



**Mohammed Choudhury**  
State Superintendent of Schools

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**To:** Members of the State Board of Education  
**From:** Mohammed Choudhury, State Superintendent of Schools  
**Date:** February 28, 2023  
**Subject:** Deep Dive: Students with Disabilities, Part 2

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### **Purpose**

To take a deep dive into data related to Maryland’s children with disabilities (birth through 21 years) and the strategic response and programming of the Division of Early Intervention and Special Education Services. This presentation is a continuation of the Deep Dive: Students with Disabilities from September 27, 2022.

### **Background/Historical Perspective**

The Maryland State Department of Education’s Division of Early Intervention and Special Education Services provides leadership, accountability, technical assistance, and resource management to local education agencies, public agencies, and stakeholders through a seamless, comprehensive system of coordinated services to children and students with disabilities, birth through age 21, and their families.

### **Executive Summary**

The presentation provides information and data on the following:

- Students with Disabilities Demographic and Outcome Data
- Significant Disproportionality
- Maryland Initiatives

### **Action**

No action is required; this information is for discussion only

### **Attachments**

- Deep Dive: Students with Disabilities Powerpoint

DIVISION OF EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES  
DIVISION OF ASSESSMENT, ACCOUNTABILITY AND PERFORMANCE REPORTING

# Data Deep Dive: Students with Disabilities

MARYLAND STATE BOARD OF EDUCATION | February 28, 2023

**Presented By** | Dr. Deann Collins, Deputy State Superintendent for Teaching and Learning  
Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability and Performance Reporting  
Dr. Brian Morrison, Branch Chief, Division of Early Intervention and Special Education Services





# Individuals with Disabilities Education Act (IDEA)

1. Individuals with Disabilities Education Act (IDEA)
2. Division of Early Intervention and Special Education Services
3. What Makes Maryland Unique?
4. COVID-19 and Compensatory Education/Recovery Services
5. Dispute Resolution: Rights of Families
6. Students with Disabilities Demographic and Outcome Data
7. Significant Disproportionality
8. Maryland Initiatives

*Ensuring students with disabilities receive a free appropriate public education (FAPE)*



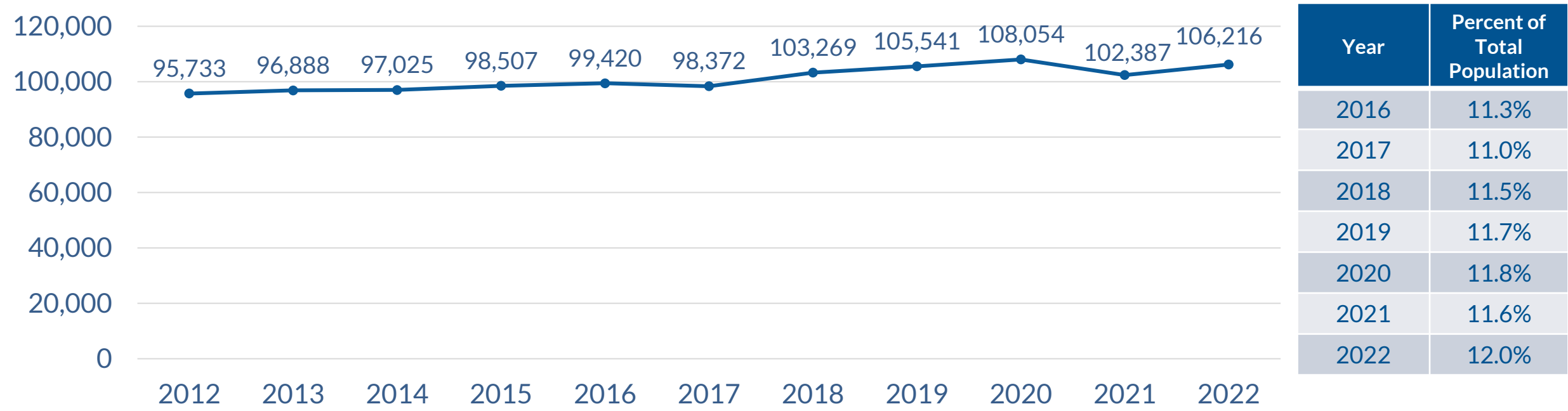
# Students with Disabilities: Demographic and Outcome Data

1. *Individuals with Disabilities Education Act (IDEA)*
2. *Division of Early Intervention and Special Education Services*
3. *What Makes Maryland Unique?*
4. *COVID-19 and Compensatory Education/Recovery Services*
5. *Dispute Resolution: Rights of Families*
6. **Students with Disabilities Demographic and Outcome Data**
7. *Significant Disproportionality*
8. *Maryland Initiatives*

*Students with Disabilities by the Numbers*

# Trend: Students with Disabilities, SY 2012-2022

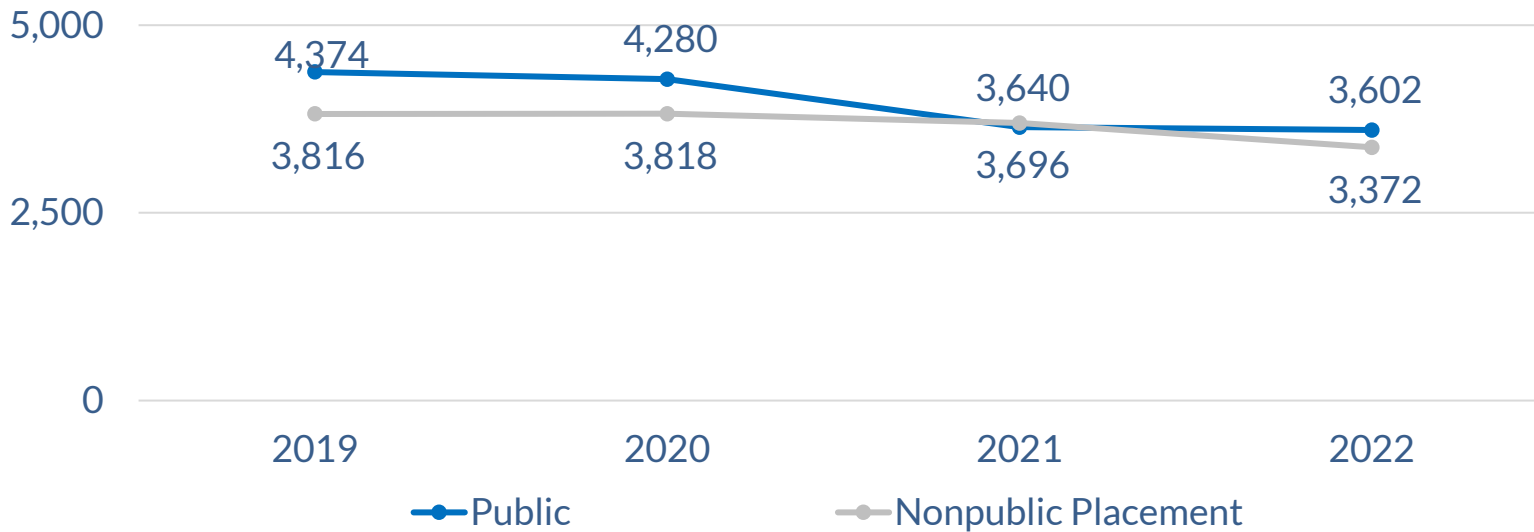
The percentage of the total population of Maryland students identified as students with disabilities has been consistent over time.



Data Source: MSDE Early Attendance Data Collection

# Counts of Students in Maryland's Public Special Education and Nonpublic Placement Schools

The count of Maryland public special education schools has remained consistent, however the count of students enrolled has decreased since SY 2018-2019.



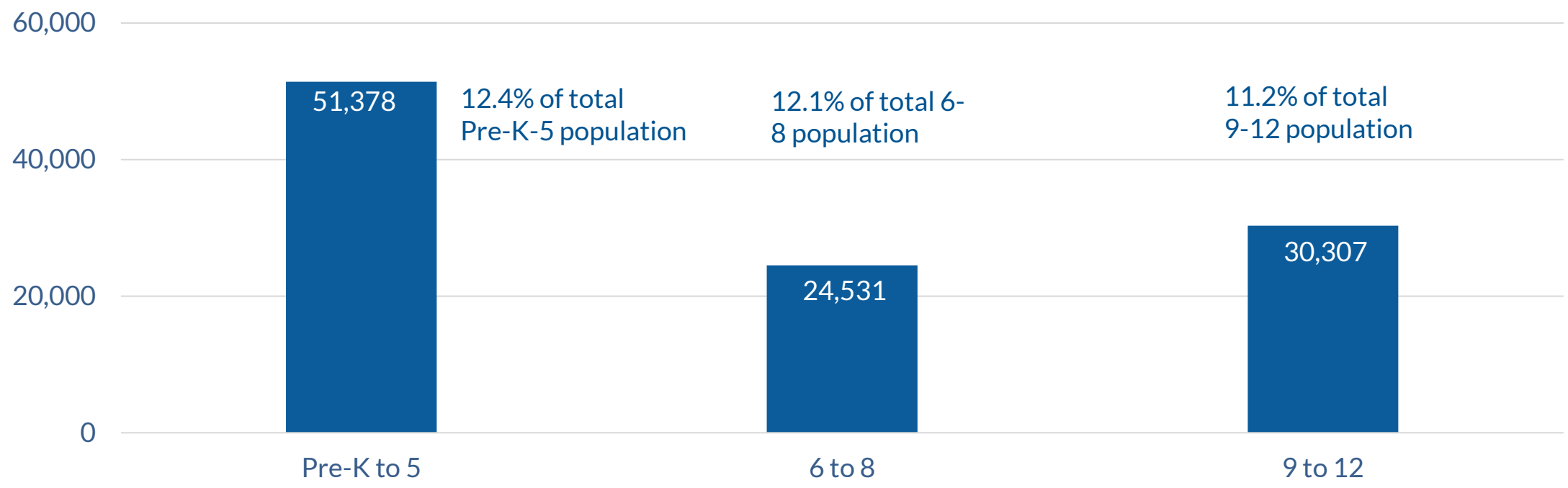
Year	Count of Public Special Education Schools
2019	37
2020	36
2021	37
2022	37

- A special education school is a public elementary/secondary school that focuses primarily on serving the educational needs of students with disabilities and which adopts curriculum, materials, or instruction for these students. (EDFacts specification, FS029)
- If a school has 10 or more students and 90% or more of those students have IEPs, the school should be reported as a Special Education School. (U.S Department of Education, Common Core of Data)

Data Source: MSDE Early Attendance Data Collection (public); September Enrollment (nonpublic placement)

# Students with Disabilities by Grade Span, SY 2021-2022

Statewide, 12% of students are identified as a student with a disability.



