

Issue Brief: Significant Disproportionality
July 2024

Under the Individuals with Disabilities Education Act (IDEA), states are required to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the local educational agencies (LEAs) with respect to:

- (A) the identification of children as children with disabilities;
- (B) the placement in particular educational settings of such children; and
- (C) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

(See 20 U.S.C. § 1418(d)(1).)

In 2013, the Government Accountability Office issued a [report](#) finding that, because states were using a wide variety of methodologies, few states were taking action to address significant disproportionality (only 2-3% of districts were identified nationwide). **In any given year before 2016, Maryland identified between 2 and 4 LEAs significantly disproportionate (8-16% of LEAs).** Recognizing the great variability amongst the states, in December 2016, the Secretary of the U.S. Department of Education (DOE) amended federal regulations to promote equity under the IDEA. These regulations:

- establish a standard methodology states must use to determine whether significant disproportionality based on race and ethnicity is occurring in the State and its LEAs;
- clarify that States must address significant disproportionality in the incidence, duration, and type of disciplinary actions, including suspensions and expulsions, using the same statutory remedies required to address significant disproportionality in the identification and placement of children with disabilities;
- clarify requirements for the review and revision of policies, practices, and procedures when significant disproportionality is found; and
- require that LEAs identify and address the factors contributing to significant disproportionality as part of comprehensive coordinated early intervening services (comprehensive CEIS) and allow these services for children from age 3 through grade 12, with and without disabilities.

(See 81 FR 92376-01; 34 C.F.R. § 300.646-.647.)

Maryland's Methodology

As the state education agency (SEA) under the IDEA, the MSDE is responsible for developing a methodology to determine significant disproportionality and working with any local education agencies (LEAs) found to be significantly disproportionate to review and revise policies, procedures, and practices related to identification that may be contributing to significant disproportionality. MSDE must also require identified districts to set aside IDEA funds for early intervening services for all students to address factors that may be contributing to significant disproportionality. MSDE engaged a stakeholder workgroup in 2017 that included LEA superintendents, local directors of special education, advocacy groups, and parents and families to guide the development of Maryland's significant disproportionality methodology. Regulations adopted by the State Board of Education in 2018 are included below:

COMAR 13A.05.02.04

F. Significant Disproportionality.

(1) The Department shall collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in each public agency in the State in accordance with 34 CFR §300.646.
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- (2) In making determinations of significant disproportionality, the Department shall use:
- (a) A risk ratio threshold of 2.0;
 - (b) A minimum cell size of 5; and
 - (c) A minimum n-size of 20.
- (3) The Department shall determine that significant disproportionality is occurring in a public agency that has:
- (a) Exceeded the risk ratio threshold for 2 consecutive years; and
 - (b) Failed to demonstrate reasonable progress under § F(4) of this regulation.
- (4) Demonstrating reasonable progress means that a public agency has:
- (a) Decreased its risk ratio by 0.15 and the current risk ratio is 2.0 to 4.0; or
 - (b) Decreased its risk ratio by 0.50 and the current risk ratio is above 4.0.

A. Risk Ratio

The federal regulations allow each state to determine its methodology for calculating significant disproportionality within certain parameters. First, each state must use a “risk ratio,” a numerical comparison expressed as a ratio or decimal, between the risk of a specific outcome for a specific racial or ethnic group in an LEA and the risk of that same outcome for all other children in the LEA. The comparison is made -- the risk ratio is calculated -- by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that same outcome for children in all other racial or ethnic groups within the LEA (the comparison group). (See 34 C.F.R. §300.647(a)(6).)

B. Threshold

The federal regulations allow each State to set its “threshold” value for determining when there is significant disproportionality. The MSDE chose 2.0 as its threshold value; therefore, if the risk ratio for a group of students is 2.1, there is significant disproportionality. However, if the risk ratio is 1.8, there is no significant disproportionality.

C. Minimum Cell Size

The regulations also require the State to set a “reasonable” minimum cell size – no greater than 10. “Minimum cell size” is the number of children experiencing a particular outcome, used as the numerator when calculating the risk ratio. After consultation with stakeholders, the MSDE reduced the minimum cell size from 30 to 5.

