

## Kansas State Department of Education Request for Comments

The Kansas State Department of Education (KSDE) is offering the public the opportunity to comment on the State's target on State Performance Plan and Annual Performance Report (SPP/APR) Indicator 4A, definition of significant discrepancy the State applies to SPP/APR Indicator 4B, and the definition of disproportionate representation the State applies to SPP/APR Indicators 9 and 10.

### Dates

Interested stakeholders are invited to submit comments on or before November 12, 2021.

### Addresses

Please submit written comments to [SESPublicComments@ksde.org](mailto:SESPublicComments@ksde.org) or mail comments to Special Education and Title Services, Kansas State Department of Education, 900 SW Jackson Street, Suite 620, Topeka, Kansas 66612.

### Public Hearings

The public is also welcome to present comments at public hearings held via Zoom from 9:00 to 10:00 a.m. on October 26, and November 3. To connect via Zoom:

October 26th meeting link: <https://ksde.zoom.us/j/86484690239>

November 3rd meeting link: <https://ksde.zoom.us/j/87359155243>

**For Further Information Contact:** For specific questions related to KSDE request for comments, please contact Brian Dempsey, [bdempsey@ksde.org](mailto:bdempsey@ksde.org).

### Background

The U.S. Department of Education's Part B SPP/APR General Instructions for the FFY 2020 Submission require each State to solicit ". . . broad public input on the State's targets in the SPP/APR . . ." United States Department of Education 1 (2021),

[https://sites.ed.gov/idea/files/1820-0624\\_FFY20Part\\_B\\_SPPAPR\\_Instructions\\_FINAL.pdf](https://sites.ed.gov/idea/files/1820-0624_FFY20Part_B_SPPAPR_Instructions_FINAL.pdf).

Additionally, 34 C.F.R. § 300.165(a) requires a State to "ensure that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities" prior to adopting any policies or procedures that the State needs to comply with Part B of the Individuals with Disabilities Education Act. In addition to these requirements, KSDE is genuinely interested in the feedback of stakeholders on these very important definitions. KSDE is particularly interested in stakeholder feedback on the proposed changes to the definitions, but comments are welcome on the full definitions.

Proposed changes are highlighted in yellow.

SPP/APR Indicator 4 measures the rates of suspension and expulsion. Specifically, the [FFY 2020 SPP/APR Part B Indicator Measurement Table](#) describes SPP/APR Indicator 4A as the:

Percent of local educational agencies (LEA) that have a significant discrepancy, as defined by the State, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.

The [FFY 2020 SPP/APR Part B Indicator Measurement Table](#) describes SPP/APR Indicator 4B as the:

Percent of LEAs that have: (a) a significant discrepancy, as defined by the State, 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, 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.

The [FFY 2020 SPP/APR Part B Indicator Measurement Table](#) describes SPP/APR Indicator 9 as the:

Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

The [FFY 2020 SPP/APR Part B Indicator Measurement Table](#) describes SPP/APR Indicator 10 as the:

Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

The table below shows the current information on the left and the recommendations on the right. Recommended changes are highlighted.

<u>Current Information</u>	<u>Recommendations</u>
Indicator 4A Target	Indicator 4A Target
0%	0%
Indicator 4B Definition of Significant Discrepancy	Indicator 4B Definition of Significant Discrepancy
Any district that suspends at least 10 special education students of a given race or	Any district that suspends at least 10 special education students of a given race or

<p>ethnicity and suspends 5% or more of students with individualized education programs (IEPs) of a given race or ethnicity for more than 10 days.</p>	<p>ethnicity and suspends 2% or more of students with IEPs of a given race or ethnicity for more than 10 days.</p>
<p><b>Indicator 9 Definition of Disproportionate Representation</b></p>	<p><b>Indicator 9 Definition of Disproportionate Representation</b></p>
<p>Definition of Disproportionate Representation: A district is identified as having disproportionate representation if that district meets the following two-year criteria for racial and ethnic groups in special education and related services.</p> <p>Year 1</p> <p>Overrepresentation –The district must have:          At least 30 students of a racial and ethnic group in the district;          At least 10 students of a racial and ethnic group in special education and related services;          At least 10 students in the comparison group in special education and related services;          and          A weighted risk ratio <math>\geq 3.00</math>.</p> <p>Year 2</p> <p>Overrepresentation -The district must have:          At least 30 students of a racial and ethnic group in the district;          At least 30 students of a racial and ethnic group in special education and related services;          At least 30 students in the comparison group in special education and related services;          and          A weighted risk ratio <math>\geq 3.00</math>.</p> <p>Methodology</p> <p>The Kansas State Department of Education (KSDE) provides each district with a final risk ratio for overrepresentation. If a district has a final risk ratio <math>\geq 3.00</math>, the following is implemented:</p>	<p>Definition of Disproportionate Representation: A district is identified as having disproportionate representation if that district meets the following two-year criteria for racial and ethnic groups in special education and related services.</p> <p>Year 1</p> <p>Overrepresentation – The district must have:          At least 30 students of a racial and ethnic group in the district;          At least 10 students of a racial and ethnic group in special education and related services;          At least 10 students in the comparison group in special education and related services;          and          A final risk ratio <math>\geq 3.00</math>.</p> <p>Year 2</p> <p>Overrepresentation -The district must have:          At least 30 students of a racial and ethnic group in the district;          At least 10 students of a racial and ethnic group in special education and related services;          At least 10 students in the comparison group in special education and related services;          and          A final risk ratio <math>\geq 3.00</math>.</p> <p>Methodology</p> <p>The Kansas State Department of Education (KSDE) provides each district with a final risk ratio for overrepresentation. If a district has a final risk ratio <math>\geq 3.00</math>, the following is implemented:</p>

