



Special Education Equity Communities of Practice Project

Report to Aaron Barnes and Alex Migambi

Disclaimer

This report focus on Black students as it pertains to special education identification, placement, and discipline, with specificity to the number of LEA's, type of LEA and demographic makeup of the LEAs. There are other student demographics, Black female, Hispanic, American Indian, and Indigenous students, who would benefit from a review and examination of their disproportionate representation in special education, placement, and exclusionary school discipline. This report presents an analysis of two separate disproportionality data sets drawn from 2013-2016 Child Count data and another from fiscal years 2016-2018. Data sets provided by the Minnesota Department of Education removed identifying names of individual districts with disproportionality. Therefore this report only contains information relevant to 6 district types - (01) Independent Districts and Schools; (03) Special Districts and Schools; (07) Charter Schools, (52) Special Education Cooperative, (60) Correctional Facilities, and (61) Education District. Finally, duplicated and unduplicated counts were provided, but specific cases were not disclosed by the Minnesota Department of Education. For those reasons data analyzed includes both duplicated and unduplicated cases. The opinions put forward within this report are solely of the authors and not their respective institution or employer.

Purpose of the Report

The purpose of this report has two primary goals: (a) raise awareness of Black students representation in special education, placement, and exclusionary school discipline; and (b) to offer technical assistance recommendations relevant to the State's compliance with 34 CFR § 300.646 of the Individuals with Disabilities Education Act.

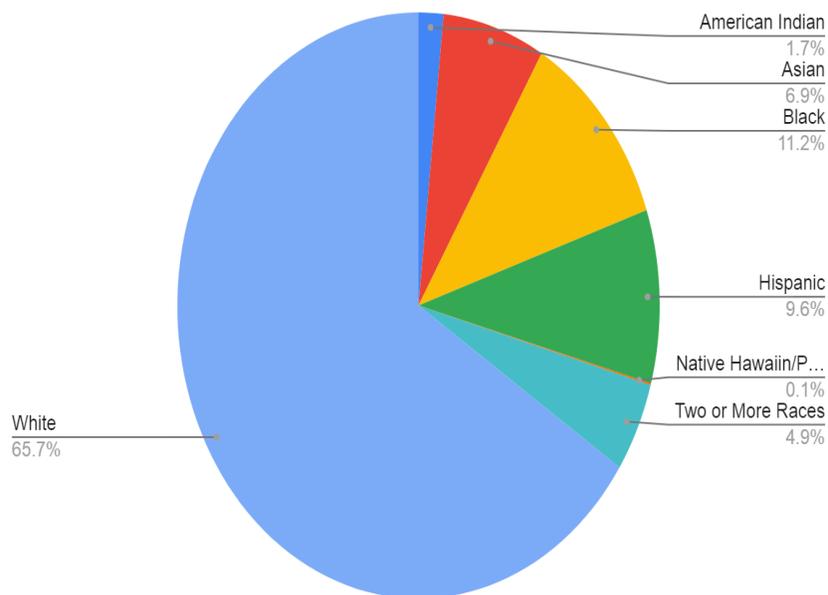
Data Sources

Data were derived from the Minnesota Department of Education (MDE). Data were reviewed, examined, and interpreted using two separate disproportionality data sets drawn from 2013-2014, 2014-2015, 2015-2016 Child Count data and another data set from fiscal years 2016, 2017, 2018. MDE removed all identifying names of Local Education Agencies (LEAs) with disproportionality, limiting the review to cluster data analyses of LEA district category type, racial group (Black), special education identification, placement, discipline (total DIRS), suspension, and standard risk ratio.

