

Reducing and Eliminating Disproportionality in School Discipline Guidance Document



July 2019

Maryland State Department of Education

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Document Version	Date	Summary of Change
V1	March 2017	Initial Document
V2	January 2018	Revised business rules
V3	July 2019	Updates to reflect new year of data

Purpose

This document provides guidance for Local School Systems (LSS) and schools in Maryland around disproportionality data that will be delivered to them by the Maryland State Department of Education (MSDE). This guidance document accompanies data provided to LSS in July 2019 and includes disproportionality data for school year 2017-2018.

Background

In July 2012, the Maryland State Board of Education issued a report on school discipline practices declaring that school discipline and academic success are equal partners in education reform. The report noted that school discipline practices, particularly out-of-school suspensions and expulsions, are linked to academic achievement for the simple reason that in order for students to have an opportunity to receive a world class education, they first and foremost need to be in school.

The State Board's report emphasized that out-of-school suspensions and expulsions should be used as a last resort, but, if necessary, they must be used equitably across the student population. The State Board adopted regulations that govern student discipline in Maryland public schools in January 2014. The regulations directed the MSDE to develop a method to analyze local school system discipline data, with an emphasis placed on utilizing the data to determine whether school discipline practices are having a disproportionate impact on students of color and students with disabilities.

The Maryland Model for Disproportionality analyzes each school system's out-of-school suspension and expulsion (collectively referred to as "removal") data, by school, using two complementary measures.

- **Risk Ratio measure.** The risk ratio compares the removal rate of each student group in a school to the removal rate of a comparison group in the school (i.e. all other students in the school). The risk ratio measure captures whether the "risk" of removal for a student in one student group is lower or higher than the risk of removal for a student in the comparison group. Risk, in this context, refers to the likelihood that a student will receive an out-of-school suspension or expulsion. A risk ratio of 1.0 means the risk of removal is proportionate. A risk ratio below 1.0 means the risk is lower, while a risk ratio above 1.0 means the risk is higher and, therefore, disproportionate to some degree.
- **State Comparison measure.** The State comparison measure compares the removal rate of each student group in a school to a statewide removal rate. The statewide removal rate is a three-year cumulative rate based on the prior three years of Maryland's out-of-school suspension/expulsion and enrollment data. Due to the fact that the frequency of removal varies by grade band, the MSDE calculates two separate statewide removal rates, one for elementary school and one for middle/high school. Thus, the Maryland model captures not only disproportionality among student groups within schools, but also whether a particular school is applying exclusionary discipline more frequently than statewide removal rates.

Relevant State and Federal Requirements

Code of Maryland Regulations (COMAR)

13A.08.01.21 Reducing and Eliminating Disproportionate/Discrepant Impact

- A. The Department shall develop a method to analyze local school system discipline data to determine whether there is a disproportionate impact on minority students.
- B. The Department may use the discrepancy model to assess the impact of discipline on special education students.
- C. If the Department identifies a school's discipline process as having a disproportionate impact on minority students or a discrepant impact on special education students, the local school system shall prepare and present to the State Board a plan to reduce the impact within 1 year and eliminate it within 3 years.
- D. The local school system will report its progress annually to the State Board.

Please note: Maryland's model for disproportionality should not be confused with LSS-level disproportionality from the Special Education office which is used for federal reporting.

Contact Information

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Data Sources

Disproportionality data shared each year with LSS are obtained from annual data collections from the MSDE's Division Assessment, Accountability and Information Technology. These data collections include:

- End-of-Year Attendance
- Student Discipline

The table below outlines information obtained from each data source.

Data Collection	Data obtained
Student Discipline and Health Related Exclusions Data Collection	Removal data (unduplicated count of students who received an out-of-school suspension or expulsion)
End-of-Year Attendance	Counts of students by race/ethnicity; Counts of SWD

Data Definitions

The following data items are shared to the Local Accountability Coordinators within each LSS via the MSDE secure file transfer system. Files are shared in Excel format, refer to Appendix A for an example data layout.

