

Significant Disproportionality in Colorado

Identify – Analyze – Implement

Definition: Significant Disproportionality (Sig Dispo) is the over representation, specific to identified risk ratio thresholds for three consecutive years, based on race/ethnicity, in accordance with the following conditions: the identification of children in particular disability categories, the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Identify—Analyze—Implement represent the three phases of the *Significant Disproportionality* process in Colorado. This process is designed to support Administrative Units (AUs) to address and strengthen approaches for areas of significant disproportionality. This planning process centers on the creation of a multi-year AU action plan that is intended to Identify and Analyze a wide array of district data, set specific measurable outcomes, and Implement initiatives to accomplish them.

This framework describes the process for Significant Disproportionality in Colorado leading to the creation of an annual action plan that promotes positive outcomes by identifying areas of need, analyzing data, and continuously monitoring the impact of activities.

Identify	The Colorado Department of Education (CDE) collects data two times per year to identify areas of concern related to Significant Disproportionality. <ul style="list-style-type: none">- December count data is used to identify Significant Disproportionality for identification and placement. By the end of July, AUs are identified with Disproportionality for identification and placement and are notified with mid-course notification letters.- End of Year (EOY) data is used to identify Significant Disproportionality for discipline. By the end of November, AUs are officially identified with Disproportionality for identification, placement, and discipline and are notified with final notification letters.
Analyze	AU's identified with Significant Disproportionality in identification, placements, and/or discipline will use specific data to analyze and conduct the following for the specific area of disproportionality. <ul style="list-style-type: none">- 3P Review (Policies, Procedures, and Practices)- Root Cause Analysis- Development of a Comprehensive Coordinated Early Intervening Services (CCEIS) Action Plan
Implement	AU's will implement an approved CCEIS Action Plan to address the identified area of Disproportionality. <ul style="list-style-type: none">- AU's will collaborate with CDE personnel to implement action plans and monitor approved activities.

Identify

Identification of Significant Disproportionality

Why does the Colorado Department of Education (CDE) collect data to identify AUs with Significant Disproportionality?

As a condition for accepting federal funds, the Colorado Department of Education (CDE) must collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State or any of its Administrative Units (AU). In accordance with [34 C.F.R. § 300.646](#), the CDE must determine if significant disproportionality is occurring with respect to:

- The identification of children with a disability and the identification of children in the following disability categories, Intellectual Disability, Specific Learning Disability, Serious Emotional Disability, Speech or Language Impairment, Other Health Impairment, and Autism Spectrum Disorder.
- The placement of students in particular education settings; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

How is Significant Disproportionality identified?

The determinations of whether significant disproportionality based on race and ethnicity exists in Administrative Units (AUs) are based on analyzing data collected via three independent data collections: Student October Count, Special Education December Count, and Special Education Discipline Collection. If an AU exceeds the identification as noted in [Colorado's Definition of Significant Disproportionality](#), in identification, placement, or discipline for three consecutive school years of data, it will be determined to be Significantly Disproportionate.

The CDE examines significant disproportionality based on identification and placement in June, and examines significant disproportionality based on discipline in November, which concludes the significant disproportionality determination for the school year. AUs identified as significantly disproportionate in one or more categories under identification and/or placement will NOT be officially designated as having significant disproportionality until November of the given school year.

For example, the CDE analyzes three previous years of enrollment data (Student October Count and Special Education December Count) for SY2021-22, SY2022-23, and SY2023-24. If an AU exceeds the risk ratio threshold for those three school years in the areas of identification, placement, or discipline, the official determination for significant disproportionality will be made in November 2024.

For additional information on the identification of significant disproportionality in Colorado, please visit the [significant disproportionality webpage](#).

Analyze

What is expected once an AU is determined to be Significantly Disproportionate?