Introduction

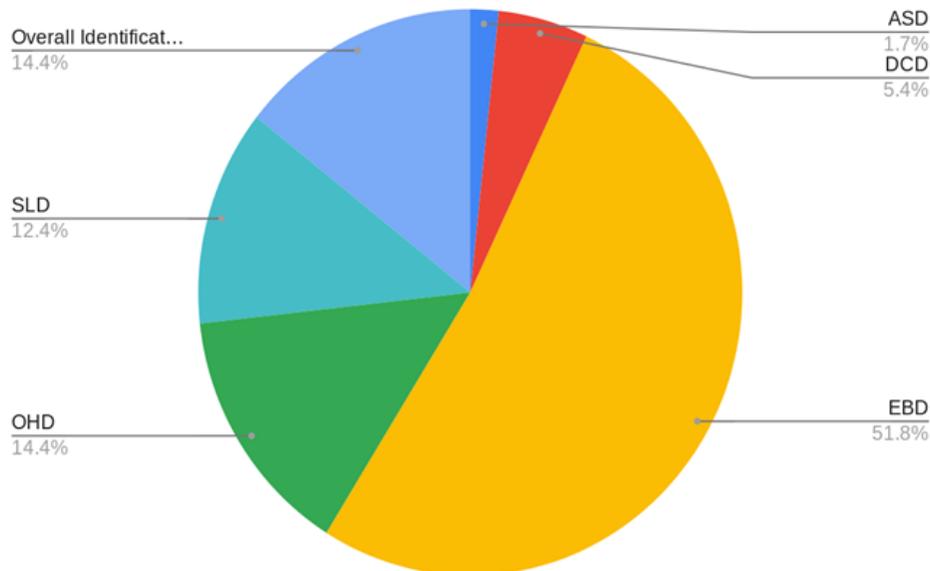
An overview of October 2018 enrollment data, indicates there are nearly 900,000 students in Minnesota, with Black students accounting for approximately 11% (99,600 students) of the student population. White students make up the largest portion of Minnesota's student population at 65% (584,000), with Native Hawaiian/Pacific Islander making up the smallest percentage at 0.1%, (MDE, State of Our Students, 2020). The diagram below shows Minnesota's student population by race and ethnicity.

Minnesota Student Population by Race and Ethnicity



Sixteen percent or nearly 144,000 students in Minnesota receive special education services. Black students comprise approximately 17% of the special education population in Minnesota. Within the special education student population, Black students with special needs represent approximately 12% or 17,117 students. Of Black students identified for special education services, nearly 52% were labeled as emotionally and behaviorally disordered (EBD). The largest category of special education identification for Black students is emotional or behavior disorder. Below is a chart showing the representation of Black students in special education.

Special Education Identification Categories for Black Students



According to 2013-2016 placement data, 1.6% of Black students were placed in a Federal Setting Code 3 compared to 1% for all other student populations. Black students were also placed in more restrictive settings with 2.1% of Black students in Federal Setting Code 4, compared to 2% for all student populations.

Approximately 41% of all sanctions were issued to students receiving special education services (MDE, State of Our Students, 2020). Analysis of 2013-2016 Child Count Special Education Identification Disproportionality data for Black students indicates approximately 187 reported cases. In addition, nearly 9% (13,000) of students receiving special education services were absent at least one day from school due to disciplinary actions.

Black Students Representation in Special Education Identification

Analysis of 2013-2016 Child Find Special Education Identification Disproportionality data for Black students shows a broad frequency distribution across district types. District Type 1 is the largest conglomeration of schools and districts in the state and comprises the highest number of student disproportionality in all three areas of special education identification, placement,

and discipline. When examining special education identification, placement, and discipline, by district type, Black students comprise nearly 62% compared to 61% for all populations. The smallest measurable disproportionate representation of Black students across districts types is in District Type 50 (Miscellaneous Cooperative) with .5% compared to .5% for all populations. The total percent of the Black student population for the District Type 50 cases could not be determined.

An aggregate of disproportionality across district types from 2013 to 2016 is shown below. The table compares Black students to all student populations by district type. In total there are 187 cases of disproportionality for Black students. During this time period Black students accounted for 46.5% of all cases.