Data Item	Definition
School_Year	The four-digit school year
LSS_Number	The two-digit state designation of the local school system
LSS_Name	Name of the local school system
School_Number	The four-digit code assigned to the school building
School_Name	Name of the school
School_Type	Indicator of school type regarding grade band (used to assign the appropriate State Comparison Measure) <ul style="list-style-type: none"> • Elementary • Middle/High
Student_Group	Indicator of racial/ethnic student group or special education status. <ul style="list-style-type: none"> • Race/ethnicity <ul style="list-style-type: none"> ○ American Indian/Alaska Native ○ Asian ○ Black or African American ○ Hispanic ○ Native Hawaiian or Other Pacific Islander ○ White ○ Two or more races • Students with disabilities
Student_Group_Removal_Count	Unduplicated count of students from the Student Group removed from the school is based on the following disposition codes from the Student Discipline Manual: <ul style="list-style-type: none"> 910 – Out-of-School Short-Term and Long-Term Suspensions – Educational Services Provided 911 – Out-of-School Extended Suspension – Educational Services Provided 912 – Out-of-School Suspension – Students with Disabilities – misconduct determined to be manifestation of disability 913 – Out-of-School Suspension – Educational Services Rejected

	<p>920 – Out-of-School Suspension – Students with Disabilities – 45 School Days Unilateral Removal 930 – Out-of-School Suspension – Students with Disabilities – Hearing Officer Removal 940 – Expulsion – Educational Services Provided 941 – Expulsion – Educational Services Rejected</p> <p>Unduplicated counts represent the number of unique students, enrolled in the school for at least 10 days, that received one or more out-of-school suspensions or expulsions during the school year.</p> <p>There must be 3 or more removals in the Student Group. If there are fewer than 3 removals, the Student Group is not reported.</p> <p>Counts excludes pre-K students.</p>
Student_Group_Total_Count	<p>Total count of students in the Student Group who were enrolled in the school at least 10 days during the school year. This count is based on End-of-Year Attendance.</p> <p>Counts excludes pre-K students.</p>
Student_Group_Removal_Rate	<p>$(\text{Student Group Removal Count} \div \text{Student Group Total Count}) * 100$</p>
All_Other_Students_Removal_Count	<p>Unduplicated count of All Other Students who are removed from the school. All Other Students refers to all students at the school who are not part of the Student Group. All Other Students make up the comparison group for the Risk Ratio measure.</p> <p>Unduplicated count of All Other Students removed is based on the following disposition codes from the Student Discipline Manual: 910 – Out-of-School Short-Term and Long-Term Suspensions – Educational Services Provided 911 – Out-of-School Extended Suspension – Educational Services Provided 912 – Out-of-School Suspension – Students with Disabilities – misconduct determined to be manifestation of disability</p>

	<p>913 – Out-of-School Suspension – Educational Services Rejected 920 – Out-of-School Suspension – Students with Disabilities – 45 School Days Unilateral Removal 930 – Out-of-School Suspension – Students with Disabilities – Hearing Officer Removal 940 – Expulsion – Educational Services Provided 941 – Expulsion – Educational Services Rejected</p> <p>Unduplicated counts represent the number of unique students, enrolled in the school for at least 10 days, that received one or more out-of-school suspensions or expulsions during the school year.</p> <p>Counts excludes pre-K students.</p> <p>If there are zero removals for All Other Students and/or the total count of All Other Students is less than 10, then the unduplicated count of removals for All Other Students at the LSS level will be reported.</p>
All_Other_Students_Total_Count	<p>Total count of All Other Students who were enrolled in the school at least 10 days during the school year. This count is based on End-of-Year Attendance.</p> <p>Counts excludes pre-K students.</p> <p>If there are zero removals for All Other Students and/or the total count of All Other Students is less than 10, then the total count of All Other Students at the LSS level will be reported here.</p>
All_Other_Students_Removal_Rate	<p>(All Other Students Removal Count ÷ All Other Students Total Count) * 100</p>
Risk Ratio Measure	<p>The Risk Ratio compares the Student Group Removal Rate to the All Other Students Removal rate.</p> $\text{Risk Ratio} = \frac{\text{Student Group Removal Rate}}{\text{All Other Students Removal Rate}}$
Statewide_Removal_Rate	<p>The statewide removal rate is a three-year cumulative removal rate based on the three years of data (School Years 2013-2014, 2014-2015, 2015-2016).</p> <p>MSDE calculates two separate statewide removal rates</p>

