Massachusetts Department of Elementary and Secondary Education
CALCULATING DISPARITY OR SIGNIFICANT DISPROPORTIONALITY
IN DISCIPLINARY SUSPENSION OR EXPULSION
Winter 2018

This document notes the methodology used for school and district identification based on state law M.G.L. c. 71 § 38R and Chapter 77 of the Acts of 2013 and the associated regulations CMR 53.14, and based on the federal Individuals with Disabilities Education Act (IDEA) and the associated Special education State Performance Plan/Annual Performance Report (SPP/APR) compliance indicators that must be reported annually to the federal Office of Special Education Programs.

STATE LAW AND REGULATION

CMR 53.14: Student Suspension and Expulsion Data Collection and Reporting

State Law - Expulsion/Long-Term Suspension Data:
Percentage of Students Expelled or Placed on Long-Term Suspension

The Massachusetts Department of Elementary and Secondary Education (Department) notified schools for over-reliance on long-term suspension if the school had greater than 100 students enrolled and at least 5 percent of those students were suspended for more than 10 cumulative days in the 2016-2017 school year.

State Law – Disproportionate Use of Suspension/Expulsion Data:
Data Reflecting Disparities in Rates of Suspension and Expulsion by Race and Ethnicity, or Disability

The Department utilizes a two-step system to identify schools and districts with significant gaps in suspension and/or expulsion rates by student race/ethnicity or disability status. This methodology targets schools and districts with large disparities as well as high rates of removal overall.

- The first step in identification focuses on subgroup removal rates. Two rate differences are calculated for each eligible race/ethnicity and students with disabilities (SWD) subgroup at both the school and district level.
  - The first difference is calculated by subtracting the school or district aggregate removal rate from the subgroup removal rate.
  - The second difference is calculated by subtracting the state aggregate removal rate from the subgroup removal rate.
  - Then, school and district-level averages for both of these rate differences (within school/district, school/district to state) are calculated. A single average is used for all race/ethnicity subgroups, and another for SWD subgroups. If any race/ethnicity and/or SWD subgroup has a rate difference outside two standard deviations from the school or district average and the state average, its school or district will be preliminarily recognized for disparity.
- This triggers the second step in identification, where the aggregate removal rates of these organizations are compared to a statewide school or district average. If its aggregate removal rate is larger than the statewide average, a previously-recognized school or district will be formally identified for exhibiting significant discipline disparities. Schools and districts that meet the identification requirements explained in the first bullet but have aggregate removal rates below state averages will not be identified.

This two step system was applied to discipline data from SY14-15 to identify the first cohort of organizations participating in the Rethinking Discipline initiative in June 2016. The second cohort,

identified in February 2018, was identified using the same two step system applied to discipline data from the three most recent school years. If a school or district met the parameters described above in SY16-17 and at least one of the two prior two years (SY15-16 and/or SY14-15), it was included in the Rethinking Discipline initiative's second cohort. By incorporating multiple years of discipline data into the latest identification process, the Department is able to prioritize for assistance those organizations whose data exhibit trends in both discipline disparity and high rates of suspension overall.

FEDERAL LAW AND COMPLIANCE INDICATORS

The Individuals with Disabilities Act (IDEA) requires the Department to create a Special Education State Performance Plan/Annual Performance Report (SPP/APR) with Compliance Indicators 4A and 4B that must be reported annually to the federal Office of Special Education Programs

Federal Law – Removal Rate Discrepancy for Students with IEPs:
Special Education IDEA Compliance Indicator 4A - Significant Discrepancy in Removal of Students with IEPs Greater than 10 Days for the 2015-2016 and 2016-2017 school years.

Indicator 4A is one of the special education State Performance Plan/Annual Performance Report (SPP/APR) compliance indicators that must be reported annually to the federal Office of Special Education Programs. This indicator measures significant discrepancy in suspension or expulsion (for greater than 10 days annually) of students with Individual Education Plans (IEPs). Massachusetts identifies a district as having a significant discrepancy if the suspension and expulsion rate of students with IEPs in that district is five times the state's annual rate of disciplinary removal of all students with IEPs for two consecutive years (2015-2016 and 2016-2017 school years).

Federal Law – Removal Rate Discrepancy for Students with IEPs by Race/Ethnicity:
Special Education IDEA Compliance Indicator 4B - Significant Discrepancy, by Race or Ethnicity, in Removal of Students with IEPs Greater than 10 Days for the 2014-2015, 2015-2016, and 2016-2017 school years.

Indicator 4B is another one of the special education State Performance Plan/Annual Performance Report (SPP/APR) compliance indicators that must be reported annually to the federal Office of Special Education Programs. This indicator measures significant discrepancy in suspension or expulsion of students with IEPs in racial and ethnic subgroups, as compared to the statewide removal rates for students with IEPs. Massachusetts identifies a district as having a significant discrepancy if districts have shown removal rates of students with IEPs from a particular racial or ethnic group of greater than five times the state rate for three consecutive years (2014-2015, 2015-2016, and 2016-2017 school years).
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Once districts are identified as having a significant discrepancy for Indicator 4B, before reporting state data to the federal Office of Special Education Programs (OSEP) in the SPP/APR, the Department will conduct a review of the district's policies, procedures, or practices (PPPs) to determine whether this significant discrepancy is because the PPPs do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.