



INDIANA
DEPARTMENT of
EDUCATION

INDICATOR 9

MONITORING AND COMPLIANCE GUIDE

Indiana Department of Education

Office of Special Education

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Indicator 9: Disproportionate Representation

Definition

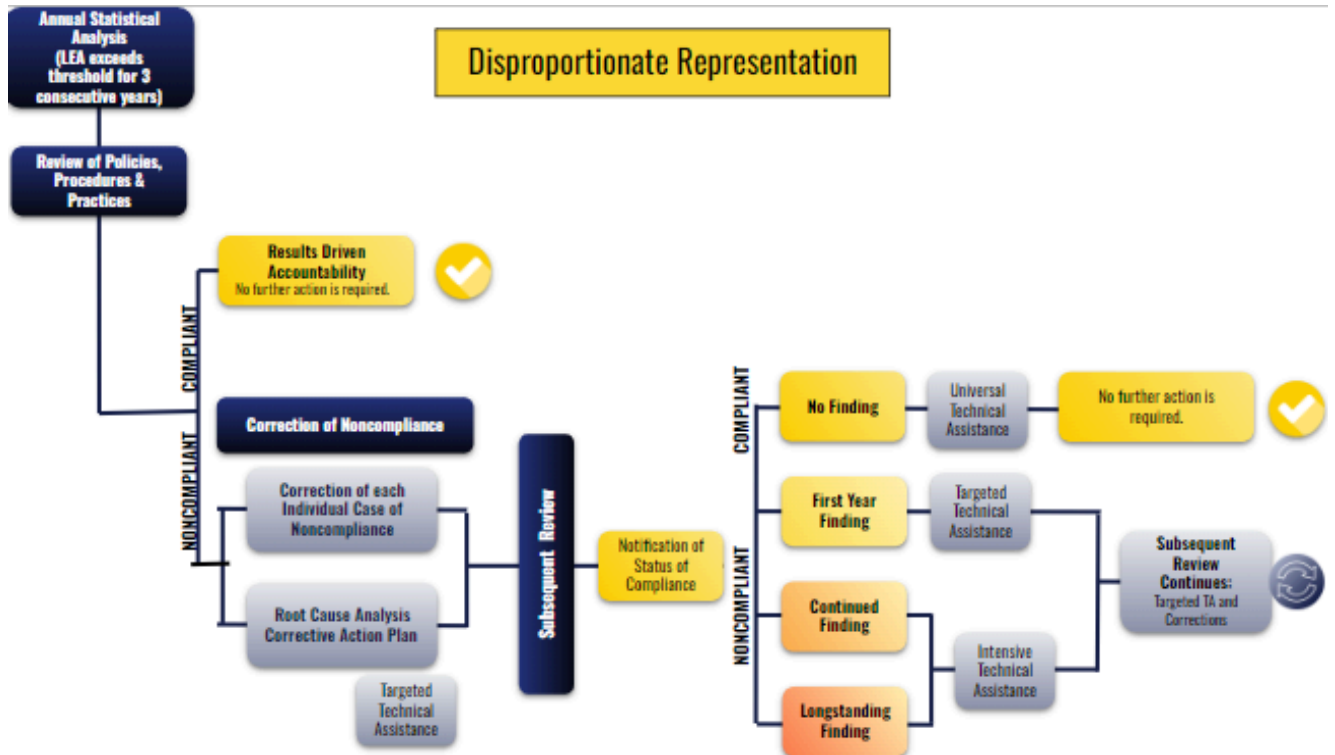
Percentage of districts with disproportionate representation of racial/ethnic groups due to inappropriate identification.

As part of the Indiana Department of Education's (IDOE's) integrated monitoring system, local educational agencies (LEAs) are monitored for Indicator 9 compliance. Annually, IDOE reviews current child count data submitted by LEAs to identify whether the rate of overall special education identification of a racial or ethnic group of students compared to all other racial or ethnic groups is disproportionate. Disproportionate representation is identified if *the rate at which students with disabilities of a particular racial/ethnic group are identified* exceeds the state established threshold (2.0) when compared to *the rate at which students with disabilities of all other racial/ethnic groups in the LEA are identified* (rate for one race: rate for all other races). IDOE uses three years of data when analyzing for disproportionate representation. The data making up each year's analysis contains the last three years of data. For example, for the FFY 2022 SPP/APR submission submitted February 1, 2024, data from the 2020-2021, 2021-2022, 2022-2023 school year was utilized for the calculation. The LEA is found to meet the state definition when exceeding the threshold for three consecutive years.

Monitoring Cycle

Annually, by May, LEAs are notified of the identification of disproportionate representation as set forth in the state definition based on statistical review. LEAs can appeal the statistical review by providing relevant information and evidence to osemonitoring@doe.in.gov within three weeks after IDOE provides the data.

Following the data review, IDOE will complete a review of the LEA policies and procedures through a file review process. Annually, by November, LEAs will be notified of the results of the review and provided an opportunity to respond to any areas of concern identified that may indicate noncompliance. LEAs identified as noncompliant will participate in technical assistance to correct noncompliance.



Calculation

Comparisons are made using a risk ratio. The risk ratio is the percentage of students from a particular racial or ethnic group identified as students with disabilities of any ratio for all other students. "All other students" means all students in the other racial or ethnic categories in the LEA. For example, in determining if there is a disproportionate representation of Multiracial students with disabilities, "all other students" would be those students who are not Multiracial who are identified with a disability for any category.