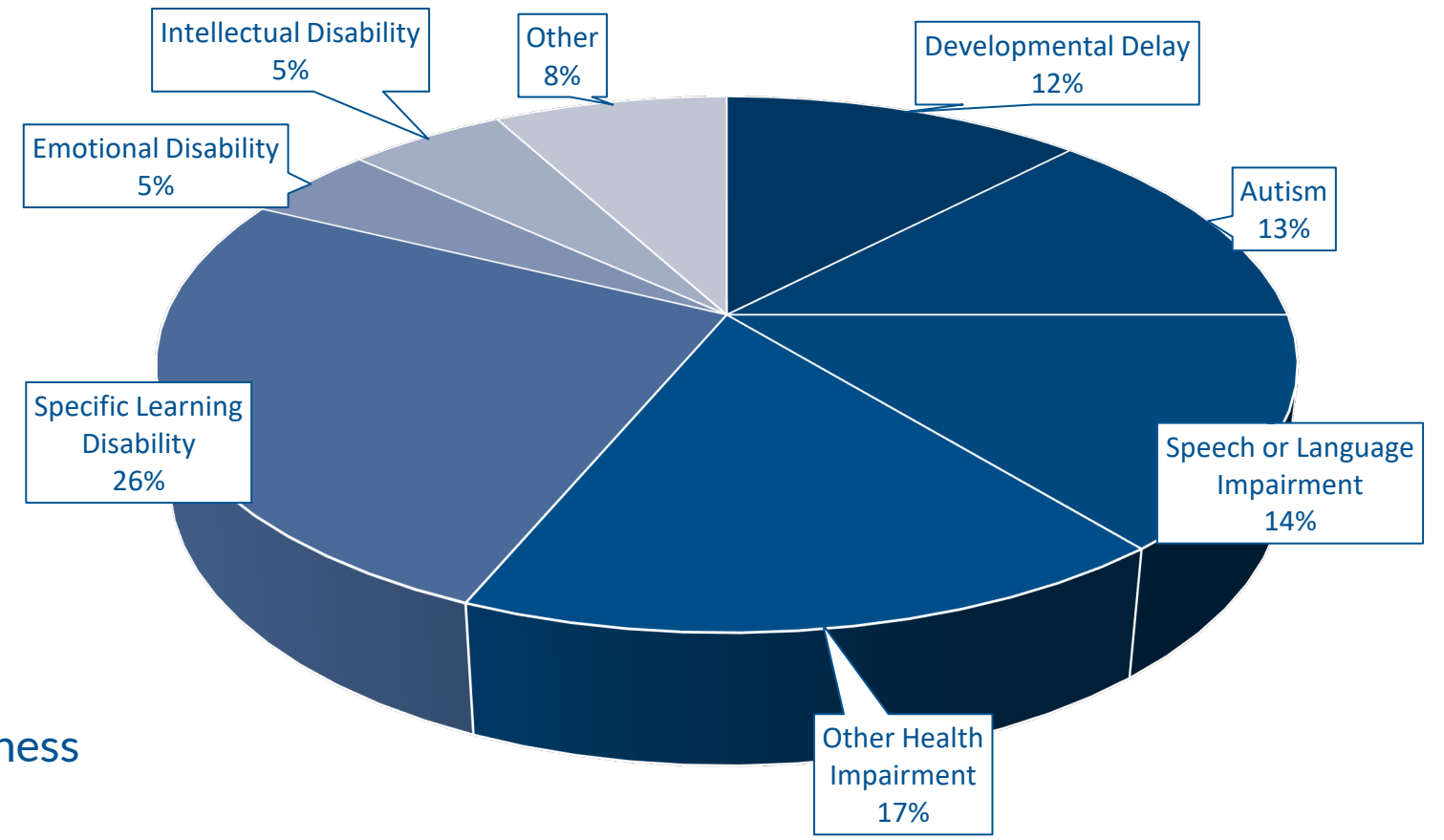
Data Source: MSDE Early Attendance Data Collection



# Maryland's Students with Disabilities: Disability Categories

## All Disability Categories

- Autism
- Deaf-blindness
- Deafness
- Developmental Delay
- Emotional disability
- Hearing impairment
- Intellectual disability
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness



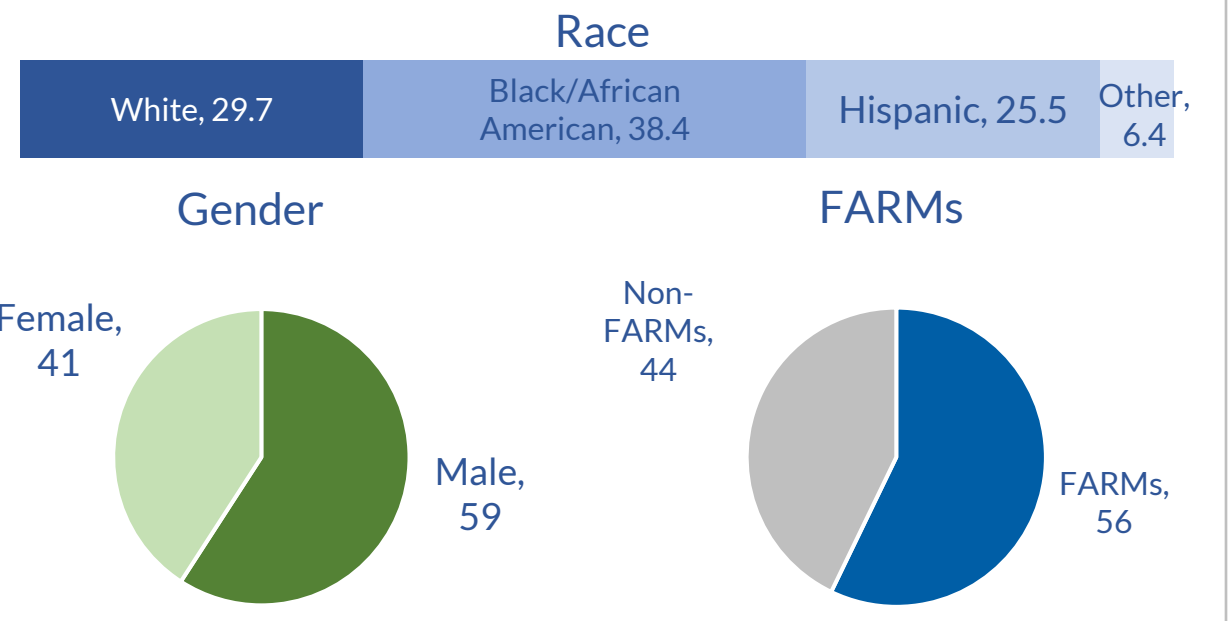
Data Source: October 1, 2022 Child Count Data Collection



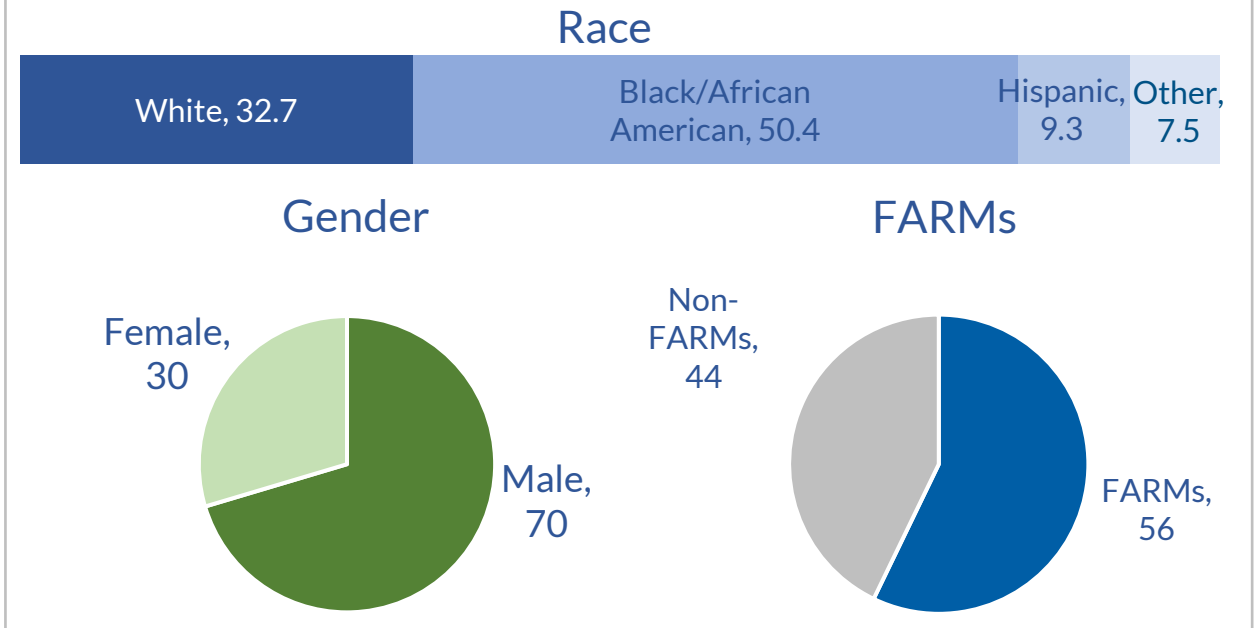
# Students with Disabilities: Disability Type by Race, Gender, and Eligible for Free and Reduced Meals (FARMs)

More Black/African American students are identified as having a specific learning or emotional disability as compared to the statewide percent of Black/African American students.

## Specific Learning Disability



## Emotional Disability



Percent Race/Ethnicity All Students



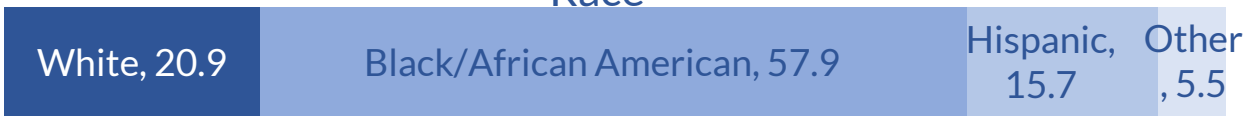
Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022

# Students with Disabilities: Disability Type by Race, Gender, and Eligible for Free and Reduced Meals (FARMs)

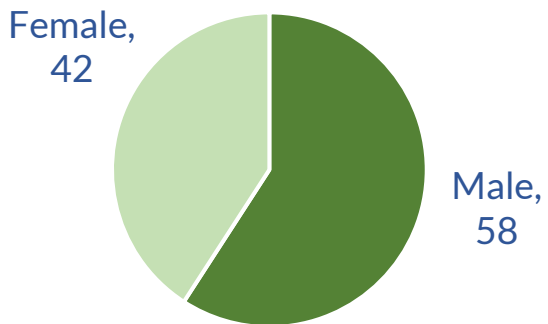
More Black/African American students are identified as having an intellectual or developmental disability as compared to the statewide percent of Black/African American students.