	<p>- one for elementary schools and one for middle/high schools.</p> <ul style="list-style-type: none"> • 1.53% = Elementary School Statewide Removal Rate • 6.75% = Middle/High School Statewide Removal Rate
<p>State Comparison Measure</p>	<p>The State comparison compares the Student Group removal rate to the Statewide Removal Rate for the school's grade band.</p> $\text{State Comparison} = \frac{\text{Student Group Removal Rate}}{\text{Statewide Removal Rate}}$

Calculations

Removal Rates

Throughout this guidance document, the term “removal” refers to an out-of-school suspension or expulsion. The term “unduplicated” is also important to understand because what is being counted is the number of students at a school who received one or more suspensions or expulsions, not the number of suspensions or expulsions issued. Put another way, regardless of whether the same student is removed once, twice, or even 5 times at a school, the student will be counted as 1 unduplicated student at a school.

To measure disproportionality, it is necessary first to determine the removal rate for each student group (race/ethnicity and SWD). A removal rate is calculated by dividing the unduplicated number of students in a particular student group who receive an out-of-school suspension or expulsion by the total number of students in that student group. For example:

- 200 Hispanic students were enrolled in a school and 5 of those students were suspended or expelled at least once ($5 / 200 = 0.025$). Therefore, the removal rate for Hispanic students in that school is 2.5%.

$$\text{Student Group Removal Rate} = \frac{\text{Unduplicated Count of Students from the Student Group Removed}}{\text{Total Count of Students in the Student Group}} \times 100$$

Risk Ratio Measure

The Risk Ratio measure compares the removal rate of each student group in a school to the removal rate of a comparison group in the school (i.e. all other students in the school). To calculate it, the removal rate of a Student Group is divided by the removal rate of all other students in the comparison group.

$$\text{Risk Ratio} = \frac{\text{Student Group Removal Rate}}{\text{All Other Students Removal Rate}}$$

For example:

- If the removal rate for Black or African American students in a school is 10% and the removal rate for all other students (non-Black/African American) in the school is 5%, then the risk of removal is two times ($10 / 5 = 2.0$) higher for Black or African American students in that school. Therefore, the Risk Ratio is 2.0.
- If the removal rate for SWD in a school is 24% and the removal rate for all other students (students without disabilities) in the school is 6%, then the risk of removal is four times ($24 / 6 = 4$) higher for SWD in that school. Therefore, the Risk Ratio is 4.0.

As the name implies, this measure captures whether the “risk” of removal for a student in one Student Group is lower or higher than the risk of removal for a student in the comparison group.

- A Risk Ratio of 1.0 means the risk is proportionate between the two groups
- A Risk Ratio below 1.0 means the risk for the Student Group is less than the Comparison Group
- A Risk Ratio above 1.0 means the risk for the Student Group is higher than the Comparison Group

State Comparison Measure

The State comparison measure compares the removal rate of each Student Group in a school to a statewide removal rate. To calculate it, the removal rate of a Student Group is divided by the applicable statewide removal rate. The statewide removal rate is a three-year cumulative removal rate. Because the frequency of removal varies between elementary and middle/high school, the MSDE will calculate two separate statewide removal rates, one for each of those two grade bands.

The statewide removal rate is based on Maryland’s discipline and enrollment data for SYs 2013-2014, 2014-2015, and 2015-2016. The statewide removal rate for elementary school is 1.53% and the statewide removal rate for middle/high school is 6.75%.

$$\text{State Comparison Measure} = \frac{\text{Student Group Removal Rate}}{\text{Statewide Removal Rate}}$$

State Comparison example:

- If an elementary school’s removal rate for students of two or more races is 6.00% and the statewide removal rate for all students in Maryland elementary schools is 1.53% then the risk of removal for students of two or more races from that elementary school is 3.92 times

(6.00% / 1.53% = 3.92) higher than the statewide removal rate. Therefore, the State comparison value is 3.92.