D. Minimum N-Size

States must also set a “reasonable” minimum N-size – no greater than 30. The N-size is the number of children enrolled in an LEA, used as the denominator when calculating the risk ratio. The MSDE chose to use an N-size of 20.

E. Flexibility Options

The federal regulations allow states to choose whether to adopt “flexibility options.” The MSDE decided to use both multi-year and reasonable progress flexibility options. “Multi-year flexibility” means that the MSDE will review two years of data to identify an LEA as significantly disproportionate. In other words, the LEA must exceed the risk ratio threshold for two consecutive years while also failing to make reasonable progress. The MSDE chose this flexibility to help control for data anomalies.

“Reasonable progress flexibility” allows the State to choose not to identify LEAs with risk ratios above the threshold if they can demonstrate they are making reasonable progress toward reducing

disproportionality. If an LEA has a risk ratio between 2.0 and 4.0, it can demonstrate reasonable progress if it decreases by 0.15. If the LEA’s risk ratio is above 4.0, it must decrease its risk ratio by 0.50 to demonstrate reasonable progress.

Sample Significant Disproportionality Determination Scenarios

Table 2 outlines some sample LEA identification scenarios to illustrate the application of the state’s methodology. For LEA 1, the risk ratio for the 2021-2022 school year is 1.8, below the threshold of 2.0. This LEA’s risk ratio for the 2022-2023 school year is 2.6, greater than the threshold of 2.0. Since LEA 1 does not have two consecutive years of disproportionality, it would NOT be identified as significantly disproportionate.

For LEA 2, the risk ratio for the 2021-2022 school year is 3.2, greater than 2.0. This LEA’s risk ratio for the 2022-2023 school year is 2.9, also greater than 2.0. Since both risk ratios are over the threshold value of 2.0 the State must determine if reasonable progress was made. Since the LEA was able to reduce its risk ratio by 0.3, the LEA demonstrated that it has made reasonable progress and would NOT be identified as significantly disproportionate.

For LEA 3, the risk ratio for the 2021-2022 school year is 2.3, greater than 2.0. This LEA’s risk ratio for the 2022-2023 school year is 2.2, also greater than 2.0. Since both risk ratios are over the threshold value of 2.0 the state must determine if reasonable progress was made. Since the LEA was only able to reduce its risk ratio by 0.1, the LEA did not demonstrate that it has made reasonable progress and WOULD be identified as significantly disproportionate.

Sample LEA	Risk Ratio 2021-2022	Risk Ratio 2022-2023	Sample Significant Disproportionality Determinations		
			Exceeded Threshold in 2 Consecutive Years?	Made Reasonable Progress?	Identified for Significant Disproportionality?
LEA 1	1.8	2.6	No	N/A	No
LEA 2	3.2	2.9	Yes	Yes (-0.3)	No
LEA 3	2.3	2.2	Yes	No (-0.1)	Yes
LEA 4	7.6	7.2	Yes	No (-0.4)	Yes
LEA 5	7.6	6.6	Yes	Yes (-1.0)	No

Methodology Comparison with Other States

In 2022, the DEI/SES completed a 50-state survey¹ cataloging the methodologies adopted by the SEAs. In reviewing points of comparison, it found:

- *Threshold:* The chosen threshold values ranged from 2.0 to 7.0; however, only two other SEAs adopted a 2.0 threshold. The vast majority of SEAs use a 3.0 threshold.
- *Minimum Cell size:* The DOE states that reasonable minimum cell size should be no greater than 10. Only three other SEAs use a minimum cell size of 5; 46 SEAs use a minimum cell size of 10.
- *Minimum N-size:* The DOE states that a reasonable minimum N-size should be no greater than 30. Seven SEAs use a minimum N-size less than 20; four SEAs other than MD use a minimum N-size of 20; and the vast majority (39) of SEAs use a minimum N-size of 30.

¹ MSDE Division of Early Intervention and Special Education Services. (2022). *National Significant Disproportionality Methodology Survey*.

- *Flexibility Option – Multi-Year*: Only one other SEA uses a two-year flexibility option for identifying significant disproportionality; all other SEAs use a three-year flexibility option.
- *Flexibility Option – Reasonable Progress*: There is great variability amongst the SEAs on how they are addressing reasonable progress flexibility.