<p>Year 1 – KSDE team reviews the submitted information and verifies the year one data calculation.</p> <p>Year 2 – KSDE team verifies the year two data calculation and identifies the district as having disproportionate representation accordingly. District completes and submits the required Kansas Self-Assessment Tool: Review district policies, practices and procedures specific to the identified race and ethnic group to determine if the identified IDEIA practices occur. KSDE team reviews submitted information to determine whether the disproportionate representation is due to inappropriate identification.</p>	<p>Year 1 KSDE team reviews the submitted information and verifies the year one data calculation. KSDE notifies the district of the data calculation and encourages the district to seek technical assistance to address the numeric discrepancy through a root cause analysis and action planning.</p> <p>Year 2 KSDE team verifies the year two data calculation and identifies the district as having disproportionate representation. District completes and submits the required Kansas Self-Assessment Tool to review district policies, practices, and procedures specific to the identified race and ethnic group to determine if the identified IDEA requirements occur and completes a root cause analysis. KSDE team reviews submitted information to determine whether the disproportionate representation is due to inappropriate identification.</p>
<p><b>Indicator 10 Definition of Disproportionate Representation</b></p>	<p><b>Indicator 10 Definition of Disproportionate Representation</b></p>
<p>Definition of Disproportionate Representation: A district is identified as having disproportionate representation if that district meets the following two-year criteria for racial and ethnic groups in specific disability categories.</p> <p>Year 1 Overrepresentation –The district must have: At least 30 students of a racial and ethnic group in the district; At least 10 students of a racial and ethnic group in specific disability categories; At least 10 students in the comparison group in specific disability categories; and A weighted risk ratio <math>\geq 3.00</math>.</p> <p>Year 2</p>	<p>Definition of Disproportionate Representation: A district is identified as having disproportionate representation if that district meets the following two-year criteria for racial and ethnic groups in specific disability categories.</p> <p>Year 1 Overrepresentation – The district must have: At least 30 students of a racial and ethnic group in the district; At least 10 students of a racial and ethnic group in specific disability categories; At least 10 students in the comparison group in specific disability categories; and A final risk ratio <math>\geq 3.00</math>.</p> <p>Year 2 Overrepresentation -The district must have:</p>

<p>Overrepresentation -The district must have:  At least 30 students of a racial and ethnic group in the district;  At least 30 students of a racial and ethnic group in specific disability categories;  At least 30 students in the comparison group in specific disability categories; and  A weighted risk ratio <math>\geq 3.00</math>.</p> <p>Methodology  The Kansas State Department of Education (KSDE) provides each district with a final risk ratio for overrepresentation. If a district has a final risk ratio <math>\geq 3.00</math>, the following is implemented:  Year 1 –  KSDE team reviews the submitted information and verifies the year one data calculation.  Year 2 –  KSDE team verifies the year two data calculation and identifies the district as having disproportionate representation accordingly. District completes and submits the required Kansas Self-Assessment Tool: Review district policies, practices and procedures specific to the identified race and ethnic group to determine if the identified IDEA practices occur. KSDE team reviews submitted information to determine whether the disproportionate representation is due to inappropriate identification.</p>	<p>At least 30 students of a racial and ethnic group in the district;  At least 10 students of a racial and ethnic group in specific disability categories;  At least 10 students in the comparison group in specific disability categories; and  A final risk ratio <math>\geq 3.00</math>.</p> <p>Methodology  The Kansas State Department of Education (KSDE) provides each district with a final risk ratio for overrepresentation. If a district has a final risk ratio <math>\geq 3.00</math>, the following is implemented:  Year 1  KSDE team reviews the submitted information and verifies the year one data calculation. KSDE notifies the district of the data calculation and encourages the district to seek technical assistance to address the numeric discrepancy through a root cause analysis and action planning.  Year 2  KSDE team verifies the year two data calculation and identifies the district as having disproportionate representation. District completes and submits the required Kansas Self-Assessment Tool to review district policies, practices, and procedures specific to the identified race and ethnic group to determine if the identified IDEA requirements occur and completes a root cause analysis. KSDE team reviews submitted information to determine whether the disproportionate representation is due to inappropriate identification.</p>
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To read the Kansas FFY 2019 SPP/APR please visit,

<https://www.ksde.org/Portals/0/SES/KIAS/spp/APR-2019B-KS.pdf>.

To read the FFY 2020 SPP/APR Part B Indicator Measurement Table please visit,

[https://sites.ed.gov/idea/files/1820-0624\\_FFY20Part\\_B\\_SPPAPR\\_Measurement\\_TableFINAL.pdf](https://sites.ed.gov/idea/files/1820-0624_FFY20Part_B_SPPAPR_Measurement_TableFINAL.pdf).