## Intellectual Disability

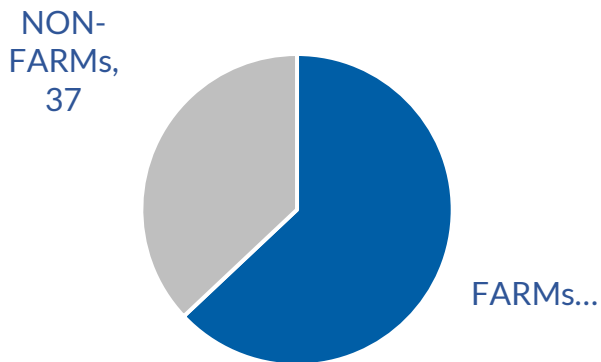
### Race



### Gender

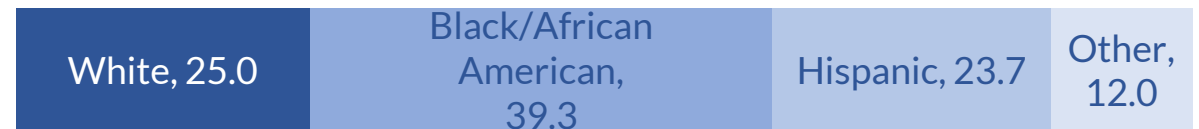


### FARMs

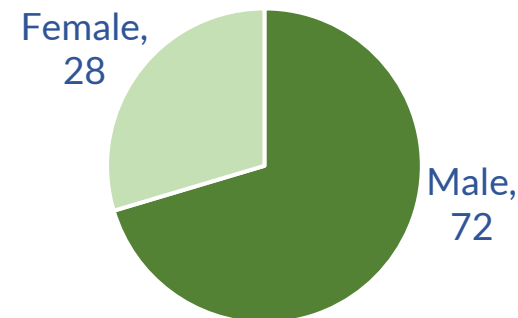


## Developmental Disability

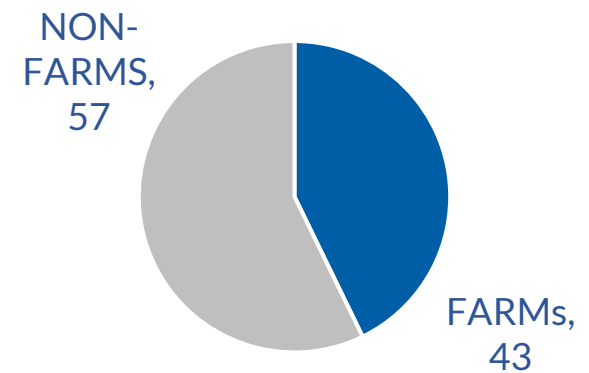
### Race



### Gender



### FARMs



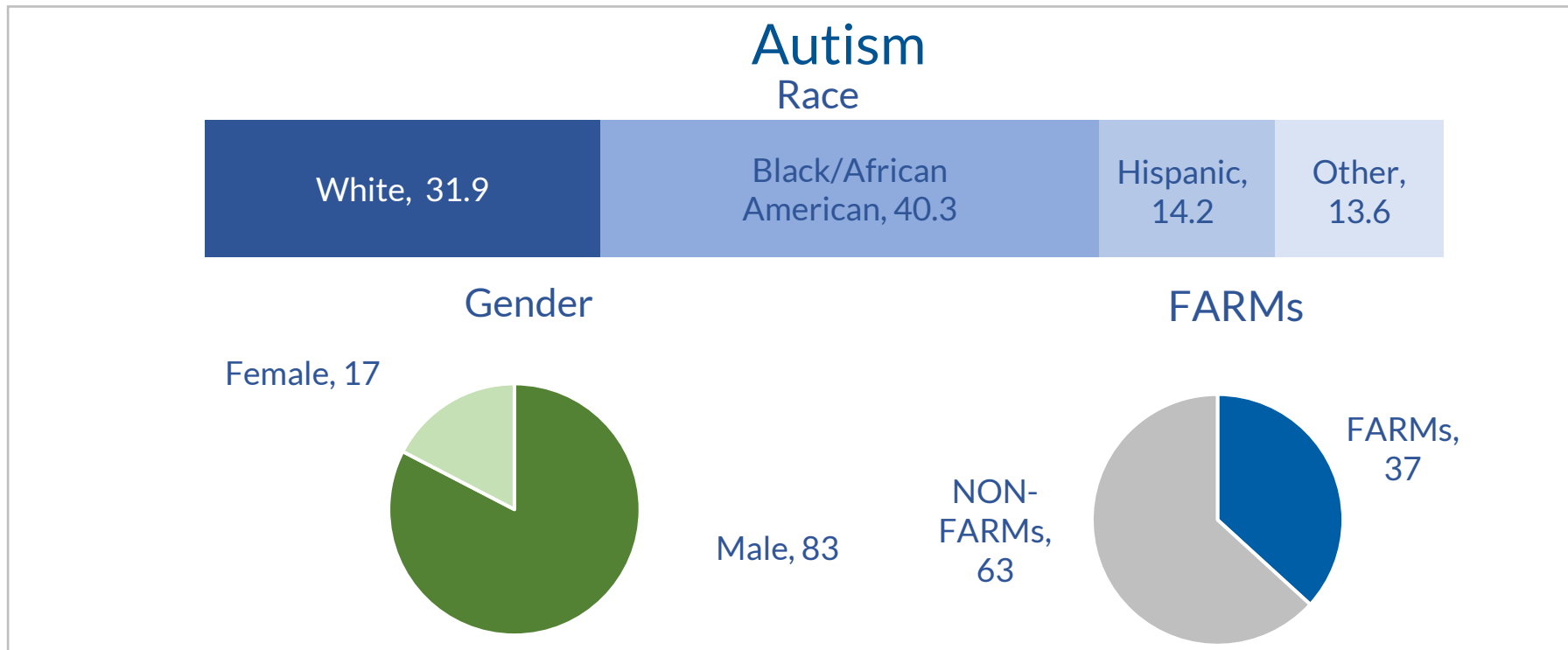
Percent Race/Ethnicity All Students



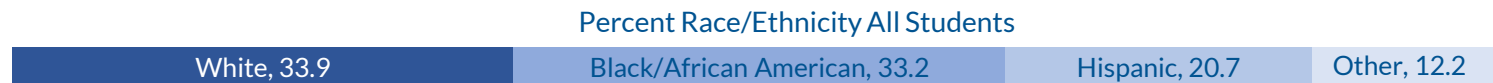
Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022

# Students with Disabilities: Disability Type by Race, Gender and Eligible for Free and Reduced Meals (FARMs)

Students identified as having Autism are more likely to be male and not eligible for free and reduced meals.



Data Sources: MSDE Early Attendance Data Collection, Enrollment Data Collection SY 2021-2022

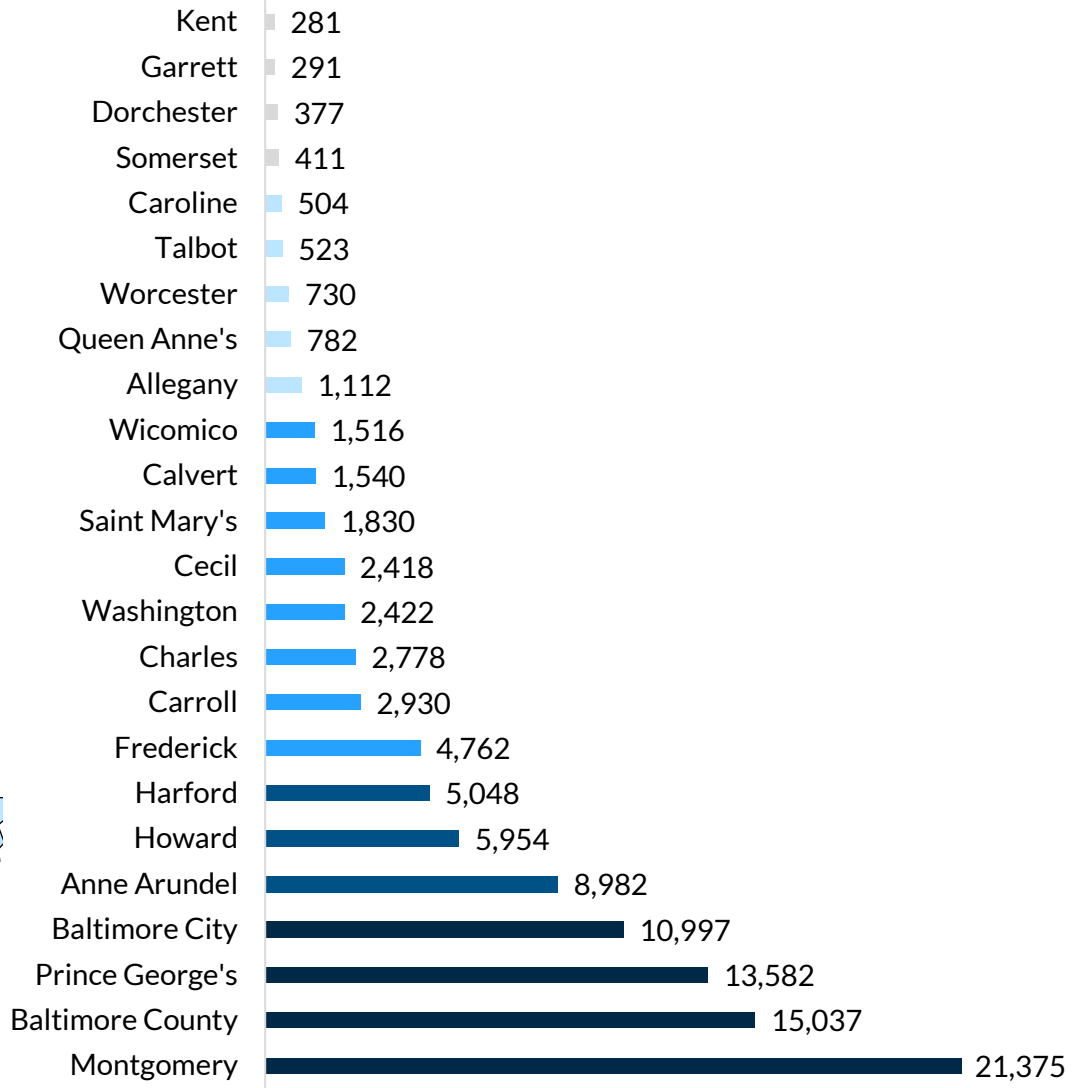
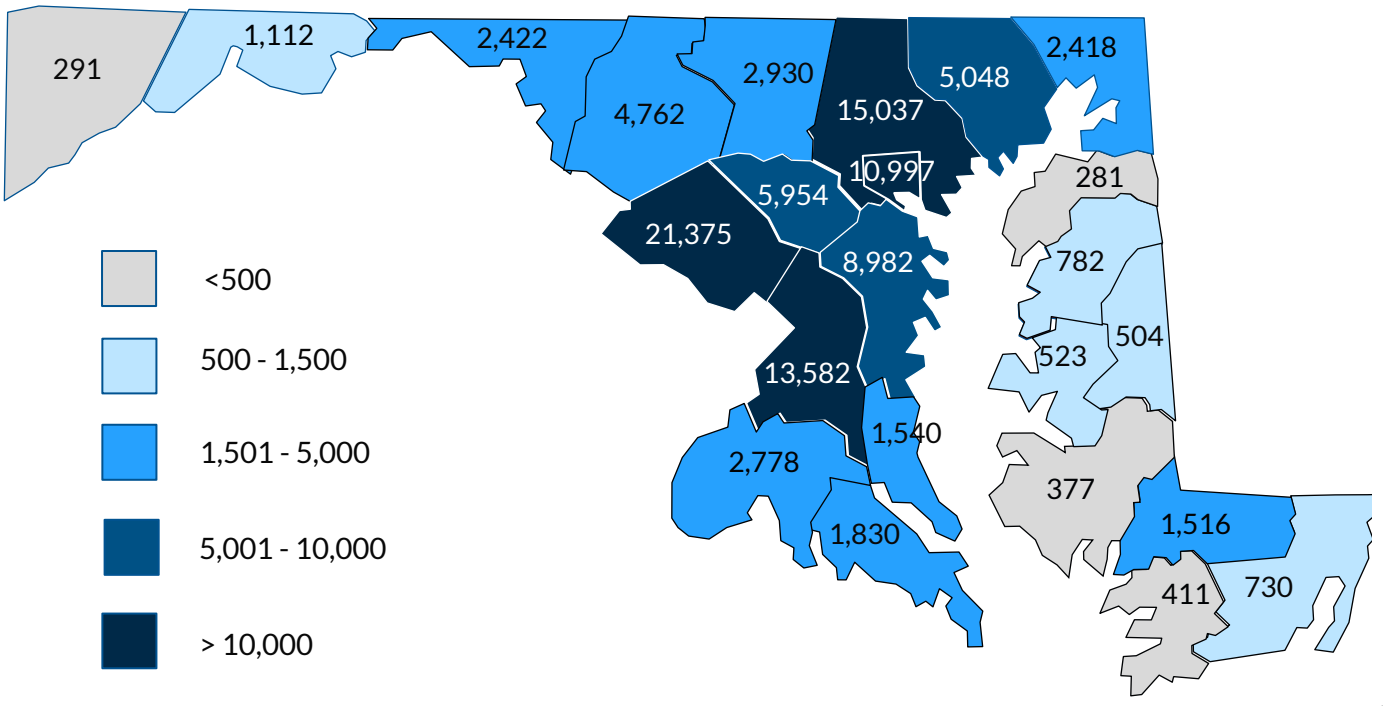


# National Background

- **The use of intellectual and emotional disability codes is often associated with the removal of students to more restrictive and segregated settings.** This can negatively impact our African American students, who face additional barriers and bias, as compared to their White peers. Students who are misidentified are vulnerable to a less rigorous curriculum and lower expectations in a segregated setting
- **Income does not fully explain the patterns of identification.** Black students from non-low-income brackets had twice the likelihood of being identified with intellectual disabilities (ID) or emotional disturbances (ED), compared to White students from non-low-income backgrounds.
- **Placement decisions exacerbate achievement gaps** with students in general education classrooms having better academic and employment outcomes than students in separate spaces.
  - While 55 percent of White students with disabilities spend more than 80 percent of their school day in a general education classroom, **only a third of Black students with disabilities spend that much time in a general education classroom.** Hispanic and American Indian students with disabilities are also more likely to be taught in separate classrooms, compared to White students.
  - A study in Massachusetts found that students with disabilities **taught in fully inclusive environments were five times more likely to graduate on time,** compared to other students with disabilities, and 11 percentage points more likely to be employed.
- Students of color often receive harsher punishments in school for the same behavior when compared to their White counterparts, and are more likely to receive office referrals, suspensions, and expulsions from school. **Discipline disparities are even more apparent for students with disabilities.**
  - Among students of color with disabilities, one in four boys and nearly one in five girls receive an out-of-school suspension. **Black males from low-income backgrounds receiving special education services are suspended at the highest rates of any student group.**
  - Students who are suspended or expelled are more likely to be held back, drop out, or enter the juvenile justice system when compared to their peers.