Discussion Question:

1. **What criteria determine whether an LEA is identified as significantly disproportionate and what roles does the flexibility option play in identifying significant disproportionality?**

Why Significant Disproportionality Matters

The federal law’s requirements for determining significant disproportionality focus on identification, discipline, and placement, but its impact on academic achievement is critical as well. Inappropriate identification is problematic, not only because of the pervasive low expectations afforded to students with disabilities, but also because of the negative consequences of being found eligible for special education services for student achievement and long-term outcomes. Students who receive special education services, regardless of race/ethnicity, are more likely to be segregated from their peers, lose access to the full extent of the general education curriculum, and have poorer outcomes. In addition, explicit examination of the data related to academic outcomes for students of color who receive special education services deserves additional attention.²

The requirement noted above that LEAs reserve funds for CCEIS is rooted in the need to focus on instruction and academic achievement for all students, particularly those from historically marginalized student groups that are most at risk for attending under-resourced schools and receiving less rigorous instruction. A recent report from the National Center for Education Evaluation and Regional Assistance at the Institute of Education Sciences, US Department of Education notes:

“IDEA and related federal regulations require states to work with flagged districts to review and, if appropriate, revise the policies, procedures, and practices related to identification that may be contributing to significant disproportionality. **Contributing factors may include, for example, lack of access to scientifically based instruction** or linguistic barriers to appropriate identification. Additionally, states are expected to require flagged districts to set aside IDEA funds for early intervening services more generally, the intent being to redirect resources toward addressing factors that may be contributing to significant disproportionality. Federal regulations suggest using these required set-aside **funds for professional development for teachers and other school staff focused on providing better supports for all students, such as delivering scientifically based academic and behavioral interventions**. Other recommendations include providing educational and behavioral evaluations, services, and supports to ensure accurate and complete identification and provision of services to all children. **By focusing on high-quality, standardized policies, procedures, and practices for all students, the intent is to eliminate disparities based on race or ethnicity that may be contributing to significant disproportionality.**”³ [emphasis added]

² “Some advocates said federal data collection should include more emphasis on academic outcomes for students of color who have disabilities. ... ‘The other important thing to try to measure is how are minority students doing in special education? Are they in fact benefiting? And that’s the piece that people tend to ignore,’ said Candace Cortiella, founder and director of The Advocacy Institute, a nonprofit organization that works to support people with disabilities.” Arundel, K. (2023, July 31). Equity in IDEA: Why racial disparities are increasing in special ed programs. K–12 Dive, <https://www.k12dive.com/news/Schools-examine-racial-disparities-in-special-education/688716/>

³ Lai, I., Lipscomb, S., and Johnson, A. (2024). Appropriate Identification of Children with Disabilities for IDEA Services: A Report from Recent National Estimates (NCEE 2024-004r). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, p. 19-20. <https://ies.ed.gov/ncee/pubs/2024004/pdf/2024004.pdf>

The Current State of Significant Disproportionality in Maryland

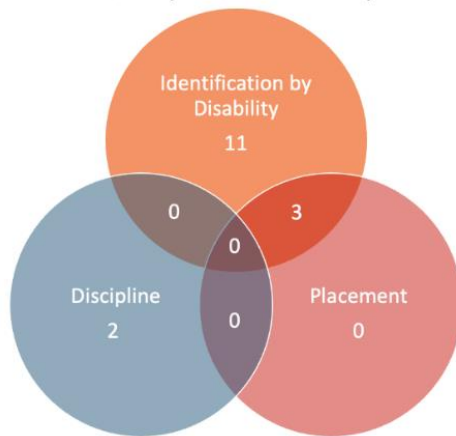
Significant disproportionality in special education is divided into three overarching categories: identification, placement, and discipline. Overall, there are 14 sub-categories of analysis (7 for identification, 2 for placement, and 5 for discipline) and LEAs and states can be identified as significantly disproportionate in any of these categories across any racial/ethnic subgroup. Overall, there are 98 possible areas to be identified as having significant disproportionality.

During the 2022-2023 school year, the state of Maryland was significantly disproportionate in the identification of intellectual disabilities and sum disciplinary total for Black/African American students, meaning the risk ratios for Black African American students of being identified as intellectually disabled and receiving suspensions/expulsion were over 2.0 and the state did not make reasonable progress from 2021-2022. The risk of receiving out-of-school suspensions for greater than ten days was over two times more likely for Black/African American students compared to all other students, but reasonable progress was made in reducing risk from the previous year, so this category was not identified as significantly disproportionate.