AUs identified with significant disproportionality in one or more categories under identification and/or placement will NOT be officially designated as having significant disproportionality until November of the given school year. When an AU is identified as significantly disproportionate, federal law and regulations require that they,

- Conduct a review of policies, procedures, and practices. Review, and if appropriate, revise policies, procedures, and practices contributing to the significant disproportionality identified. Any revision of policies, procedures, and practices must be reported publicly. (Review of 3Ps, policies, procedures, and practices), 34 CFR section 300.646 (c)(1).
- Conduct a Root Cause Analysis. Identify the factors contributing to significant disproportionality in the specific area identified (Root Cause Analysis), 34 CFR section 300.646 (d)(1).
- Develop a CCEIS Action Plan. Set aside 15% of its IDEA Part B allocation for Comprehensive Coordinated Early Intervening Services (CCEIS) to serve children from early childhood through grade 12. These set aside funds should focus primarily, but not exclusively, on children in those groups that were significantly disproportionate. These funds may be used to serve children not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment, as well as children with disabilities.

What processes must AUs complete when identified with significant disproportionality.

After official designation occurs in November, the following will occur.

- The AU will convene an internal stakeholder group to conduct the required activities to address the identification of significant disproportionality.
 - With support from CDE, the internal AU stakeholder group will determine what years of funding will be used to set aside the mandatory CCEIS funds. AUs have the option to select which FY the 15% IDEA part B funds will be drawn from. For example, if an AU is identified with Significant Disproportionality in November 2024, the AU will select one of the following fiscal years to pull the 15%, FY2023, FY2024, or FY2025. The AU will then have 27 months from the start of the chosen fiscal year to allocate the entire 15% of the mandatory CCEIS funds on the approved CCEIS Action Plan and activities.
 - With support from CDE and a CDE independent consultant, the internal AU stakeholder group will use the workbook provided by CDE to conduct a review of policies, procedures, and practices (3Ps) in the area/s of identification, placement, and discipline. The AU will determine if a revision of policies, procedures, and practices are required to address disproportionality. An AU must publicly report any revision of policies, procedures, and practices. The AU is required to complete the review of policies, procedures, and practices, document

the findings of the review, and submit it to CDE by February 1st, after official determination from the previous November. A team of professionals at CDE will review the submission and provide feedback and recommendations as necessary.

- With support from the CDE general supervision and monitoring team and the CDE independent consultant, the AU stakeholder group will conduct a root cause analysis for the area/s determined for significant disproportionality. The Success GAP Toolkit, a root cause analysis process, is available to assist AUs with the process. The AU is required to conduct the root cause analysis, document the findings, and submit it to CDE by March 15th, after official determination from the previous November. A team of professionals at CDE will review the submission and provide feedback and recommendations as necessary.
- With support from the CDE monitoring team and the CDE independent consultant, the AU stakeholder group will develop a CCEIS Action Plan for the area/s determined for significant disproportionality. CDE will provide the AU with documentation to submit the proposed action plan by May 1st, after official determination of significant disproportionality the previous November. A team of professionals at CDE will review the action plan submission and provide feedback and recommendations as necessary.
- After approval of the CCEIS Action plan, the AU will move forward with the implementation of the approved CCEIS action plan to address the identified areas of significant disproportionality.

How will CDE support AUs in the completion of the 3P review, root cause analysis, and development of the CCEIS Action Plan?

- The CDE will provide resources and documents to support the understanding of the Sig Dispro process.
- The CDE will provide the AU with the Equity Workbook, which contains components needed to complete the 3P review, root cause analysis, and CCEIS action plan.
- The CDE will provide access to a private consultant to assist the AU with the Sig Dispro process.
- The CDE will provide access to the CDE monitoring and finance team to ensure CCEIS funding expectations noted above are understood.
- The CDE will provide feedback from a state stakeholder group for the AUs 3P review, root cause analysis, and CCEIS action plan.
- When determined appropriate, the CDE stakeholder group will approve the CCEIS action plan.

What are the mandatory requirements for CCEIS?