# Total Count of Students with Disabilities by LEA, SY 2021-2022

Most students with disabilities are in Montgomery County, Baltimore County, and Prince George's County.

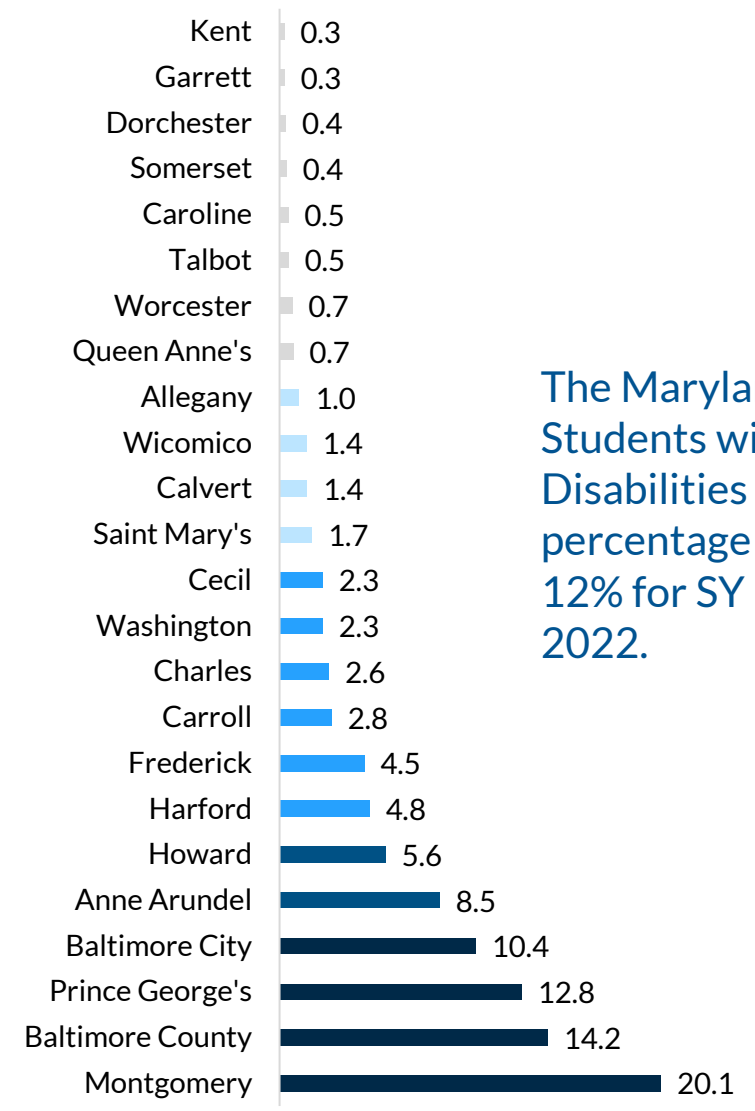
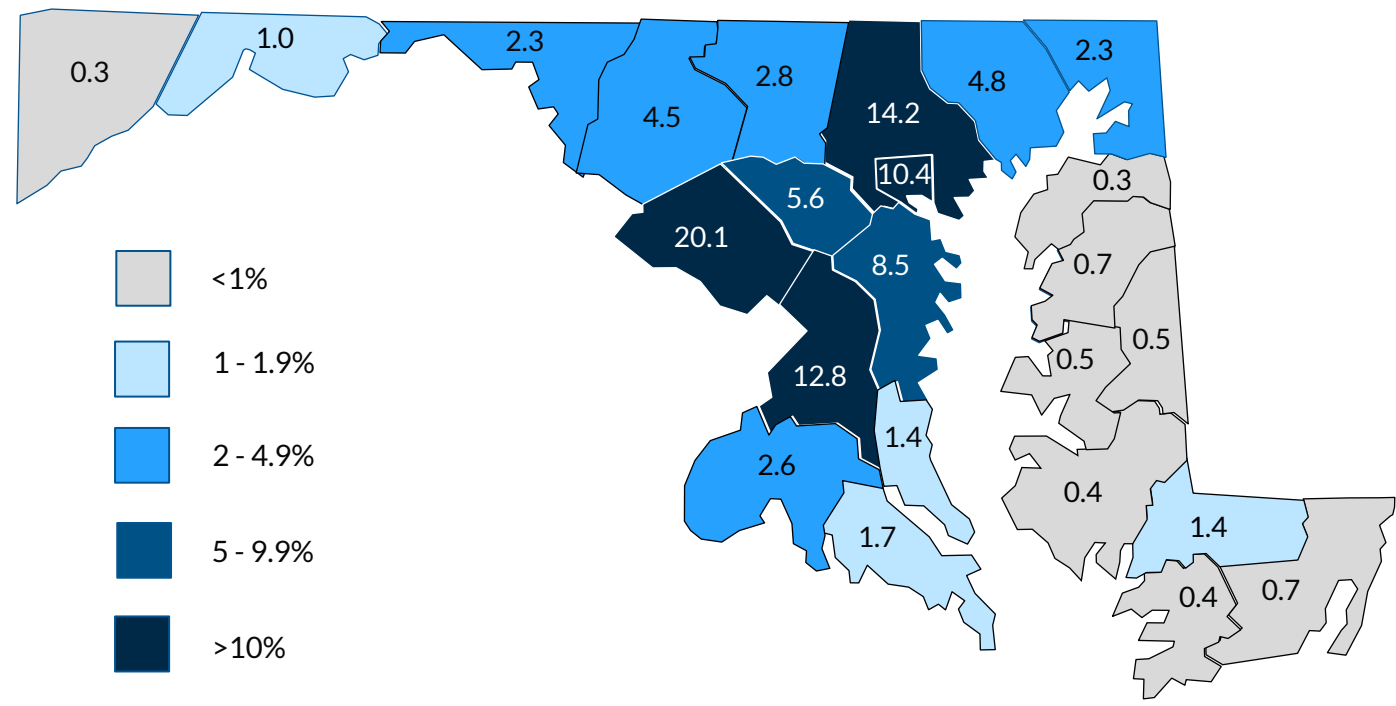


\*SEED School omitted from map (34 students).

Data Source: MSDE Early Attendance Data Collection

# Percentage of Students with Disabilities by LEA, SY 2021-2022

Most students with disabilities are in Montgomery County, Baltimore County, and Prince George's County.



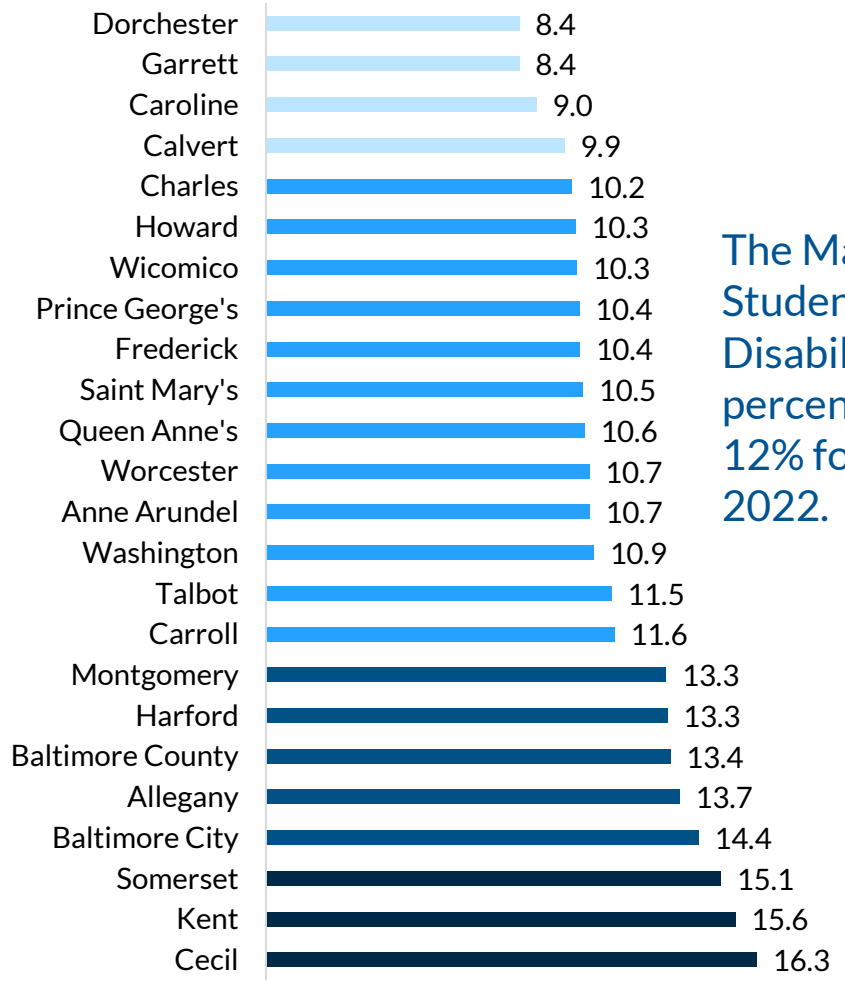
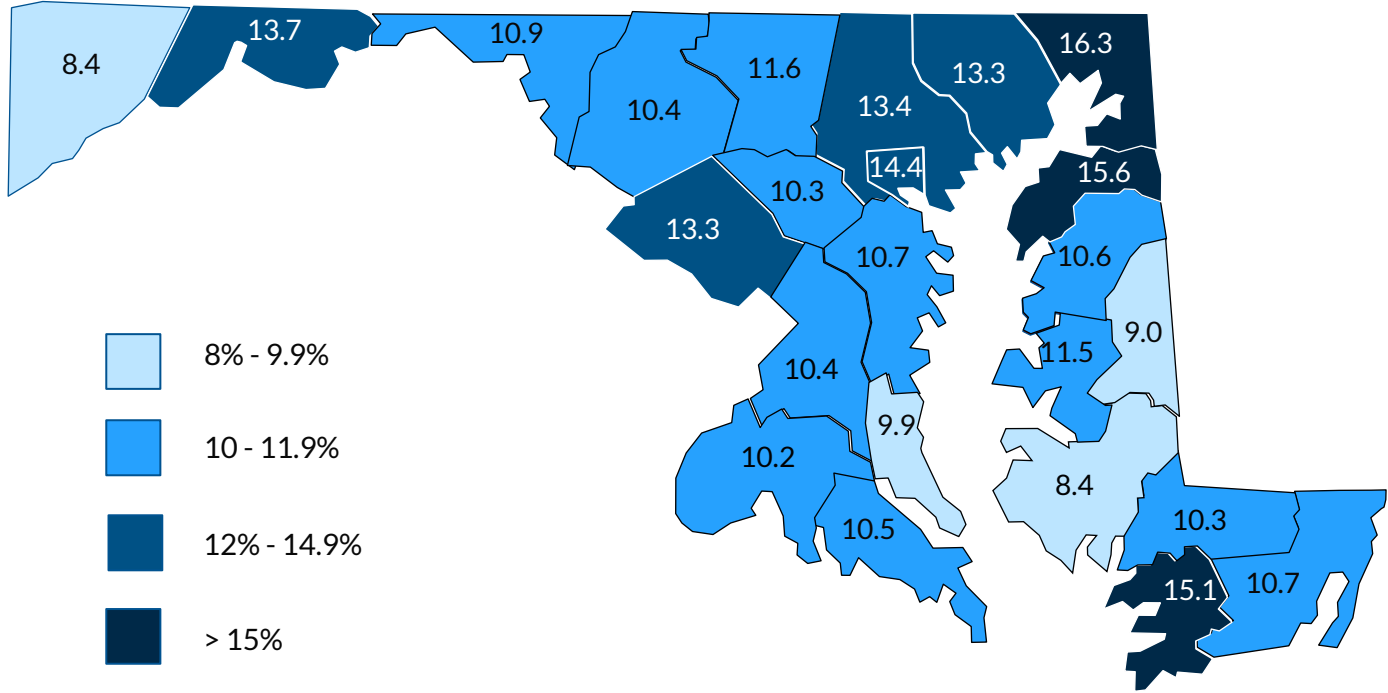
The Maryland Students with Disabilities percentage is 12% for SY 2021-2022.