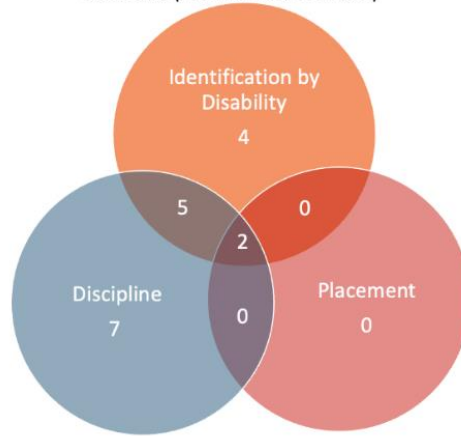
	Asian	Black/African American	Native Hawaiian/ Other Pacific Islander	Hispanic/ Latino	Two or More Races	American Indian/ Alaska Native	White
Identification							
Special Education	0.55	1.33	0.85	0.83	0.97	0.97	0.98
Intellectual Disability	0.40	2.72	1.32	0.73	0.55	0.50	0.51
Specific Learning Disability	0.26	1.28	0.69	1.28	0.79	1.13	0.82
Emotional Disability	0.17	1.91	---	0.41	1.39	0.87	1.00
Speech or Language Impairments	0.57	0.82	0.84	0.65	1.16	0.76	1.70
Other Health Impairments	0.28	1.57	0.73	0.56	1.08	0.96	1.10
Autism	1.26	1.45	1.02	0.65	1.01	0.81	0.84
Placement							
Less than 40% of Day in Regular Classroom	1.60	1.59	1.61	0.98	0.80	0.71	0.53
Separate School and Residential Facility	1.19	1.22	0.81	0.57	1.15	0.91	1.04
Discipline							
Out-of-School Suspension: ≤ 10 Days	0.16	1.95	0.89	0.54	1.30	0.94	0.71
Out-of-School Suspension: > 10 Days	---	3.60	---	0.40	1.01	---	0.40
In School Suspension: ≤ 10 Days	0.14	1.57	---	0.56	1.64	---	0.85
In School Suspension: > 10 Days	---	---	---	---	---	---	---
Sum Disciplinary Total	0.14	2.02	0.69	0.53	1.31	0.91	0.69

The total number of LEAs identified as significantly disproportionate increased from 2023 data (16 LEAs) to 2024 data (18 LEAs). Part of this increase is due to the 2020-2021 data used in 2023 being from the virtual year during the COVID-19 pandemic. As such, the number LEAs identified with significant disproportionality in disciplinary removal increased from 2 to 14 over that time-period.

2023 Data (FFY 2021 and FFY 2022)



2024 Data (FFY 2022 and FFY 2023)



To further examine the areas in which Maryland has consistently been disproportionate (identification of intellectual disability among Black/African American students, out-of-school suspensions greater than 10 days for Black/African Americans, and sum disciplinary total for Black/African Americans), 2022-2023 risk ratios were disaggregated by LEA, included below. Dark red indicates significant disproportionality and light red indicates that the LEA had risk ratio over 2.0, but it was not significantly disproportionate.

	Intellectual Disability: Black/African American	Out-of-School Suspension > 10 Days: Black/African American	Sum Disciplinary Total: Black/African American
Allegany	1.52	-	-
Anne Arundel	2.32	5.69	2.32
Baltimore City	2.58	3.18	2.48
Baltimore County	2.27	2.36	1.82
Calvert	2.93	---	2.09
Caroline	2.63	---	2.70
Carroll	1.06	---	2.63
Cecil	2.01	2.93	1.80
Charles	1.19	1.94	1.86
Dorchester	3.01	---	1.97
Frederick	1.16	3.40	2.00
Garrett	---	---	---
Harford	2.01	---	2.11
Howard	1.79	0.71	2.75
Kent	---	---	1.38
Montgomery	1.89	3.51	2.36
Prince George's	1.36	2.66	2.11
Queen Anne's	2.75	---	1.74
St. Mary's	2.01	3.79	2.33
Somerset	1.25	22.54	3.62
Talbot	---	---	2.76
Washington	1.05	1.73	1.39
Wicomico	1.53	-	1.73
Worcester	---	---	2.50
SEED	---	32.26	5.84

Discussion Questions:

2. Should MD consider revising its methodology for identifying Sig Dis in any way in order to more directly target support where it is most needed?
3. What factors might explain the increase in the number of LEAs in Maryland identified as significantly disproportionate from 2023 to 2024? What supports may help LEAs address these factors?