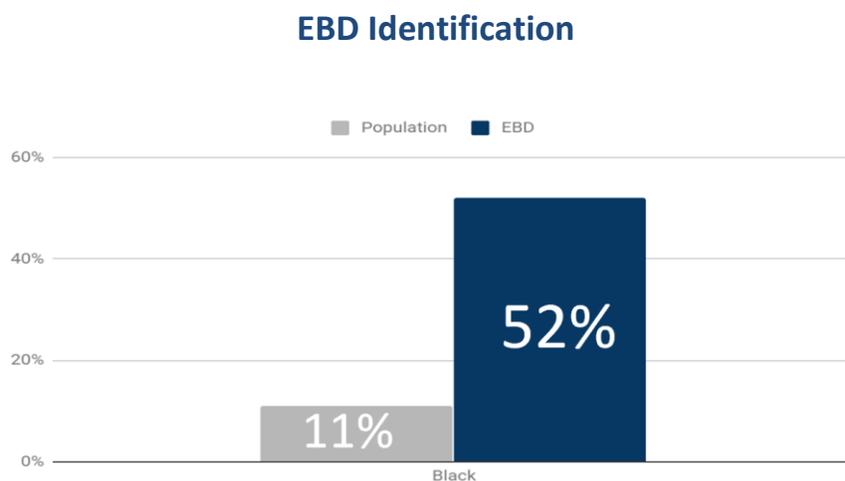
Disproportionality Aggregate across District Type for Black Students

District Type	Frequency		Percent	
	Black	All Populations	Black	All Populations
1	116	245	61.7	60.9
3	5	8	2.7	2.0
7	40	96	21.3	23.9
50	1	2	.5	.5
52	10	17	5.3	4.2
60	2	2	1.1	.5
61	13	28	6.9	7.0
70	0	1	0	.2
83	0	3	0	.7
Total	187	402	100.00	100.00

According to the Minnesota Department of Education, students within the, “Emotional or Behavioral Disorders (EBD) category need specialized services for emotional or behavioral supports for a wide range of complex and challenging emotional or behavioral conditions. Medical, biological and psychological conditions as well as genetic dispositions can affect these students' ability to learn and function in school” (MDE, 2020). This is critical, because it suggests

the Minnesota Department of Education believes some students behavioral involvement or low school success is genetic. Such a statement perpetuates racism and affirms perceptions of deficit views. The statement is quite problematic and does not take into account systemic or historic forms of oppression and the value of cultural diversity.

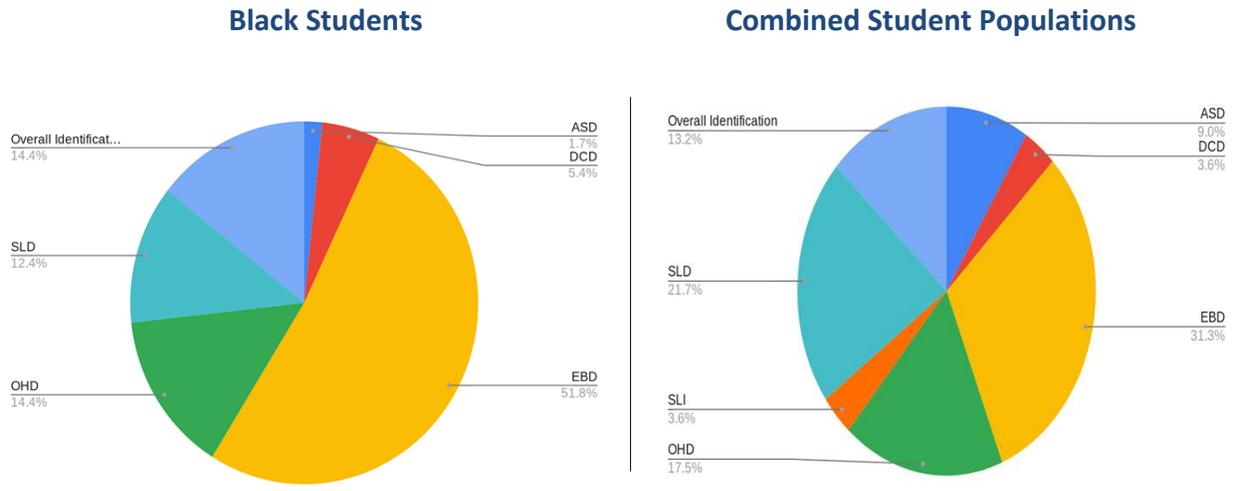
Using 2013-2016 disproportionality data Child Count data, 11% of Minnesota’s student population were identified as emotional or behaviorally disordered. Within the EBD student population, 52% of students identified as EBD are Black.



