

Rule Changes for Indicator 4A and 4B

July, 2017

Special Education Directors:

The Exceptional Student Services Unit (ESSU) at the Colorado Department of Education (CDE), with input from the field, has adopted new thresholds and guidelines in the supervision of Administrative Units (AUs) and the measurement of data to the CDE for Indicators 4A and 4B. These changes were prompted by a comparison of Colorado's thresholds to other states using a similar calculation for Indicator 4. In this comparison, it was clear Colorado's previous threshold for Indicator 4A, at 6 times the state's median rate, was more liberal than other states using a similar calculation method. In an effort to fulfill obligations and to ensure positive outcomes for students with disabilities, the ESSU proposed new thresholds and a new process by which AUs may receive supports for Indicator 4A and 4B. The ESSU obtained input and feedback on proposed changes from a variety of stakeholders and advisory groups, and integrated this feedback in order to arrive at the new rules and thresholds for Indicator 4A and 4B. Additionally, support and technical assistance to AUs for Indicator 4A and 4B will be provided in alignment with the Continuous Improvement Process:

http://www.cde.state.co.us/cdesped/cip_understandingdeterminations

Thus, starting with the School Year 2016-17 discipline collection data, we will apply the following rules to Indicator 4A and 4B;

Indicator 4A: An administrative unit will be considered significantly discrepant from the state, which is different each school year, if its rate of out-of-school suspensions or expulsions of students with disabilities that exceed 10 days in a school year is more than 4 times the state's rate. An Administrative Unit with a rate of students with disabilities suspended or expelled for greater than 10 days is considered out of compliance if **its suspension/expulsion rate is more than 4 times the state rate for 3 consecutive data collections.**

Indicator 4B: An administrative unit will be considered out of compliance if 1) 5 or more students with disabilities of a particular racial category receive out-of-school suspensions or expulsions that exceed 10 days in a school year, and that race's suspension/expulsion rate is more than 4 times of the state's rate for 3 consecutive data collections; and 2) policies, procedures and/or practices that contribute to the significant discrepancy do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

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Calculation and Interpretation of the Rate Ratio Method

Example AU	American Indian/ Alaska Native	Asian	Hispanic	Black	Two or more races	White	Total
Number of Students who received suspensions/expulsions that exceeded 10 days	0	1	19	19	5	26	70
Number of enrolled students with IEPs	38	186	1313	765	344	2889	5535
% of students who were suspended/expelled for greater than 10 days per racial category	0.00%	0.54%	1.45%	2.48%	1.45%	0.90%	1.26%
Divide each race's rate by the state's rate (can be different each year. Let's say it's fictitiously 0.77% for this example's year)	0	0.7	1.88	3.23	1.89	1.17	1.64

- Indicator 4A Interpretation: This example AU's rate of out-of-school suspensions or expulsions of students with disabilities that exceed 10 days in a school year is than **1.64 times** of the state's rate. If this rate was 4 or more times of the state's rate, this AU would be considered "needing assistance" the following school year.
- Indicator 4B Interpretation: Black students with greater than 10-day suspension/expulsion rate was **3.23 times** of the state's rate. If it was 4 times or more of the state's rate, this AU would be considered "needing assistance" the following school year.
- Because fewer than 5 students received suspensions/expulsions that exceeded 10 days among American Indian/Alaska Native and Asian students, the rate ratios for these racial categories are not considered for the Indicator 4B purposes.

In an effort to build the capacity of Administrative Units to utilize effective and equitable school discipline practices, the ESSU will offer an on-demand recorded webinar on positive discipline strategies available to all AUs, including those that "meet requirements" on Indicator 4A and/or 4B. This will be available soon. The intention of the ESSU is to align with Colorado House Bill 12-1345, which was passed to eliminate zero tolerance policies in the state. This bill also promotes the use of alternatives to discipline to decrease out-of-school suspensions, expulsions, and referrals to law enforcement (Colorado Department of Education, 2012). An additional resource available to AUs is CDE's Best Practice Summary for Alternatives to Zero Tolerance, which can be accessed here: *Alternatives to Zero Tolerance: Best Practice Summary* (Colorado Department of Education 2015) <http://www.cde.state.co.us/dropoutprevention/bestpracticesalternativestozerotolerance>.

ESSU will annually review reported data and will reach out to AUs to offer tailored supports to those that may “need assistance” for Indicator 4A and/or 4B. The timelines allow AUs to respond, take advantage of training and technical assistance, and impact their Indicator 4A and/or 4B rates. After three consecutive data collections, AUs that are found out of compliance on Indicator 4A and 4B will “need intervention” and be placed on a corrective action plan along with customized technical assistance from the ESSU.

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References:

Colorado Department of Education (2012). *2012 School Discipline Bill: Colorado's Landmark Legislation is to Eliminate "Zero Tolerance."* Available at:
http://www.cde.state.co.us/dropoutprevention/earss_policiesandstatestatutes