\*SEED School omitted from map (<1%).

Data Source: MSDE Early Attendance Data Collection

# Students with Disabilities as a percentage of LEA total student count, SY 2021-2022

There are 8 LEAs that have a greater percentage of students with disabilities as a percentage of total student population.



The Maryland Students with Disabilities percentage is 12% for SY 2021-2022.

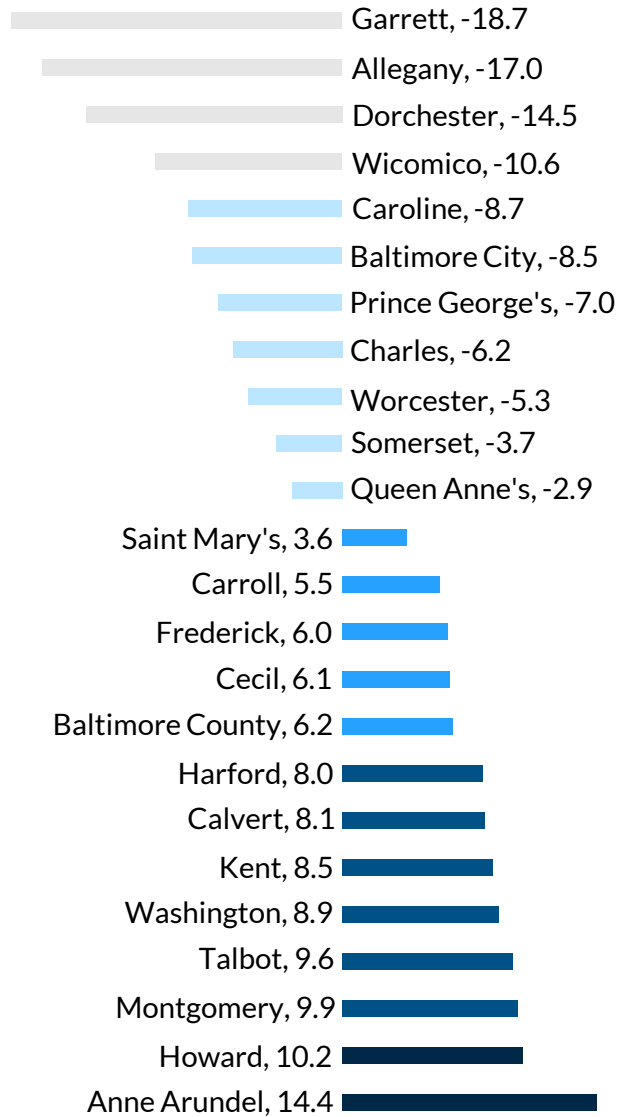
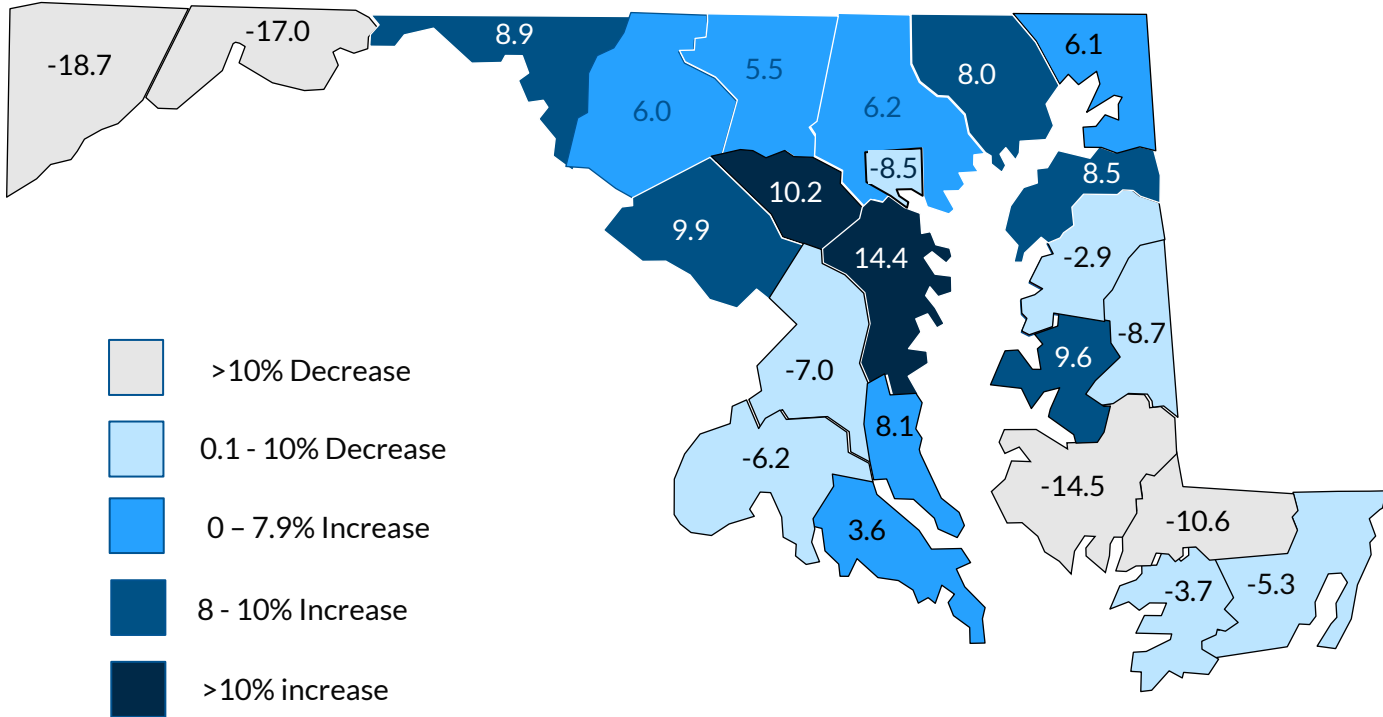
\*SEED School omitted from map (10.8%).  
Data Source: MSDE Early Attendance Data Collection



# Change Over Time: SY 2018 to SY 2022

## Students with Disabilities by LEA

Statewide, students with disabilities increased by 2.9% from school year 2017-2018 as compared to 2021-2022.

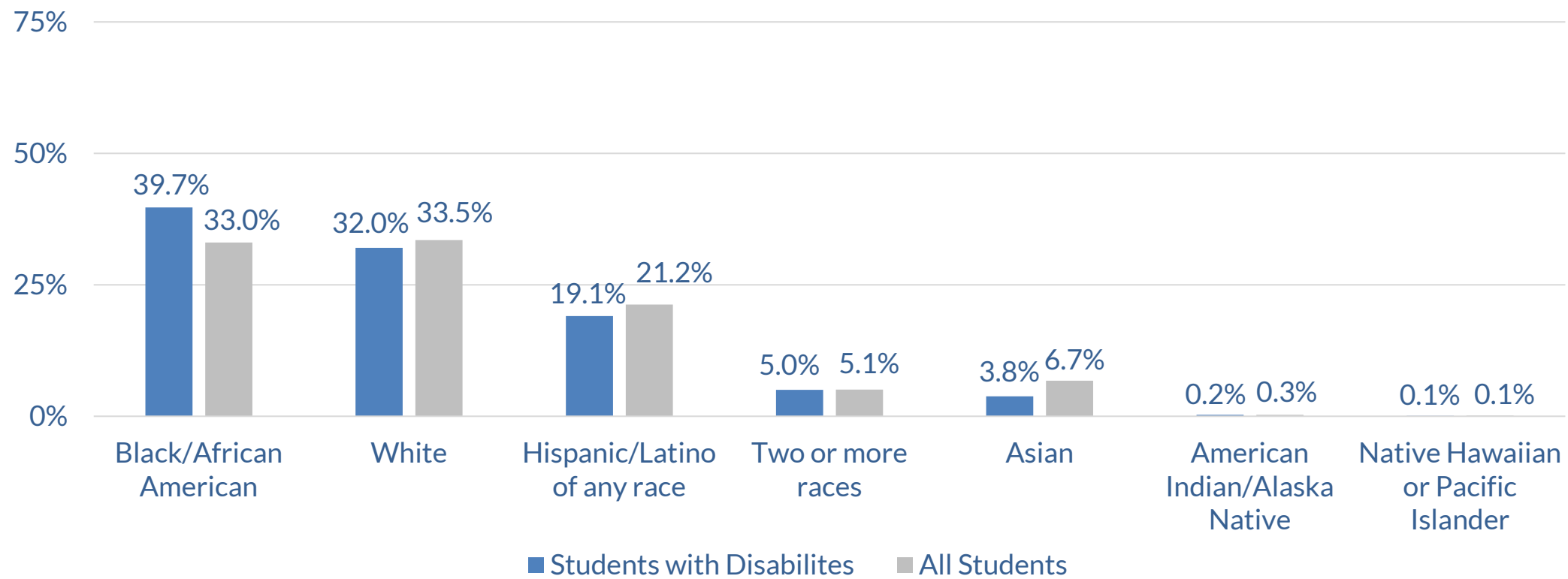


\*SEED School omitted from map (-38.2%).

Data Source: MSDE Early Attendance Data Collection

# Students with Disabilities by Race/Ethnicity, SY 2021-2022

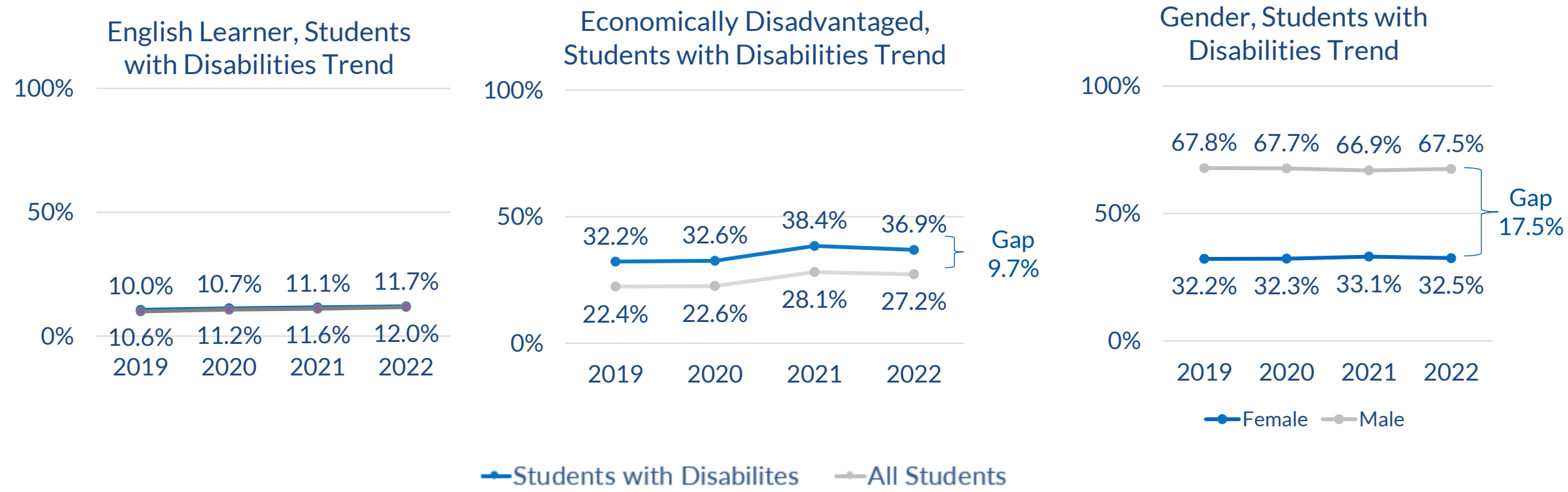
Black/African American students disproportionately comprise the students with disabilities population compared to other race/ethnicities.