Given the prevalence of Black students’ EBD diagnosis among Minnesota schools, scrutiny of the state’s EBD definition suggests that MDE postulates “Black students have a genetic disposition that can impact their ability to learn and function at school” (MDE 2020). Such a definition could lead to self-fulfilling prophecy and outward blatant bias toward Black students. This is further compounded by the subjective nature of an EBD diagnosis.

Minnesota has 13 disability categories; however, Black students are most often identified by White teachers as having an emotional or behavioral disorder. Significantly lower than EBD, Other Health Disabilities (OHD) at 14.4%, is the second highest identification categories for Black students. This is only one example that demonstrates the persistent over representation of Black students in multiple special education categories. The charts below show special education disproportionality identification of Black students by category as compared to combined student populations.

Special Education Identification of Black Students by Category



Category	Percent	
	Black Students	All Populations
ASD	1.7	9.0
DCD	5.4	3.6
EBD	51.8	31.3
OHD	14.4	17.5
SLI	0	3.6
SLD	12.4	21.7
Overall Identification	14.4	13.2

Black Students Representation in Placement

Black students in Minnesota are more often placed into restrictive placements. Seclusion is used as a means for isolation and/or separation from the general education curriculum and peers. Students identified as EBD tend to be placed in more restrictive settings 55% of the time.

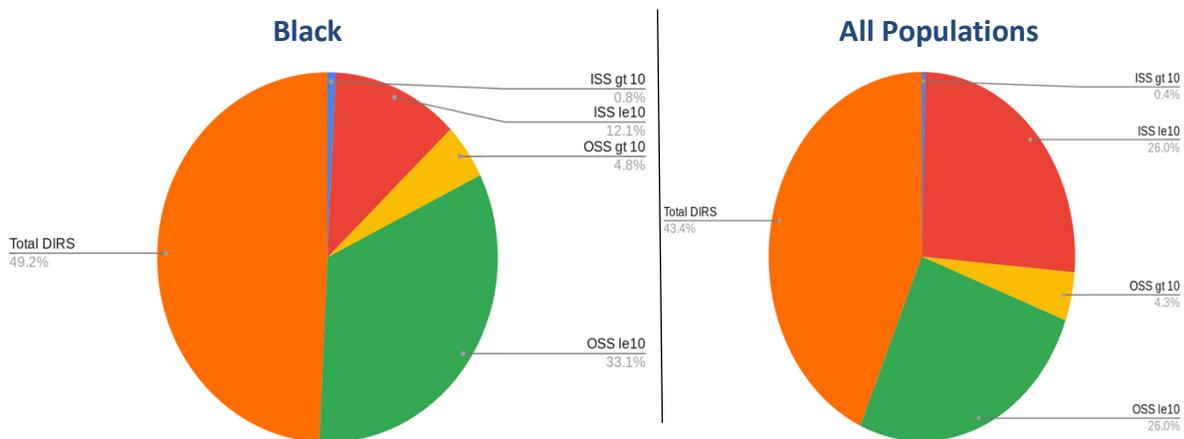
Minnesota has 8 federal settings that range in restriction and seclusion. In a Federal Setting Code 1, students spend less than 21% of the school day outside of their classroom. In a Federal Setting Code 8, students are home-based, homebound or in a hospital setting. Discussed in this report are Federal Setting Code 3 and Code 4. Federal setting 3 is a separate class where students spend over 60% of their time during the schools day with a teacher delivering special

education services primarily within a special class. Federal Setting Code 4 is more restrictive, consisting of a separate public day school or building for over 50% of the school day.