CCEIS is generally defined as activities designed to identify and address factors contributing to significant disproportionality. Factors contributing to significant disproportionality may include, but are not limited to the following; lack of access to scientifically based instruction; economic, cultural, linguistic barriers to appropriate identification or placement in particular education settings; inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic achievement levels; and similar policies, practices, and procedures that contribute to significant disproportionality.

Activities intended to identify and address the factors contributing to Significant Disproportionality may include professional development and training, and education and behavioral evaluation and services, to identify and address these factors—but only to the extent that the activities are intended to address the specific factors identified as contributing to the AUs determined area of Significant Disproportionality.

In implementing CCEIS, the AU must:

- Reserve 15% from a single fiscal year IDEA Part B allocation, and not from multiple fiscal year Part B allocations.
- Ensure that funds are dedicated and used to identify and address the specific factors identified by the AU as contributing to significant disproportionality; and
- Must not limit funds solely to children with disabilities.

CDE resources for the AU analysis of Significant Disproportionality:

- For more information on CCEIS, please see CDE fact sheet, [Mandatory Comprehensive Coordinated Early Intervening Services \(CCEIS\) – Q&A and Allowable Usage of CCEIS Funds](#).

Implement

Implementation of approved AU CCEIS action plan

What are the expectations for the AU after the CCEIS action plan is approved by the CDE?

- The AU will collaborate with its identified internal stakeholder group to begin implementation of the approved CCEIS action plan.
- The AU will internally monitor the funds expended for CCEIS and have evidence of the following:
 - Staff time and effort that was purchased with CCEIS funds, approved to implement the activities in the CCEIS action plan.
 - Any professional development that was conducted with CCEIS funds as part of the approved activities in the CCEIS action plan.
 - Any supplies purchased with CCEIS funds to implement the approved activities in the CCEIS action plan.
 - Were CCEIS funds spent as indicated in the approved action plans?
- The AU will identify and regularly monitor the students who benefited from the CCEIS activities and funds expended.
 - CCEIS is an early intervention. The funds are supposed to be spent for students who are not yet identified as students with disabilities (though the use of the funds for students who are already identified is also allowed).
 - AUs will need to keep track of which students benefited from the CCEIS and report that information to CDE during the SPED EOY data collection.
- The AU personnel (SPED Director and finance) will meet quarterly with the CDE monitoring personnel to review the following:
 - The progress of the implementation of the approved CCEIS action plan,
 - Data collected by the AU for the use of the CCEIS funds and,
 - Students that have benefitted from CCEIS activities.
- The AU stakeholder group will complete quarterly progress survey provided by the CDE to,
 - Determine the effectiveness of the approved action plan activities,
 - Complete internal progress monitoring checks for the identified action plan, and
 - Monitor the spending of CCEIS funds as identified in the approved action plan.

- The AU will complete an annual progress report survey provided by the CDE.
- The AU will submit data annually to the SPED End of Year (EOY) data pipeline that identifies students who benefited from CCEIS funds during the school year.
 - The CDE will keep track of the students reported by the AU are determined eligible for special education services within the following two-year period, and report that data to OSEP.

What support will the CDE offer during the Implementation phase of the approved CCEIS action plan?

- When appropriate, the CDE will provide personnel to collaborate with the AU for the implementation of the CCEIS action plan.
- When appropriate, the CDE will provide access to an independent contractor to support the implementation of the approved CCEIS action plan.
- When appropriate, the CDE will provide necessary resources to support the AU with the implementation of the CCEIS action plan.
- The CDE monitoring and finance personnel will meet quarterly with the AU to review the following,
 - The progress of the implementation of the approved CCEIS action plan,
 - Data collected by the AU for the use of the CCEIS funds and,
 - Students that have benefitted from CCEIS activities.
- The CDE will provide the AU access to the quarterly survey and review the survey data with the AU as necessary.
- The CDE will provide the AU access to the annual progress report survey.