Data Source: MSDE Early Attendance Data Collection

# Trend: Students with Disabilities by Student Groups

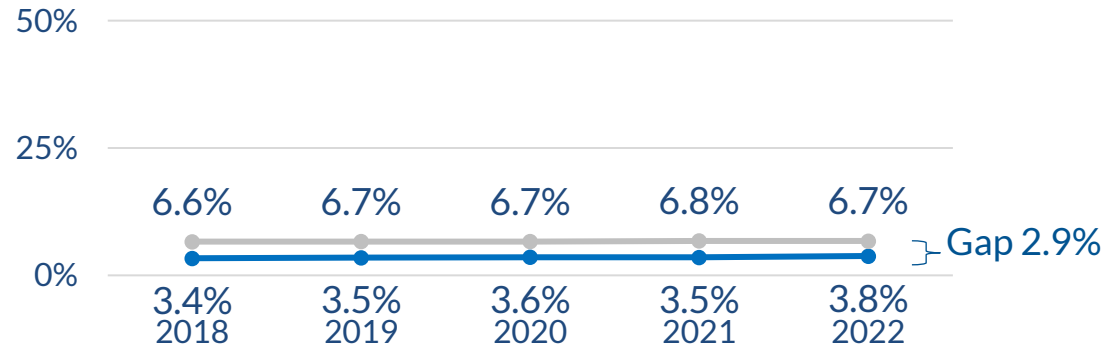
Students with disabilities who are also English learners or economically disadvantaged have increased at similar rates to their peers. The percentage of male students with disabilities continue to trend more than double that female students with disabilities.



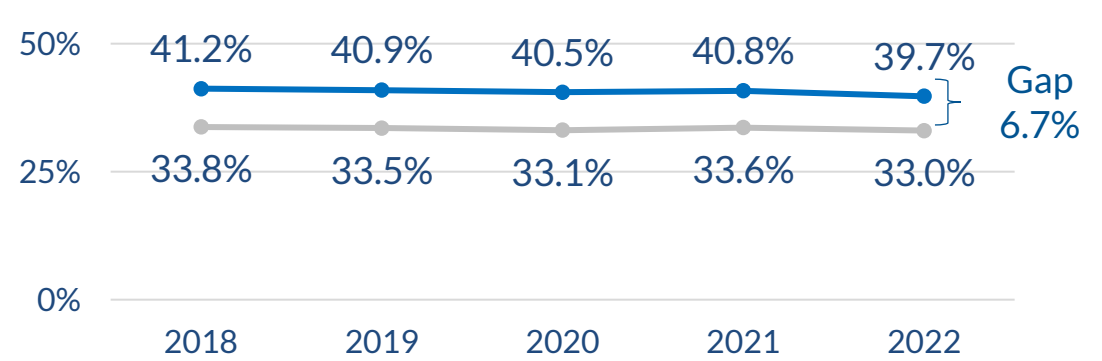
Data Source: MSDE Early Attendance Data Collection

# Trend: Students with Disabilities by Race/Ethnicity

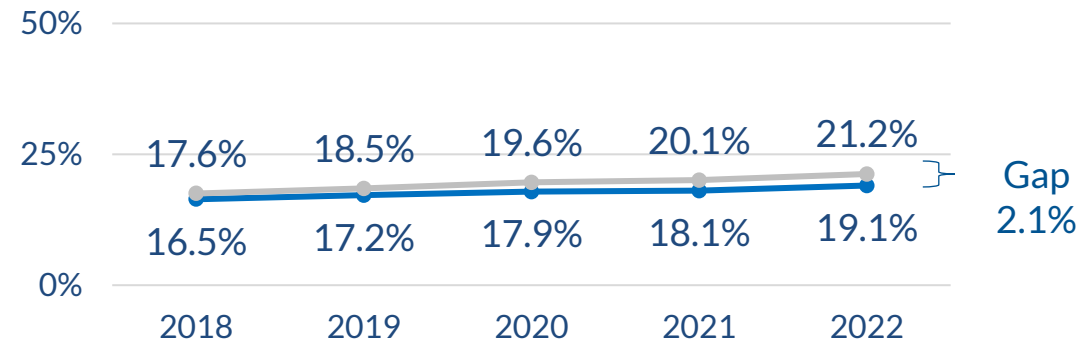
Asian, Students with Disabilities Trend



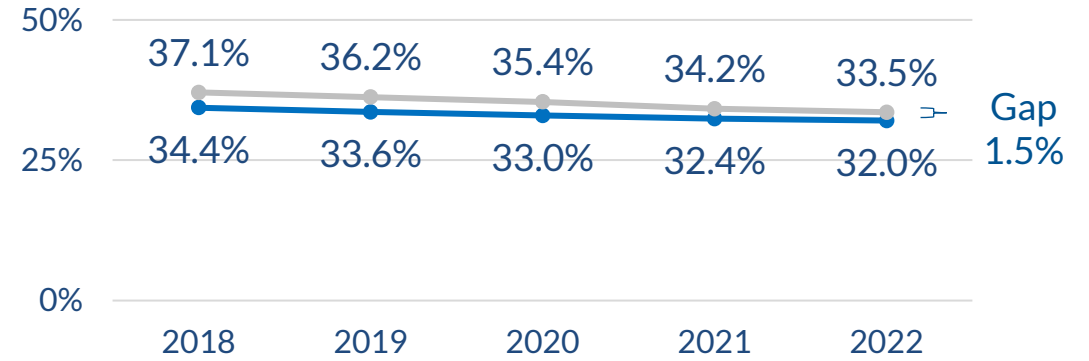
Black/African American, Students with Disabilities Trend



Hispanic/Latino, Students with Disabilities Trend



White, Students with Disabilities Trend



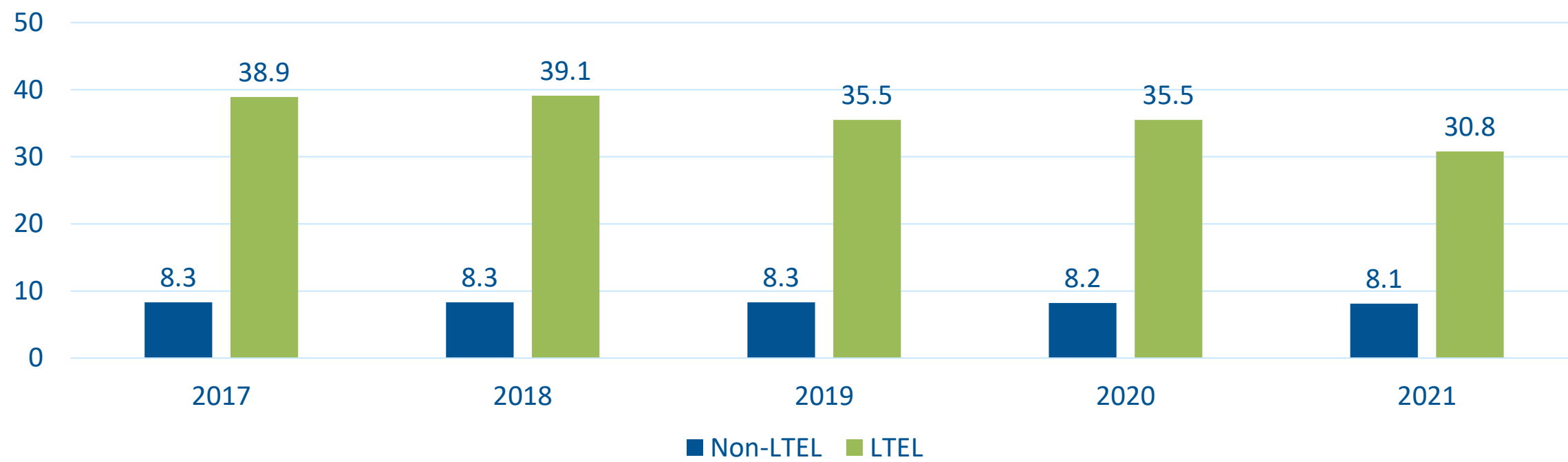
— Students with Disabilities — All Students

Data Source: MSDE Early Attendance Data Collection

# Trend: Students with Disabilities and Long-Term English Learner Status, SY 2017-2021

Maryland long term English learners (LTEL) were almost 4 times more likely to be identified for special education services than were English learners who were non-LTEs.

Percent of Long Term English Learners identified as a Student with Disability



# Child Find Process

## Concerns Identified **BEFORE** 3<sup>rd</sup> Birthday

Referral to the Maryland Infants and Toddlers Program (MITP) to Determine Eligibility through Evaluation and Assessment for Early Intervention Services

“Primary Referral Sources” Include -

- (1) Hospitals, including prenatal and postnatal care facilities;
- (2) Physicians;
- (3) Parents, including parents of infants and toddlers;
- (4) Child care programs and early learning programs;
- (5) LEAs and schools;
- (6) Public health facilities;
- (7) Other public health or social service agencies;
- (8) Other clinics and health care providers;
- (9) Public agencies and staff in the child welfare system, including child protective service and foster care;
- (10) Homeless family shelters; and
- (11) Domestic violence shelters and agencies.



The early intervention program has 45 days from referral to determine eligibility, through evaluation and assessments, and if determined eligible, develop an Individualized Family Service Plan (IFSP)

## Concerns Identified **AT or AFTER** 3<sup>rd</sup> Birthday

Referral to Child Find to Determine Eligibility through Evaluation and Assessment for Special Education and Related Services

Referral Sources Include –

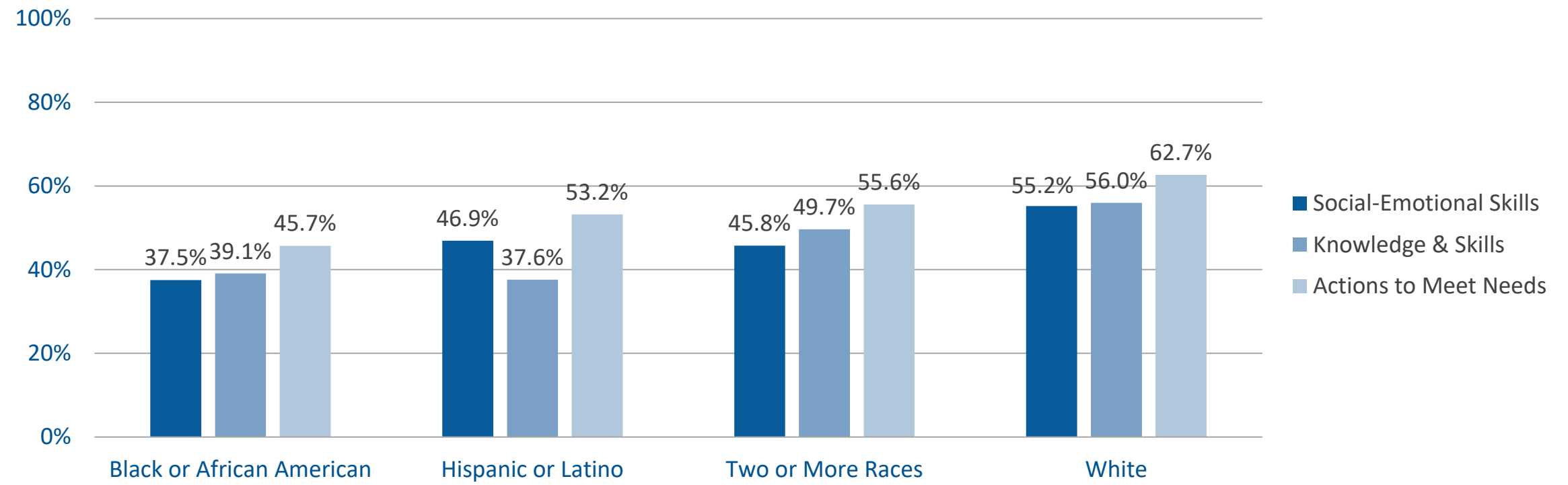
- (1) Parents;
- (2) School Staff; and
- (3) The Maryland Infants and Toddlers Program.