Black Students Representation in Discipline

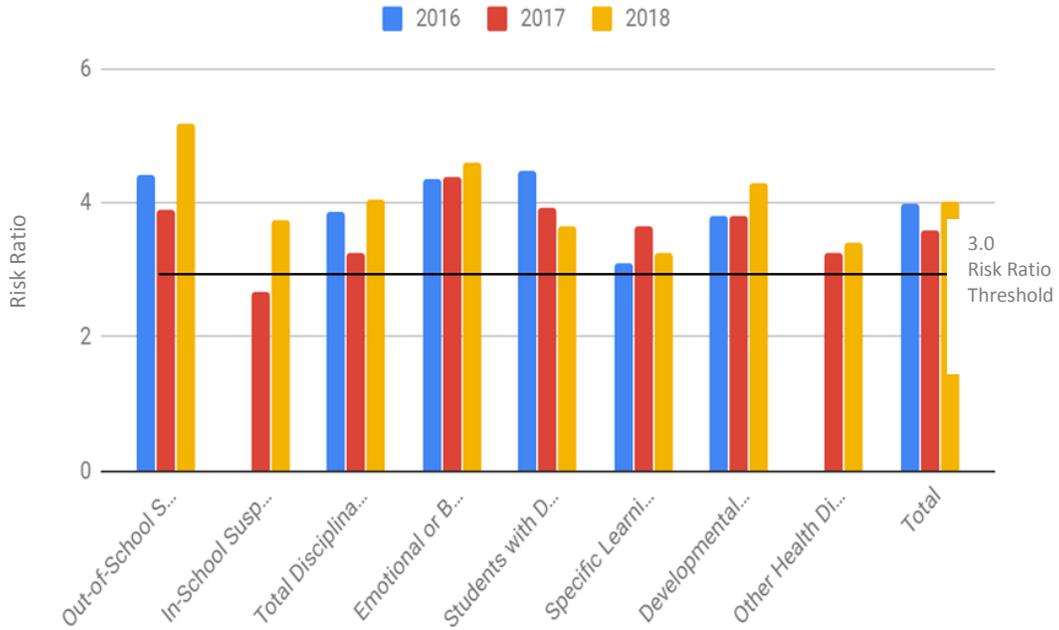
Research shows Black students are disciplined more harshly and more often. Within Minnesota, disproportionate disciplinary actions for Black students from 2013 to 2016, indicate Total DIRS is the largest at 49.2%. The next largest disciplinary issuance is Out of School Suspensions of 10 days or less at 33%. The smallest area of discipline for Black students is In School Suspensions greater than 10 days at 8%. By comparison, Total DIRS in all populations was lower at 43% with the second largest area being Out of School Suspensions less than 10 days at 26%. The diagram below illustrates disciplinary actions by type for Black students from 2013 to 2016 compared to all student populations.

2013-2016 Disproportionality by Disciplinary Actions



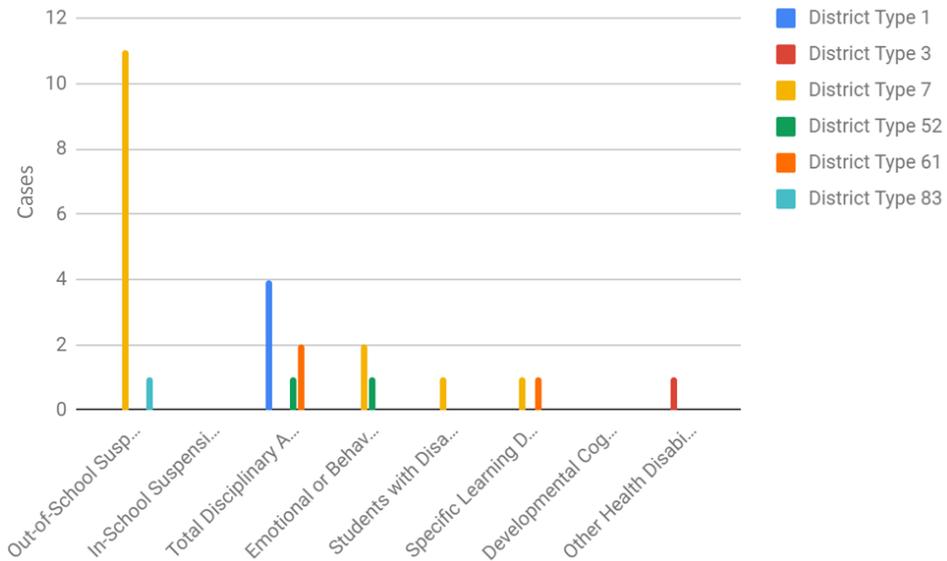
When examining disciplinary actions over time, Out of School Suspension for 10 days or less, Total Discipline, and EBD diagnosis were significant. Three year data trends show persistence in disproportionality across areas. The diagram below shows a comparative analysis over time of discipline to other areas of disproportionately. The horizontal dark line represents Minnesota's 3.0 risk ratio threshold.