Past Efforts to Address Disproportionality

To date, efforts aimed at addressing significant disproportionality have failed to make effective, sustained impacts. The most common efforts have included:

- Sharing data to expose the problem;
- Training to change beliefs and actions in making disciplinary responses, MTSS/SST and IEP referral processes, use of data metrics for data driven decisions to promote equitable resource allocation to support inclusive culturally responsive programming; and
- Compliance monitoring.

While all three are important components to address the issue, they alone have not been sufficient to improve the situation.

The Need for Structured, Systemic Changes

When problems persist over time – even after the turnover of leaders and staff, external pressure, internal efforts, and despite both training and assurances—it is an indication that the strategies for change being used aren't sufficient. Systemic challenges need systemic, structured solutions.

Because there are numerous reasons for LEAs' significant disproportionality in the identification, placement, and discipline of students⁴, systemic solutions focus on identifying the *root cause* of the disproportionality. LEAs and public agencies (PAs) with disproportionality challenges are often aware of the problem, but they are often unable to address the issue successfully.

Identifying the root cause can help answer two key questions: 1) Why does disproportionality occur? and 2) Why have past efforts to address these disparities failed? And, while there are no good excuses for persistent chronic disproportionality, understanding the root cause allows for MSDE and districts to target support and take action. Simply put, if the root cause(s) can be identified systematically, a more targeted correction plan can be developed and implemented.

As previously mentioned, root cause analysis isn't limited to why the challenge exists, but also why it has persisted and past efforts at improvement have failed. Identifying the root of this shortcoming helps ensure that future plans do not repeat the missteps of the past.

After identifying root causes, the next step is seeking structured solutions.

A structured solution creates protocols and systems of real time checks and balances and seeks to minimize the role of any one individual in addressing the challenge in a lasting way.

Many times, addressing the challenge of disproportionality is attempted primarily through a strategy that focuses on individuals rather than systems. For example, many schools, LEAs, and SEAs have employed a focus on *personal* accountability. At the school level, this means that individual districts classroom teachers

⁴ Ahram, R., Kramarczuk Voulgarides, C., & Cruz, R. A. (2021). Understanding disability: High-quality evidence in research on special education disproportionality. *Review of Research in Education*, 45(1), 311-345.

(all of them), special educators (all of them) and administrators (most of them) are given training, warnings and encouragement and asked to behave differently in the future. The underlying assumption of this approach is that folks change their practices or behavior when asked, encouraged or required. Unfortunately, human nature and the persistence of disproportionality says otherwise.

A structured solution, on the other hand, is less reliant on the actions of every person in the system. It aligns approaches to review and as needed revise policy, procedures, and practices that may contribute to disproportionate outcomes for students. Systemic structured solution makes considerations on:

- adoption of culturally responsive and sustaining policies and practices in all education settings
- improvement of the special education identification process
- infusion of culturally responsive and sustaining policies and practices specifically in behavior management efforts
- development of culturally responsive data literacy among district staff at all levels

In today's culturally and linguistically diverse classrooms, conventional approaches to curriculum and instruction, behavior management, and social-emotional learning may not reflect the cultural norms and values or meet the needs of all students. Pedagogical practices rooted in the dominant culture are commonly void of culturally responsive elements. Unwillingness to take a structured system approach to review and revise policies, procedures, and practices that impede student outcomes may endorse bias and values that misalign with system vision and mission for student outcomes. For example, lack of inclusive responsiveness to implement practices that leverage various diversity in verbal and non-verbal expressive communication, learning differences, and cultural diversity contribute to reducing equitable access for students to make progress and meet appropriate outcomes. A mismatch of this nature as well as not using systemic structural approaches for resource adequacy, differentiated interventions and supports, and lack of fidelity of commitments can result in interventions and lack of professional development and coaching to address student diversity can result in behavioral management practices, including disciplinary approaches that lead not only to disproportional special education identification and placement rates but also to disproportional discipline rates for students.