The LEA has 90 days from referral to determine eligibility, through evaluation and assessments, and if determined eligible, has an additional 30 days to develop an Individualized Education Program (IEP)

# Outcome Data: State Preschool Child Data

The percentage of children (ages 3-K) who were functioning within age expectations in each outcome by the time they exited the program by race (2020-2021) was highest for White students.



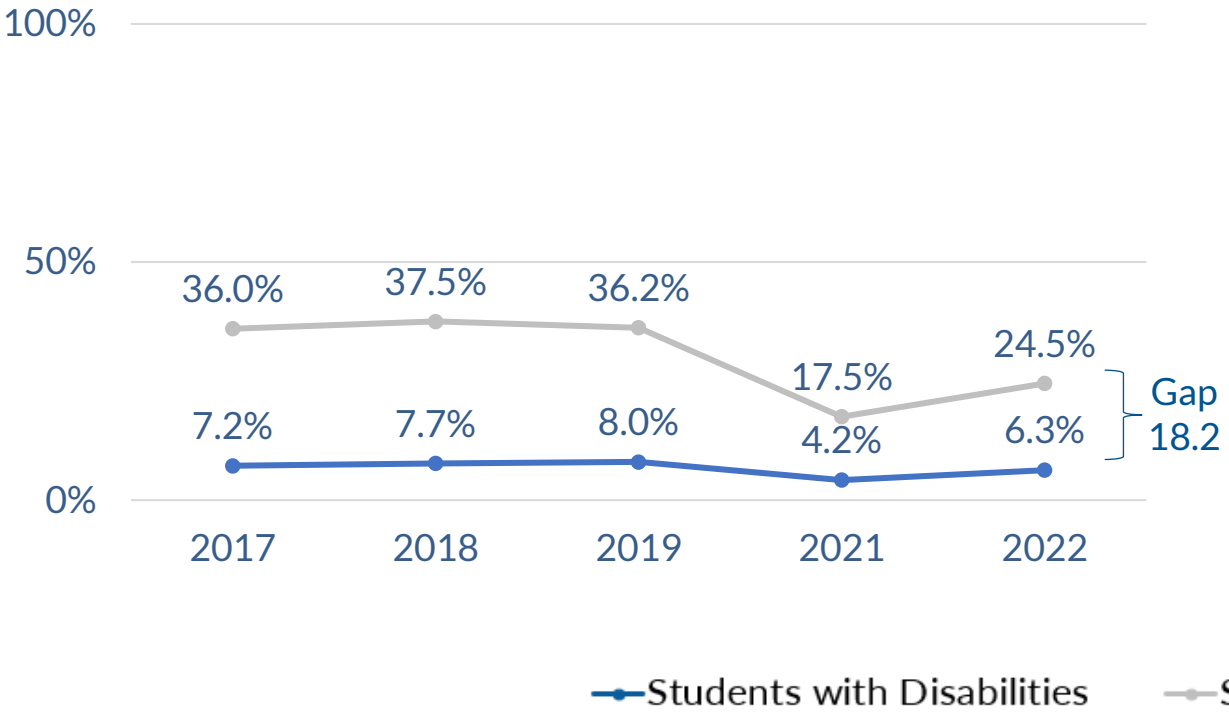
Data Source: State Performance Plan/Annual Performance Report: Part B



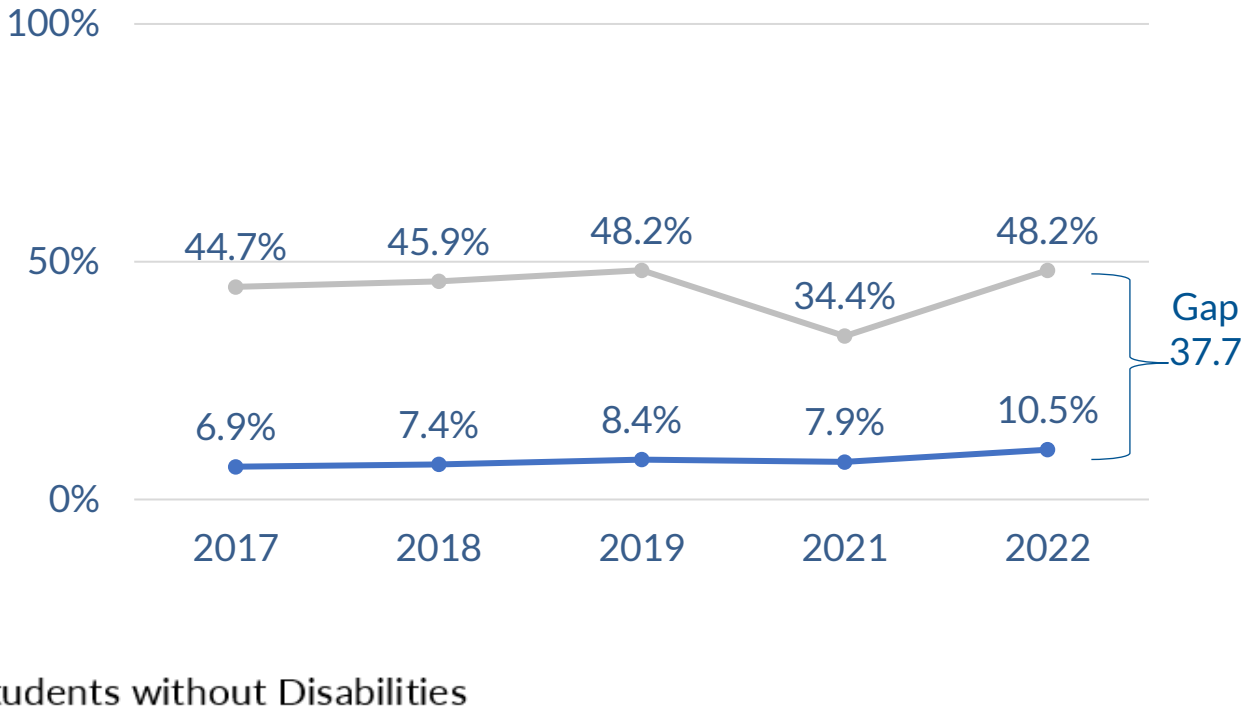
# Outcome Data: Proficiency Trend, Elementary and Middle School

Maryland students have returned to pre-pandemic performance in English Language Arts in spring 2022. Students improved in mathematics in spring 2022 as compared to Early Fall 2021 results.

Percent Proficient Mathematics 3-8



Percent Proficient English Language Arts 3-8

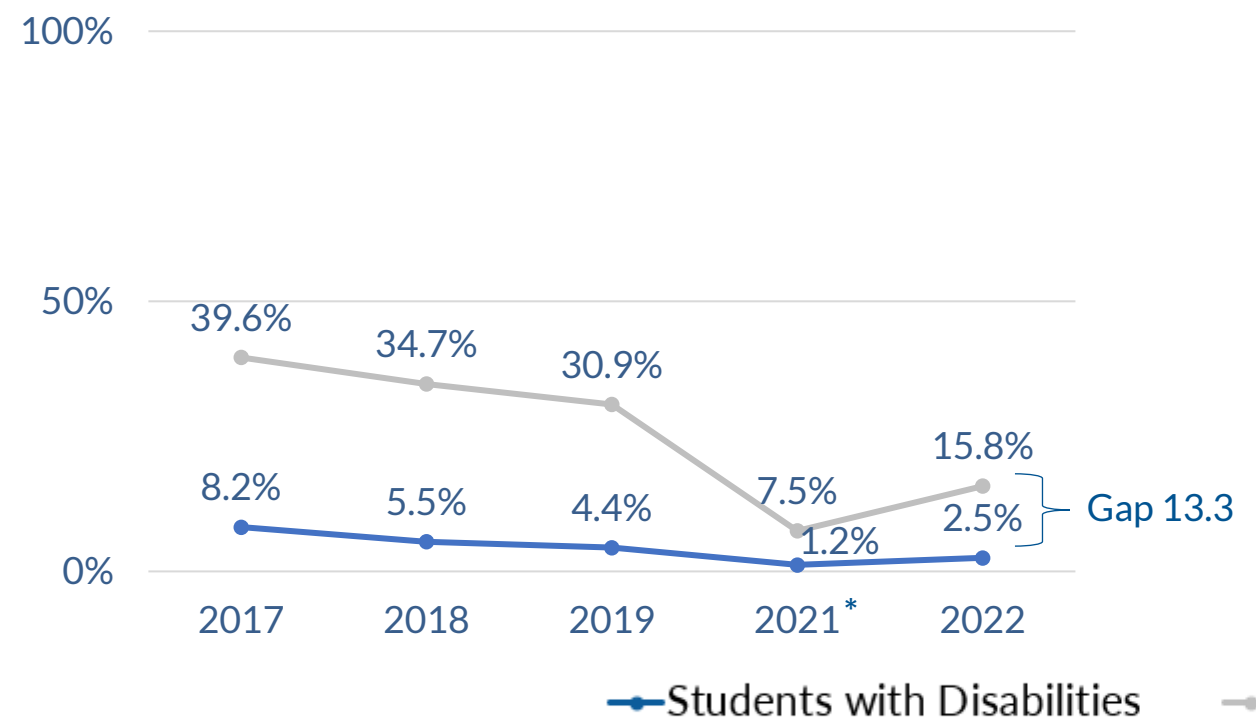


\*Assessments for 2021 (SY 2020-2021) were shortened tests and were administered in Fall 2021. Preliminary SY 2021-2022 data as of January 3, 2022.

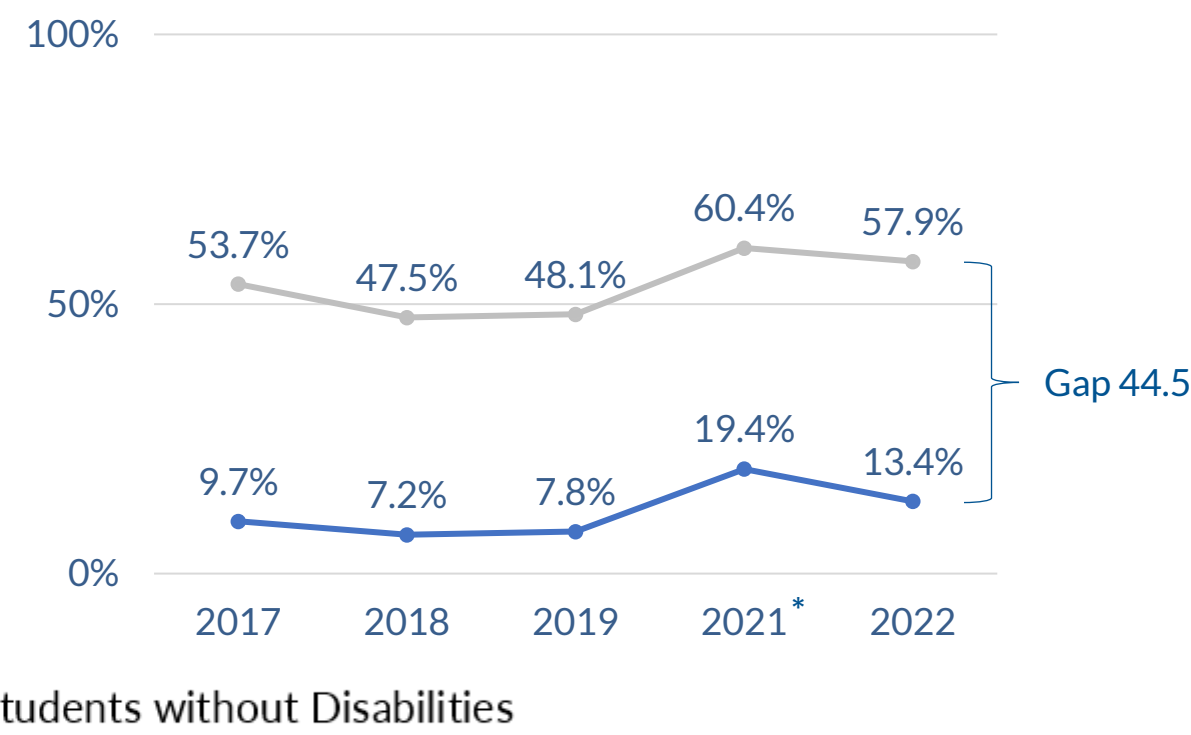
# Outcome Data: Proficiency Trend, Algebra I and English 10

Maryland students have returned to pre-pandemic performance in English 10 in spring 2022 with smaller gains seen in mathematics.