Disproportionality over Time by Area

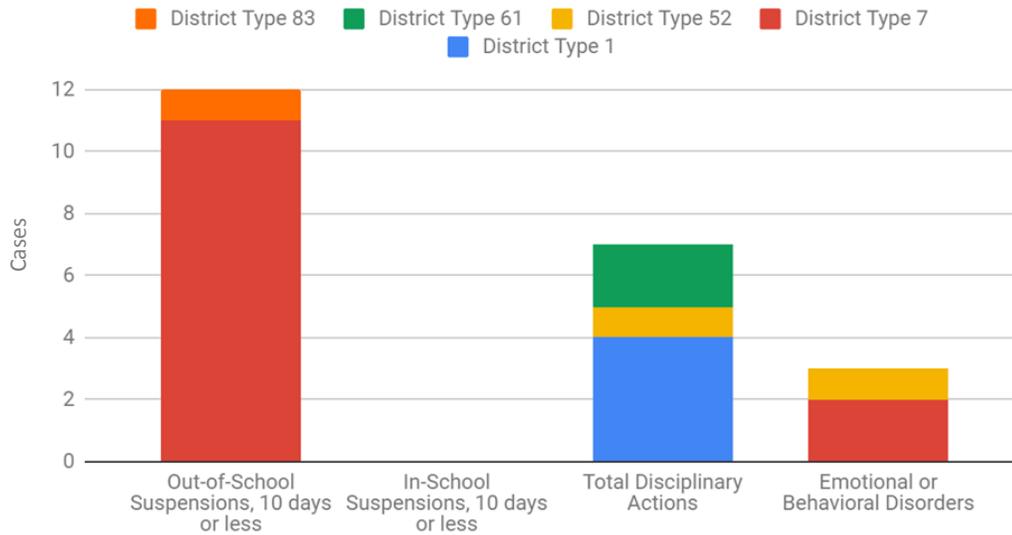


The next two charts show the aggregate of disproportionality by area across district types over time for fiscal years 2016, 2017, and 2018. Disproportionality trends by area indicate that District Type 7 has a high issuance of Out of School Suspensions of 10 days or less and students diagnosed as EBD. District Types 1, 52, and 61 has a prevalence in Total Discipline Actions, whereas, District Types 7 and 52, has a prevalence in EBD determination.