- If a middle school's removal rate for SWD is 18.00% and the statewide removal rate for all students in Maryland middle/high schools is 6.75%, then the risk of removal for SWD in that middle school 2.67 times (18.00% / 6.75% = 2.67) higher than the statewide removal rate. Therefore, the State comparison value is 2.67.

Business Rules

The following business rules were used to analyze disproportionality data and provided to each LSS.

Data sources

- Total student counts are obtained from End-of-Year Attendance Data Collection. These data are used as the removal rate denominators.
- The number of out-of-school suspensions and expulsions (removals) are obtained from the Student Discipline and Health Related Exclusions Data Collection. These data are used in the removal rate numerators.

Unduplicated students

- The term "unduplicated" refers to the number of students in a school who received one or more suspensions or expulsions, not the number of suspensions or expulsions issued.

Student Group

The following Student Groups are analyzed as part of the model

- American Indian/Alaska Native
- Asian
- Black or African American
- Hispanic
- Hawaiian/Pacific Islander
- White
- Two or more races
- Students with disabilities (SWD)

"All Other Students"

The Risk Ratio Measure compares each Student Group to All Other Students at a school. Table 1 outlines each Student Group and its corresponding "All Other Students" comparison.

Table 1. Student Groups and All Other Students comparison

Student Group	All Other Students Comparison
American Indian/Alaska Native	Non- American Indian/Alaska Native
Asian	Non-Asian
Black or African American	Non-Black/African American
Hispanic	Non-Hispanic
Hawaiian/Pacific Islander	Non- Hawaiian/Pacific Islander
White	Non-White
Two or more races	Non-Two or more races
Students with disabilities	Students without disabilities

Removal

- School removal is defined as an out-of-school suspension or expulsion.
- Based on the *Student Discipline and Health Related Exclusions Data* Collection, this includes the following disposition codes:
 - 910 – Out-of-School Short-Term and Long-Term Suspensions – Educational Services Provided
 - 911 – Out-of-School Extended Suspension – Educational Services Provided
 - 912 – Out-of-School Suspension – Students with Disabilities – misconduct determined to be manifestation of disability
 - 913 – Out-of-School Suspension – Educational Services Rejected
 - 920 – Out-of-School Suspension – Students with Disabilities – 45 School Days Unilateral Removal
 - 930 – Out-of-School Suspension – Students with Disabilities – Hearing Officer Removal
 - 940 – Expulsion – Educational Services Provided
 - 941 – Expulsion – Educational Services Rejected

Removal Rate Numerator

Students With Disabilities

- The unduplicated count of SWD removed from a school is obtained from the Student Discipline collection.
- If a student is coded as SWD on one or more removal records at a school in the given year, and is enrolled in the school for 10 or more days, then that student is counted as a SWD in the numerator.

Race/ethnicity

- The unduplicated count of students, by race/ethnicity, removed from a school is obtained from the Student Discipline collection.
- Students must be enrolled in a school for 10 or more days in the given school year to be counted in the numerator.

Removal Rate Denominator

Students With Disabilities

- The total count of SWD in a school is based on the End-of-Year Attendance data collection.
- Students identified as SWD on any attendance record at a school in the given school year and enrolled in a school for 10 or more days are included in the total count (denominator).

Race/ethnicity

- The total count of students, by race/ethnicity, is based on the End-of-Year Attendance data collection.
- Students enrolled in a school for 10 or more days in the given school year are included in the total count (denominator).

School Types (Grade Band)

- **Elementary school:** Elementary schools serve students in grades K-5 (or some combination across those grades).
- **Middle/high school:** Middle/high schools serve students in grades 6-12 (or some combination across those grades).