The state definition of Disproportionate Representation is as follows:

“A comparison of the risk ratio of students identified with a disability in a particular racial/ethnic category within an LEA to the risk ratio of students with a disability of all other racial/ethnic categories identified within that LEA. The risk ratio must be greater than 2.0 for each of three consecutive years of data. IDOE has a required minimum of 15 students with a disability in a particular racial/ethnic category, as well as a minimum of 15 in all other racial/ethnic categories.”

Example of Indicator 9 Calculation:

		A	B	C	D	E	F	G
School Year	LEA	Total Enrollment	Target Race Enrollment	Total Students with Disabilities	Total Students with Disabilities with Target Race	Risk Ratio for Target Race (D) ÷ (B)	Risk Ratio for All Other Students (C-D) ÷ (A-B)	Relative Risk Ratio (E÷F)
2020-21	ABC	2636	94	308	23	.24468	.11211	2.18
2021-22	ABC	2651	90	299	22	.24444	.10816	2.26
2022-23	ABC	2594	89	293	22	.24709	.10818	2.28

State Targets

Indicator 9 - Disproportionate Representation						
Target Year	2020	2021	2022	2023	2024	2025
Target Data	0%	0%	0%	0%	0%	0%

Correction of Noncompliance

IDOE must notify LEAs in writing of the identification of noncompliance. LEAs have one year from the date of notification of noncompliance to correct the noncompliance and put into place a system which will have the appropriate checks and balances needed to ensure compliance will occur in the future. If it is determined that technical assistance and/or professional development is needed, an LEA must verify that they have attended at least one of the provided sessions. The LEA must participate in all necessary components of technical assistance. Once each of these has been completed, a formal release from findings is provided to the LEA special education director and superintendent. In order to be released from an Indicator 9 finding: 1) all instances of identified noncompliance are corrected; and (2) no new instances of noncompliance are identified through a subsequent file review.

Correction of Each Individual Case of Noncompliance

Unless the child is no longer in the jurisdiction of the LEA, each individual case of noncompliance must be corrected. When IDOE provides the results of the file review, the LEA will respond to any areas of concern identified that indicate noncompliance reporting on the corrective actions taken.

Verification that the LEA is Correctly Implementing Regulatory Requirements

Following the correction of each individual case of noncompliance and submission of a corrective action plan, IDOE must complete a subsequent file review to determine that the LEA is correctly implementing regulatory requirements with no additional noncompliance identified.

Continued or Longstanding Noncompliance

Continued Noncompliance

LEAs that did not correct noncompliance within one year of notification are identified as having continued noncompliance. All LEAs with continued noncompliance will review and, if needed, revise the corrective action plan developed as part of the initial identification of the noncompliance process. IDOE will meet at least three times per school year, either virtually or in person, to review progress and revise plans as needed. IDOE will provide individualized feedback to the LEA and provide technical assistance as needed.

Longstanding Noncompliance

LEAs that have not corrected noncompliance within two years of notification are identified as having longstanding noncompliance. All LEAs with longstanding noncompliance will review, and if needed, revise the corrective action plan developed as part of the initial identification of noncompliance process. IDOE will meet with the LEA at least quarterly, either virtually or in person, to check progress of the corrective action plan, discuss system barriers, discuss data tracking, and revise the plan as needed. IDOE will provide intensive, individualized feedback to the LEA and the LEA will be required to participate in technical assistance as part of the corrective action plan.

Results Driven Accountability (RDA)

LEAs meeting the target for a particular compliance indicator are considered compliant and are assigned a score of 5. If the LEA has a finding of noncompliance for an

indicator, the LEA is assigned a score of 1. See IDOE’s [Results Driven Accountability Resources](#) for more information.

Category Weights for Compliance Index	
Category	Percentage Weight
Indicator 4B	12.5%
Indicator 9	12.5%
Indicator 10	12.5%
Indicator 11	12.5%
Indicator 12	12.5%
Indicator 13	12.5%
Continued Noncompliance	10%
Longstanding Noncompliance	15%
Total	100%

Requesting Technical Assistance (TA)

Technical Assistance

Technical assistance involves communication between a specialist or consultant and the LEA to receive targeted support with a development need or problem to build organizational capacity. IDOE offers support with [various levels of technical assistance](#), and the Technical Assistance Request Form may be submitted to request these resources. The levels of technical support and correlating resources can be found below.

Technical Assistance Resources

Level of Support	Resources
Universal	<p><u>IEP TA Center</u></p> <ul style="list-style-type: none"> ● <u>Statewide conference: Elevating Education: Improving Outcomes for All</u> <ul style="list-style-type: none"> ○ Tuesday, November 28, and Wednesday, November 29 ● <u>Self-Paced Modules:</u> <ul style="list-style-type: none"> ○ <u>MTSS In Motion</u> ○ <u>Inclusive Instructional Practices</u> ● <u>Workshops:</u> <ul style="list-style-type: none"> ○ <u>Addressing the Needs of All Students Using MTSS</u> ○ <u>Inclusive Practices to Support All Learners</u> ○ <u>Specially Designed Instruction: What, Where, When, and How</u> <p><u>IRIS Center</u></p> <ul style="list-style-type: none"> ● <u>The Pre-Referral Process</u> <p><u>Office of Special Education Program (OSEP)</u></p> <ul style="list-style-type: none"> ● <u>SWIFT resource shelf:</u> <ul style="list-style-type: none"> ○ <u>SWIFT MTSS Starter Kit</u>
Targeted	<ul style="list-style-type: none"> ● <u>IDOE Technical Assistance Request Form</u>
Intensive	<ul style="list-style-type: none"> ● <u>IDOE Technical Assistance Request Form</u>

Contact IDOE’s [Office of Special Education](#) for additional support.