Disproportionality by Area Across District Types

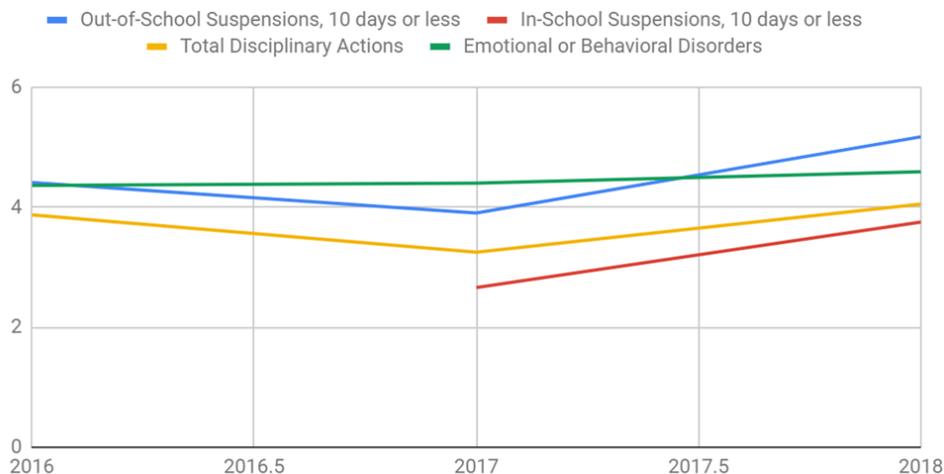


Disproportionality by Area Across District Types



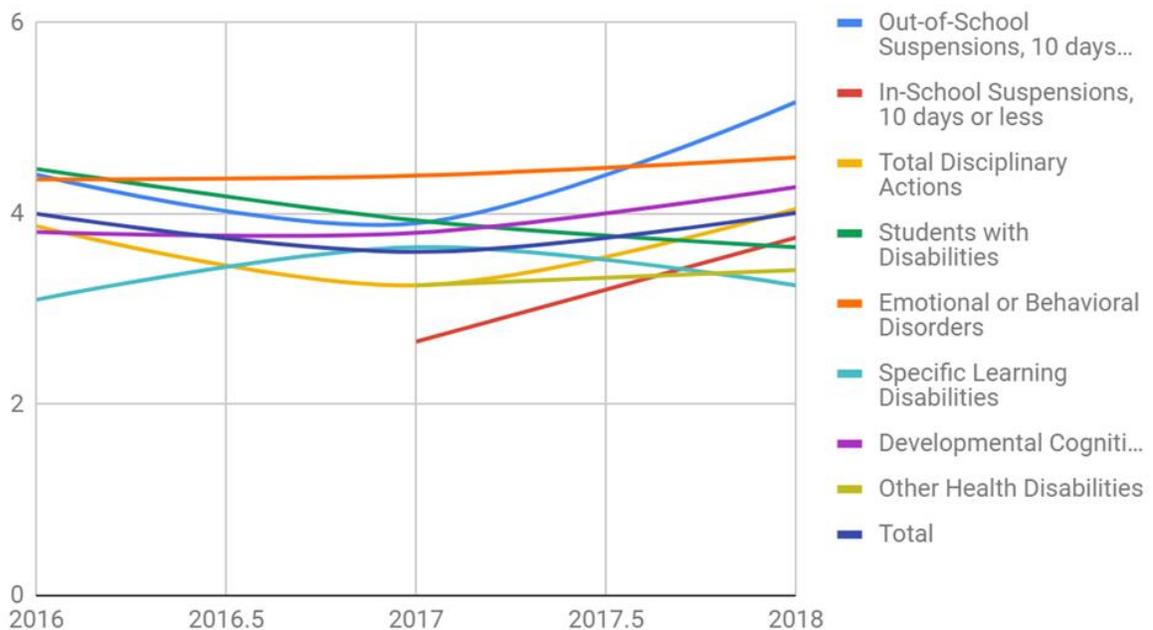
When looking at Discipline Disproportionality over time (2016, 2017, 2018 fiscal years), Out of School Suspensions 10 days or less and Total Disciplinary Actions are parallel with each declining from 2016 to 2017, then steadily increasing from 2017 to 2018. Both, In School Suspensions 10 days or less and Black student EBD Identification follow similar patterns of incline. All areas increased from 2017 to 2018. Shown below are discipline trend lines of Black special education students in Out of School Suspensions, In School Suspensions, Total Disciplinary Actions, and EBD identification for 2016, 2017, and 2018 fiscal years.

Discipline Trend Lines for Black Special Education Students during 2016, 2017, and 2018 Fiscal Years



Additional trends among discipline and special education categories emerge when mapping disability categories (i.e. students with disabilities, specific learning disability, and developmental cognitive disability, other health disabilities) with discipline disproportionality data. Identification of EBD disorders consistently remains high, although there is a decline in other disability categories. Shown in the table below are all areas over time for fiscal years 2016, 2017, 2018.

Disproportionality across Time by Category for Fiscal Years 2016, 2017, 2018



The diagram shows there is an overall aggregate decline in disproportionality during fiscal year 2016 then rising during fiscal years 2017 and 2018. During fiscal year 2016, there is also a decline in the identification of Students with Disabilities, Out of School Suspensions, 10 days or more, and Total Disciplinary Actions. However from 2016 to 2017, EBD and Developmental Cognitive Disorders (DCD) identifications remain fairly steady. No data for In School Suspensions, 10 days or less is captured for 2016 fiscal year.

Discipline and Loss of Instruction

For this analysis, discipline includes Out of School Suspensions of one day or more. During the 2017-18 school year, 3.5% of all students in Minnesota were absent at least one day because of a disciplinary action. Although Black students comprise approximately 11% of the student

population in Minnesota, 40% of all disciplinary actions in Minnesota were for Black students in special education.

In addition, eleven percent of all Black students in Minnesota were absent at least for one day because of a disciplinary action. This means during a single school year, collectively 11,000 Black students lost a minimum of 11,000 days of school. The loss of instructional hours is even more staggering when calculating the K-12 school day length mean¹. Collectively, during the 2017-18 school year, a minimum of 51,700 instructional hours for Black students in special education were lost because of a forced absence due to a school's disciplinary action. (MDE, State of Our Students, 2020).