Statewide Removal Rate

The Statewide removal rate is a three year cumulative removal rate calculated as follows¹:

3 Year Cumulative Removal Rate

$$= \frac{\text{Unduplicated \# students removed Y1} + \text{Unduplicated \# students removed Y2} + \text{Unduplicated \# students removed Y3}}{\text{Total enrollment Y1} + \text{Total enrollment Y2} + \text{Total enrollment Y3}}$$

- Two Statewide removal rates will be calculated for use in the State Comparison measure. One Statewide removal rate is for elementary schools and the other is for middle/high schools.
- The statewide removal rate is based on data from school years 2013-2014, 2014-2015, & 2015-2016.
 - i. The statewide removal rate for elementary schools is 1.53%
 - ii. The statewide removal rate for middle/high schools is 6.75%

N-size

- N-size refers to the Student Group Total Count and the All Other Students Total Count.
- N size = 10
- Disproportionality data will be reported for student groups where the Student Group Total Count is equal to or greater than 10 (Student Group Total Count ≥ 10).
- If there are fewer than 10 students in the All Other Students category (comparison group for the Risk Ratio), then data from All Other Students at the LSS level will be used.

¹ Y1 represents Year 1, Y2 represents Year 2, Y3 represents Year 3

Cell size

- Cell size refers to the number of students removed in the Student Group and All Other Students categories. Different cell size rules are used for the Student Group Removal Count and All Other Students Removal Count.
- Student Group Removal Count
 - Cell size greater than or equal to 3.
 - Disproportionality data will be reported for student groups where the Student Group Removal Count is equal to or greater than 3 (Student Group Removal Count ≥ 3).
 - If fewer than 3 students in the group are removed, that student group will not be reported.
- All Other Students Removal Count
 - Cell size greater than or equal to 1.
 - If the All Other Students Removal Count (comparison group for the Risk Ratio) is equal to zero, then data from All Other Students the LSS-level will be used.

Comparison Groups

- Risk Ratio measure
 - In the Risk Ratio measure, a given student group is compared to all other students at the school who are not part of the student group. Refer to Table 1.
 - If a comparison group in the school has fewer than 10 students, then a comparison to all other students at the LSS level will be made.
 - If a comparison group in the school has zero students removed, then a comparison to all other students at the LSS level will be made.
- State Comparison measure
 - In the State Comparison measure, the removal rate of each Student Group is compared to the Statewide Removal Rate for the respective grade band.
 - Elementary schools
 - Compared to the statewide elementary removal rate
 - Middle schools
 - Compared to the statewide middle/high school removal rate
 - High schools
 - Compared to the statewide middle/high school removal rate
 - Combined schools
 - Combined schools are reported separately by grade band and compared to the corresponding statewide removal rate.
 - In the case of an elementary/middle school (grades K through 8), for example, student counts and removal data for students in grades K through 5 are reported as an elementary school and student counts and removals for students in grades 6 through 8 are reported as a middle school. Therefore, the removal rates for the K-5 students at the school are compared to the statewide elementary

removal rate and the removal rates for students in grades 6 through 8 at the school are compared to the statewide middle/high school removal rate.

LSS-level Disproportionality Data

The MSDE provides LSS-level disproportionality data for reference purposes only. Maryland's Model for Disproportionality focuses on disproportionality at the school-level.

Schools/students not included in the Disproportionality Model

- Exclusion of the following groups from the analysis at this time does not represent a particular policy decision by MSDE and are due to data limitations.
 - Schools identified as LEA 24
 - MSDE does not collect discipline data from LEA 24 schools.
 - These schools include: Juvenile services education, School for the Deaf, School for the Blind, students attending school outside the State of Maryland
 - Alternative schools
 - Pre-kindergarten students

Data Access

Disproportionality data will be shared with each local school system's Local Accountability Coordinator (LAC) who will then work with district level teams to disseminate data to individual schools.

The MSDE will post the data to the MSDE Secure Web Client. Each LAC will have access to their LSS data only within a Disproportionality folder. Refer to Appendix B for instructions for accessing the Secure Web Client.