Discussion Questions:

- 4. How can identifying root causes of disproportionality inform corrective action?**
- 5. How do we ensure structured, systemic changes that are not culturally void and take the diversity of Maryland's classrooms into account?**

LEAs report that increases significant disproportionality DEI/SES are largely impacted by staff shortages, lack of culturally responsive practices that result in inappropriate disciplinary response, more restrictive placements, and over-identification. In response to support LEAs to mitigate factors contributing to significant disproportionality, DEI/SES has changed the support model to better address these issues.

DEI/SES Support for LEAs Identified as Significantly Disproportionate

The DEI/SES provides differentiated monitoring and supports to LEAs based on performance and compliance by incorporating accountability systems to focus on deepening understanding and practice of equity work to ensure all children and youth have opportunities they deserve to thrive. The intersection of results-based accountability that aligns with the US Department of Education, Office of Special Education Programs compliance monitoring and guidance for continuous improvement. DEI/SES, through collaboration and partnership with diverse stakeholder groups, implements Priority 4 of the MSDE Strategic Plan: Programs, Initiatives, and Strategies for resource allocation, engagement, and advocacy by leveraging strategic

approaches to remove barriers. To support LEAs in the development and implementation of CCEIS Plans, the DEI/SES:

- provides ongoing technical assistance and resources to support local CCEIS teams to engage diverse stakeholders in completing the root cause analysis process,
- conducts a comprehensive programmatic review of the proposed plan to address root causes contributing to significant disproportionality and provides feedback for an alignment of planned responses to root cause factors;
- verifies aligned IDEA Part B Section 611 and Section 619 fund allocation with planned activities and programmatic focus areas;
- facilitates professional development and coaching with LEA representatives responsible for the design, implementation, and progress monitoring of CCEIS plans to support data-driven decision-making and practices that promote sustainable systems change;
- engages in purpose data-driven decision-making with LEA partners to determine the need for plan amendments to adjust funding allocation or programmatic adjustments; and
- monitors progress to ensure the desired plan results are met or adjusts the plan.

The support for plan development and implementation is in response to previous plan development that did not require LEAs to use a research-based self-assessment tool and process that align responses for determining mitigating factors tied to implicit and explicit bias within policy, practice, and process.

Discussion Questions:

- 6. What is your feedback on the current supports from MSDE to help LEAs reduce disproportionality?**
- 7. What recommendations do you have on specific steps that MSDE can take to help LEAs reduce disproportionality?**
- 8. Several areas have been identified to address the problem of Significant Disproportionality. With respect to (a) MSDE support of LEAs and (b) LEA action plans, what additional ideas do you have for addressing significant disproportionality, such as:**
 - **Ensuring access of all students to high-quality evidence-based instructional practices**
 - **Eligibility process: use of screeners, specialized assessment/evaluation tools, etc.**
 - **Discipline alternatives, understanding behavior**
 - **Economic, cultural, and linguistic barriers to appropriate identification and placement?**

Best Practices for Addressing Significant Disproportionality

A recent report identifies actions taken by districts across the country to address or prevent significant disproportionality in the last five years.⁵ The categories of these actions in order of frequency are:

- Training of school staff about referrals for evaluation, including general educators, special educators, school administrative staff and other staff
- Provided or supported interventions to address issues in literacy, math, science, and behavioral support needs
- Reviewed or revised policies, practices, and procedures including:
 - Assessment/evaluation instruments
 - Screening procedures
 - Administrative and classroom staff effectiveness
 - Increased monitoring and analysis of school referral or assessment data
 - Specific plan for school staff to address significant disproportionality in identification
- Technical assistance for general educators, special educators, school administrative staff, and other school staff

⁵ Lai, I. Lipscomb, S., & Johnson, A. (2024). Appropriate identification of children with disabilities for IDEA services: A report from recent national estimates. *National Center for Education Evaluation and Regional Assistance*. 45

- Provided support to schools (either all or those with significant or near-significant disproportionality with the greatest emphasis on elementary schools, followed by middle and then high schools)
- Other actions including:
 - Hiring additional staff, such as reading or mental health specialists
 - Reducing class sizes
 - Requiring progress monitoring
 - Initiating MTSS
 - Initiating other specific interventions
 - Training about instructional strategies for meeting diverse needs