A great deal has been discussed up to this point. The data presented by MDE indicate there is persistent disproportionality among Black students in special education identification, placement and discipline. Next, we offer research-informed suggestions and technical assistance recommendations relevant to the State's compliance with 34 CFR § 300.646 of the Individuals with Disabilities Education Act.

Technical Assistance Recommendations

The disproportionate representation of Black students in special education, restrictive placements, and exclusionary discipline is a systemic and persistent problem. Pursuant to 34 CFR § 300.646 of the Individuals with Disabilities Education Act the following research-informed suggestions and technical assistance recommendations are offered. Suggestions and recommendations are not listed in order of importance. Each recommendation is critically necessary.

¹ The 2019 Minnesota Statute indicates there must be at least 425 hours of instruction per year for a kindergarten student without a disability; a minimum of 935 hours per year for grades 1 through 6, and 1020 hours per year for students in grades 7 through 12 over at minimum of 165 school days of instruction. Using these parameters, the calculated mean of the school day is 4.7 hours for students K-12 grades. (<https://www.revisor.mn.gov/statutes/cite/120A.41>) (Revisor of Statutes, State of Minnesota, 2020)

Suggestions and recommendations are as follows:

1. Create a public reporting process and procedures for LEAs identified for significant disproportionality that align reporting efforts to other states
2. Provide clear and accessible guidance to LEAs for how to conduct public reporting process
 - A. Examine state exemplars for public reporting
 - i. Texas Education Agency (TEA)
 - ii. Missouri Department of Elementary and Secondary Education
 - iii. Nebraska Department of Education (NDE)
 - B. Employ best practices for reports being easily located
3. Hire to assist with the management, oversight, and field visits to CEIS plan sites
4. Create disproportionality and CEIS technical assistance center
5. Adopt a theoretical and conceptual framework (e.g. Sociocultural Theory, Discret Theory, Critical Race Theory, Symbolic Interactionism) for understanding Black students persistence of disproportionality in Identification, Placement, and Discipline and the relationship between teachers and students
6. Offer technical assistance consisting of equity training, coaching, information dissemination, referrals of best practice, and guidance documents and videos
7. Provide ongoing disproportionality prevention training and identify experts to offer assistance
 - A. Require all school personnel to complete disproportionality prevention training and technical assistance guidance
 - B. Focused training to address Black students representation in EBD, Discipline and Placement
8. Offer services to include sustaining a cadre of expert technical assistance facilitators
9. Conduct a study that examines a thorough analyses of discipline, identification and placement data that includes name of school, district, district type, student race, and gender
10. Provide avenues for student, family, and community voices
11. Review of discipline, placement, and identification policies, implementation, and practices at multiple levels (i.e. classroom, school building, and district)
12. Establish community partnership collaborative that involves inter agency collaboration (i.e. MDE and MDHR), community equity centers, university teacher preparation programs, and community members

13. LEA staff implementing CEIS activities, administrators, and district representative sign assurance of compliance agreements
14. In person and remote site visits to schools with CEIS plans
15. Require CEIS sites to collect artifacts that show evidence of progress and intervention
16. Create new tools specific to CEIS relevant to special education placement, identification, and discipline
17. Connect allowable CEIS costs for activities to measurable outcomes
18. Offer CEIS support for implementing, evaluating, and sustaining CEIS plans
19. Provide online easily accessible CEIS training videos (examples are below)
 - A. [CEIS Training Video Part 1](#)
 - i. [CEIS Training Part 1](#) Video
 - ii. [A Comparison of Mandatory Comprehensive Coordinated Early Intervening Services and Voluntary Early Intervening Services](#)
 - iii. [Crosswalk of Current Significant Disproportionality Regulations with Prior Significant Disproportionality Regulations](#)
 - B. [CEIS Training Video Part 2](#)
 - i. [CEIS Training Part 2](#) Video
 - ii. [CEIS-CCEIS Training Part 2 Video with Notes](#)
 - iii. [Websites for Evidence Based Interventions](#)
20. Update MDE's definition of Emotional and Behavior Disorder