Appendix A. Example Disproportionality Data

School Year	LEA Number	LEA Name	School Number	School Name	School Type	Student Group	(A) Student Group Removal Count	(B) Student Group Total Count	Student Group Removal Rate (A ÷ B)	(X) All Other Students Removal Count	(Y) All Other Students Total Count	All Other Students Removal Rate (X ÷ Y)	Risk Ratio Measure (A ÷ B) ÷ (X ÷ Y)	Statewide Removal Rate	State Comparison Measure (A ÷ B) ÷ (Statewide Removal Rate)
2016	65	North	4501	Blue Elementary	Elem	Black	11	234	4.7	1	87	1.15	4.09	1.53	3.07
2016	65	North	2112	Sunny High	High	Hispanic	9	66	13.64	62	1333	4.65	2.93	6.75	2.02
2016	65	North	2112	Sunny High	High	SWD	41	95	43.16	42	1324	3.17	13.62	6.75	6.39
2016	65	North	3554	Sunset Middle	Middle	Two or more races	10	19	52.63	61	571	10.68	4.93	6.75	7.8
2016	65	North	3554	Sunset Middle	Middle	SWD	12	77	15.58	43	489	8.79	1.77	6.75	2.31

Note: These data are meant to illustrate the data layout and type of data that will be shared by the MSDE. These data do not reflect any or all student groups of a given school or LSS.

Appendix B. MSDE Secure Web Client

The URL for the MSDE Secure Web Client is: <https://sst.msde.maryland.gov> .

1. Account passwords will expire after **90** days.
2. Password complexity includes:
 - a. at least 6 characters;
 - b. at least 1 alpha character;
 - c. at least 1 numeric character; and
 - d. at least 1 special character.
3. User names **are** case sensitive.

If you are locked out of your account, please try to use the “Forgot your password?” link to manually reset your password. If this automated link does not result in you getting your new temporary password via email within a few minutes, you may contact the MSDE Secure Server Point of Contact to manually reset your Secure Server password for you.

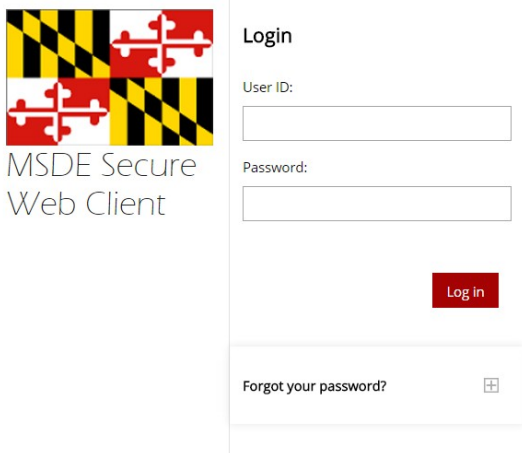
If you require a new account, the first step is to contact the MSDE Secure Server Point of Contact. In your email, specify that you need access to the Disproportionality Folder on the Secure Server and provide contact information.

MSDE Secure Server Point of Contact

Jim Tucker

James.Tucker@maryland.gov

The first time you log in, you will be prompted to change your password.





MSDE Secure Web Client

Login

User ID:

Password:

[Forgot your password?](#) 



Change password

1

2

3

Old password

New password:

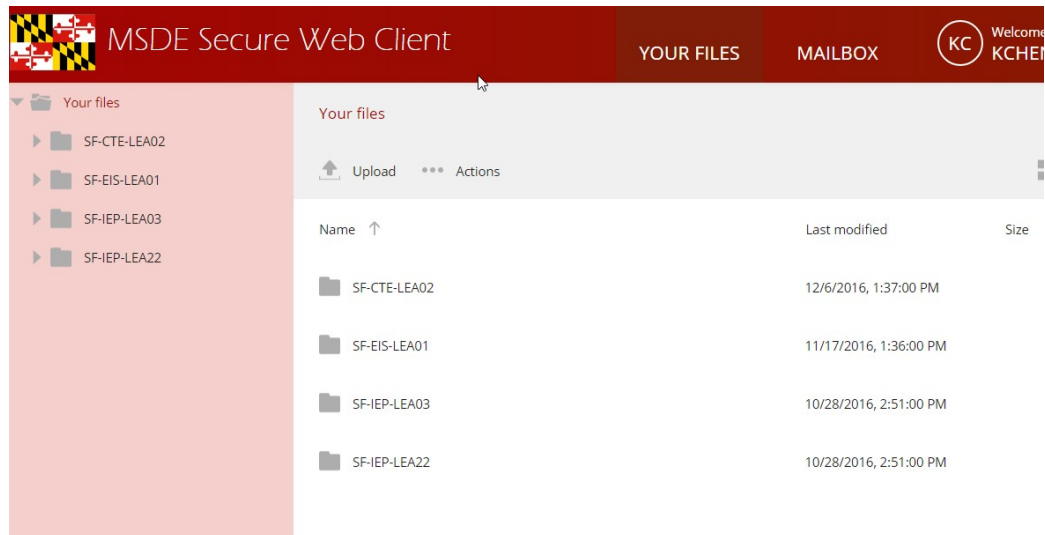
Confirm password:

Password must have at least 6 characters total.
Password must have at least 1 alpha character(s).
Password must have at least 1 numeric character(s).
Password must have at least 1 special character(s).

Save

1. In the old password box, enter the password you were given by the MSDE point of contact.
2. Create a new password (follow the password complexity rules listed at the bottom of the web page).
3. Confirm your newly created password by entering it again.

The next page will display the Shared Folders you have access to.



MSDE Secure Web Client

YOUR FILES MAILBOX

Welcome KC KCHEI

Your files

Upload Actions

Name	Last modified	Size
SF-CTE-LEA02	12/6/2016, 1:37:00 PM	
SF-EIS-LEA01	11/17/2016, 1:36:00 PM	
SF-IEP-LEA03	10/28/2016, 2:51:00 PM	
SF-IEP-LEA22	10/28/2016, 2:51:00 PM	

To access the data file

1. Navigate to the disproportionality folder for your LSS. Folder name SF-DISPRO-LEA#
2. Double click on the folder. You should see two sub folders (1) "From MSDE" and (2) "To MSDE". Data will be delivered via the 'From MSDE' folder.

Appendix C. Frequently Asked Questions

How do we treat students who were suspended in two different schools?

- Students who are suspended at two different schools are counted as one removal in each school. These students are also counted in the denominators for each school.

What happens when the All Other Students comparison group has a) fewer than 10 students or b) zero removals? How is the Risk Ratio calculated?

- When the comparison group for Risk Ratio does not meet the minimum n-size and/or cell size, an LSS-level comparison of All Other Students at the grade band is used.

Are kindergarten students included in the disproportionality model?

- Yes, kindergarten students are included in the disproportionality data.

Why don't we see data for SWD at our school?

- If there are no data included for a student group at the school, this means that there were fewer than 10 students in the student group AND/OR there were fewer than 3 unduplicated students from that student group who were removed.

For analysis by SWD, how is the Removal Rate Numerator calculated?

- The unduplicated count of SWD removed from a school is obtained from the Student Discipline collection. If a student is coded as SWD on one or more removal records at a school in the given year, and is enrolled in the school for 10 or more days, then that student is counted as a SWD in the numerator.

For analysis by SWD, how is the Removal Rate Denominator calculated?

- The total count of SWD in a school is based on the End-of-Year Attendance data collection.
- Students identified as SWD on any attendance record at a school in the given school year and enrolled in a school for 10 or more days are included in the total count (denominator).

For analysis by race/ethnicity, how is the Removal Rate Numerator calculated?

- The unduplicated count of students, by race/ethnicity, removed from a school is obtained from the Student Discipline collection.
- Students must be enrolled in a school for 10 or more days in the given school year to be counted in the numerator.

For analysis by race/ethnicity, how is the Removal Rate Denominator calculated?

- The total count of students, by race/ethnicity, is based on the End-of-Year Attendance data collection.
- Students enrolled in a school for 10 or more days in the given school year are included in the total count (denominator).

Are students with 504 plans counted as students with SWD?

- No