The research literature on significant disproportionality points to some best practices and ideas for policy approaches to address the common root causes.⁶ These policies, many of which incorporate the training of educators and administrators and addressing cultural and linguistic barriers, tend to fall into the following categories:

Evidence-Based Instructional Practices

- Train educators and administrators to use targeted, valid, and reliable data
- Use universal and evidence-based assessments to measure student learning and monitor progress
- Train educators and monitor the implementation of evidence-based instructional frameworks including MTSS, UDL, and culturally responsive teaching

Eligibility Determination Process

- Ensure LEAs address linguistic barriers to appropriate identification
- Improve the efficiency of the identification process, e.g., through the use of screeners
- Set standards that include the use of specialized assessments for identifying students with autism and dyslexia (and possibly other disabilities) to improve appropriate identifications
- Seek outside experts to implement training on disability identification that includes considerations for linguistic and cultural differences. Prioritize hiring staff and administrators who have this expertise
- Prioritize relationships with families and the inclusion of families in special education evaluation processes so that students' familial, social, and cultural backgrounds are understood
- Set standards that facilitate clear, unbiased, and timely decision-making regarding special education placements

Research-Based Discipline Alternatives

- Districts should work with experts to complete an audit of their discipline and special education policies and processes to uncover and address bias within the system itself and the actors within the system
- Set standards and policies that reduce suspensions and expulsions and create positive learning environments, including ensuring student access to social workers and counselors
- Train educators in the use of restorative practices

Two additional policy suggestions are (1) the diversification of the teacher workforce and (2) a review of how the state is choosing to measure significant disproportionality:

⁶ See, for example, National Center for Learning Disabilities, Significant Disproportionality in Special Education: Current Trends and Actions for Impact (2020), https://nclld.org/wp-content/uploads/2023/07/2020-NCLD-Disproportionality_Trends-and-Actions-for-Impact_FINAL-1.pdf

- (1) Maryland is committed, through Pillar 2 of the Blueprint, to aggressively pursuing recruitment and retention strategies to create a more diverse teacher workforce in the state.
- (2) A review of the impact of choices made for measuring significant disproportionality might consider that “if states with a greater number of flagged districts are over-identifying significant disproportionalities, scarce resources may be diverted from places where they could make the greatest impact ... flagging significant disproportionality is only the first step to addressing potential racial and ethnic bias in identification.”⁷ Maryland state stands out as an outlier nationally in having a small total number of LEAs and a number of very large LEAs. Given its aggressive choices for measuring significant disproportionality, it’s worth considering how the framework for data-driven problem identification and solutions is operating in this unique context and if the state’s efforts would be better served by a different strategy.

Discussion Questions:

- 1. What criteria determine whether an LEA is identified as significantly disproportionate and what role does the flexibility option play in identifying significant disproportionality?**
- 2. Should MD consider revising its methodology for identifying Sig Dis in any way in order to more directly target support where it is most needed?**
- 3. What factors might explain the increase in the number of LEAs in Maryland identified as significantly disproportionate from 2023 to 2024? What supports may help LEAs address these factors?**
- 4. How can identifying root causes of disproportionality inform corrective action?**
- 5. How do we ensure structured, systemic changes that are not culturally void and take the diversity of Maryland’s classrooms into account?**
- 6. What is your feedback on the supports currently provided from MSDE to help LEAs reduce disproportionality?**
- 7. What recommendations do you have on specific steps that MSDE can take to help LEAs reduce disproportionality?**
- 8. Several areas have been identified to address the problem of Significant Disproportionality. With respect to (a) MSDE support of LEAs and (b) LEA action plans, what additional ideas do you have for addressing significant disproportionality, such as:**
 - **Ensuring access of all students to high-quality evidence-based instructional practices**
 - **Eligibility process: use of screeners, specialized assessment/evaluation tools, etc.**
 - **Discipline alternatives, understanding behavior**
 - **Economic, cultural, and linguistic barriers to appropriate identification and placement?**

⁷ Lai, I., Lipscomb, S., & Johnson, A. (2024). Appropriate identification of children with disabilities for IDEA services: A report from recent national estimates. *National Center for Education Evaluation and Regional Assistance*. 22