is an outlier in both its threshold of 4 times the state rate and in examining 3 consecutive years for an AU to flag for this indicator. No AU has ever flagged for Indicators 4A or 4B.

- Remove the requirement to be over the threshold for 3 consecutive years in a category to flag.
- Examine options and revise the threshold of 4 times the state rate which falls above the median of thresholds used by all states that use a rate ratio.
- Revisit the 0% target for Indicator 4A as set with stakeholder input.

Note: Indicator 4B is a compliance indicator and therefore, the target of 0% is set by OSEP.



Recommendations and Changes Effective with 2024-2025 SY



Recommendations



Recommendations made by the stakeholders' group and adopted by CDE will be effective with the 2024-2025 SY.

1. Remove the 3 consecutive year requirement and use 1 year of data.
2. Lower the thresholds from 4 times the state rate and have different thresholds for 4A and 4B.
 - 4A will be set at 2.0 times the state rate with a warning letter when an AU is between 1.5 and 2.0 times the state rate.
 - 4B will be set at 1.5 times the state rate.
3. The target for 4A will remain at 0%.



Indicator 4A Revised Definitions

Current through the 2023-2024 SY

Colorado identifies an AU as having a “significant discrepancy” if an AU's out-of-school greater-than-10 day suspension/expulsion rate is:

- a) more than **4.0 times** of the State's out-of-school greater-than-10-day suspension/expulsion rate for **3 consecutive school years.**
- b) Target is 0%

Effective with 2024-2025 SY

Colorado identifies an AU as having a “significant discrepancy” if an AU's out-of-school greater-than-10 day suspension/expulsion rate is:

- a) more than **2.0 times** of the State's out-of-school greater-than-10-day suspension/expulsion rate for **the current reporting year.**
- b) Target is 0%

AUs who fall between 1.5 and 2.0 will receive a warning letter to examine their policies, procedures, and practices; and the opportunity to receive CDE technical assistance.



Indicator 4B Revised Definitions



Current through SY 2023-2024

Colorado identifies an AU as having a “significant discrepancy” if:

- (a) five or more students of a particular racial category received greater-than-10-day out-of-school suspension/expulsion, and that race’s suspension/expulsion rate was **more than 4.0 times** of the state’s rate for **3 consecutive school years**;
- (b) the policies, practices, and procedures contributed to the significant discrepancy.
- (c) Target is 0%

Effective with 2024-2025 SY

Colorado identifies an AU as having a “significant discrepancy” if:

- (a) five or more students of a particular racial category received greater-than-10-day out-of-school suspension/expulsion, and that race’s suspension/expulsion rate was **more than 1.5 times** of the state’s rate for **the current reporting year**;
- (b) the policies, practices, and procedures contributed to the significant discrepancy.
- (c) Target is 0%



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