Percent Proficient Algebra 1



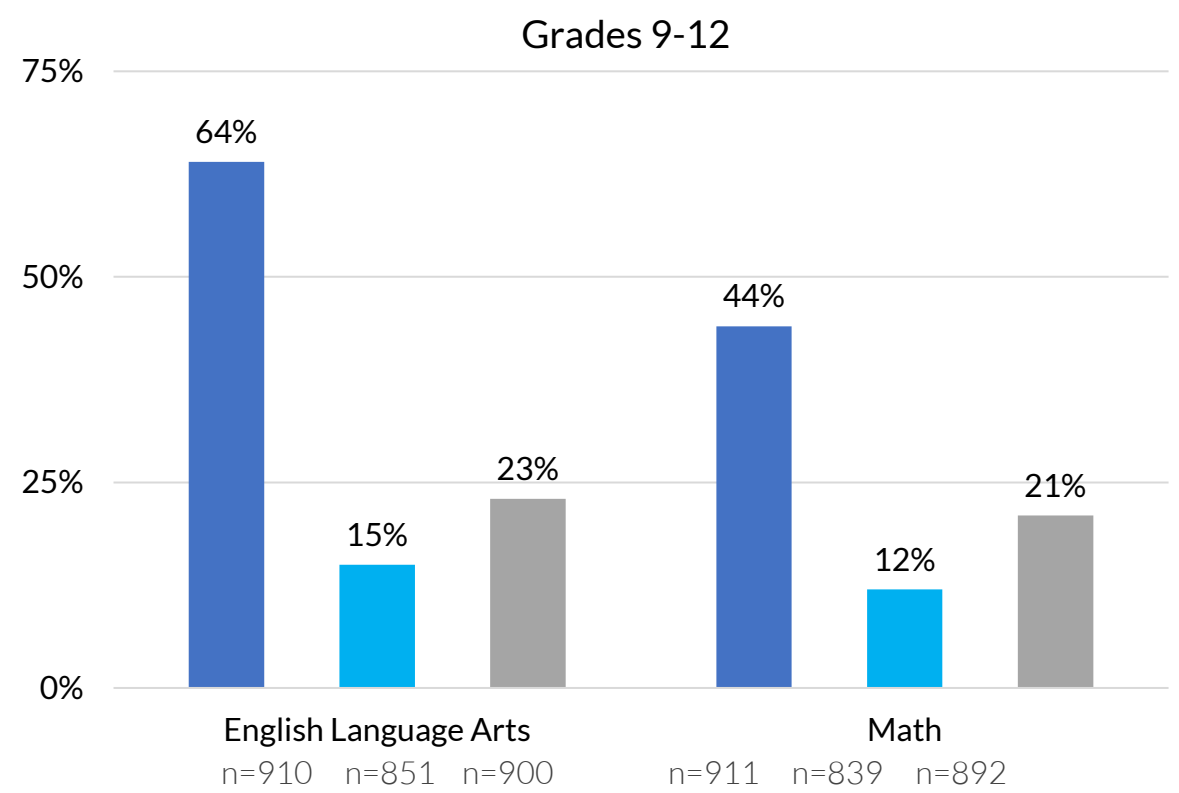
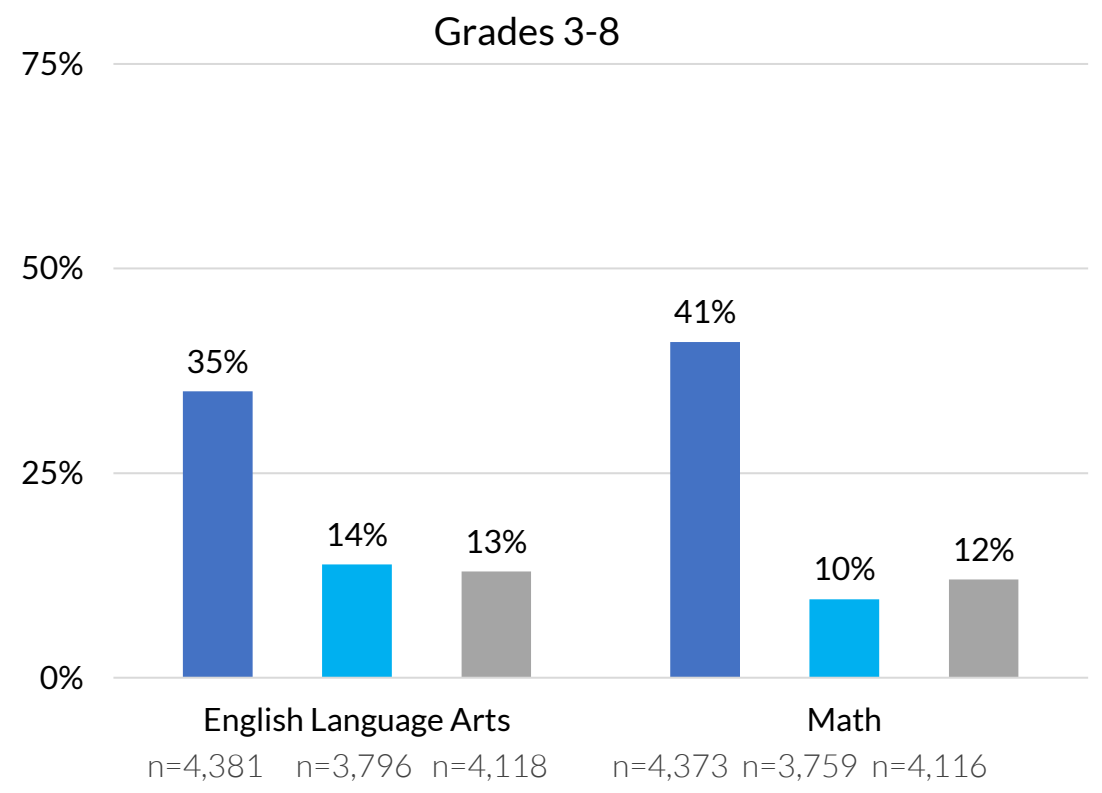
Percent Proficient English 10



\*Assessments for 2021 (SY 2020-2021) were shortened tests and were administered in Fall 2021. Preliminary SY 2021-2022 data as of January 3, 2022.

# Outcome Data: Alternate Assessment Proficiency

The Maryland Comprehensive Assessment Program (MCAP) Spring 2022 Alternate Assessment\* results show the percentage of students demonstrating proficiency have not returned to outcomes from SY 2019.

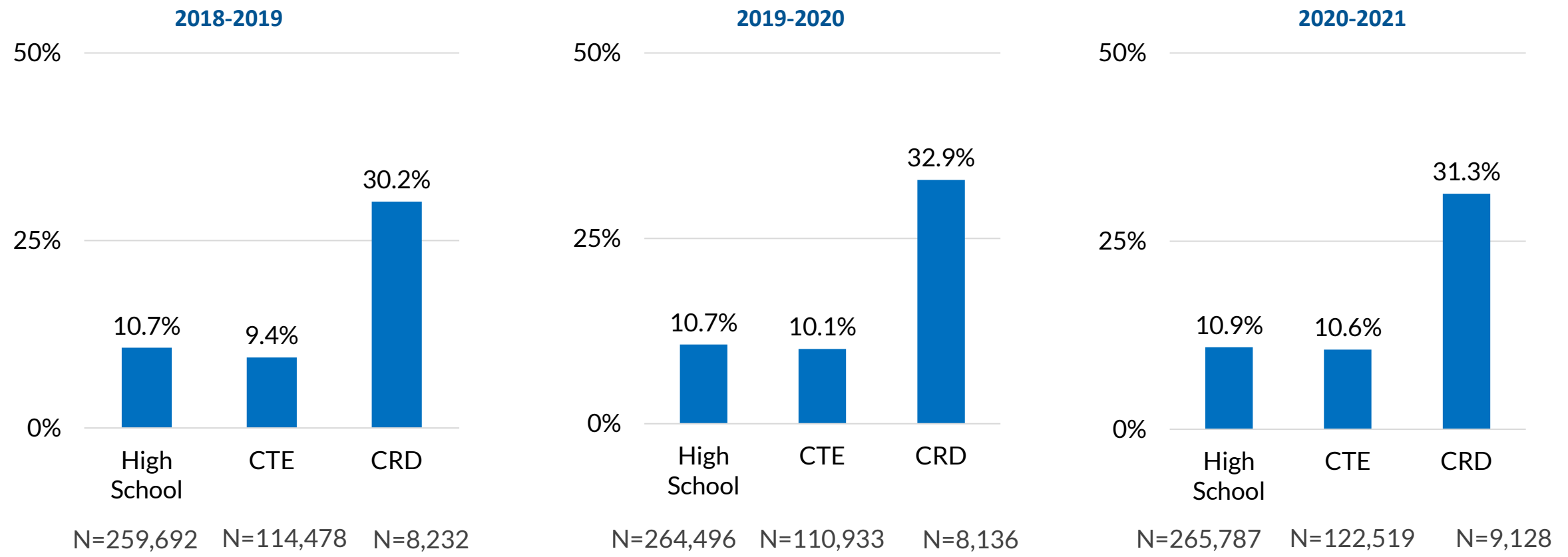


■ 2019 ■ 2021 ■ 2022

\*Alternate Assessment administered to students with significant cognitive disabilities.

# Maryland Students with Disabilities in Career and Technical Education (CTE)

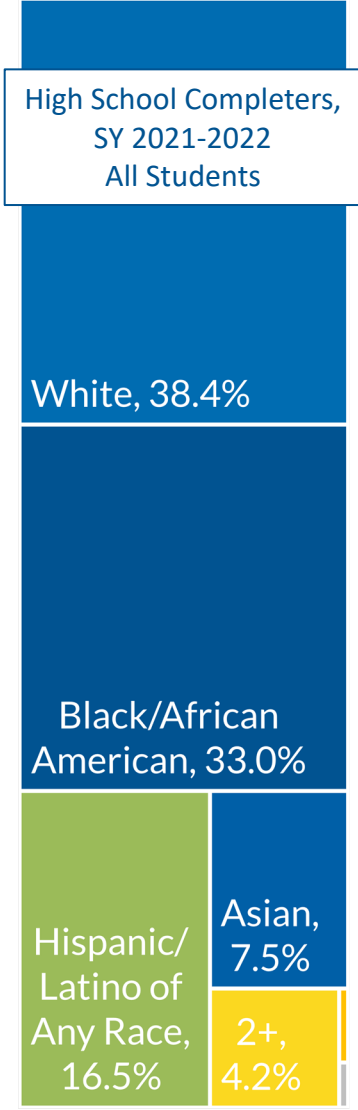
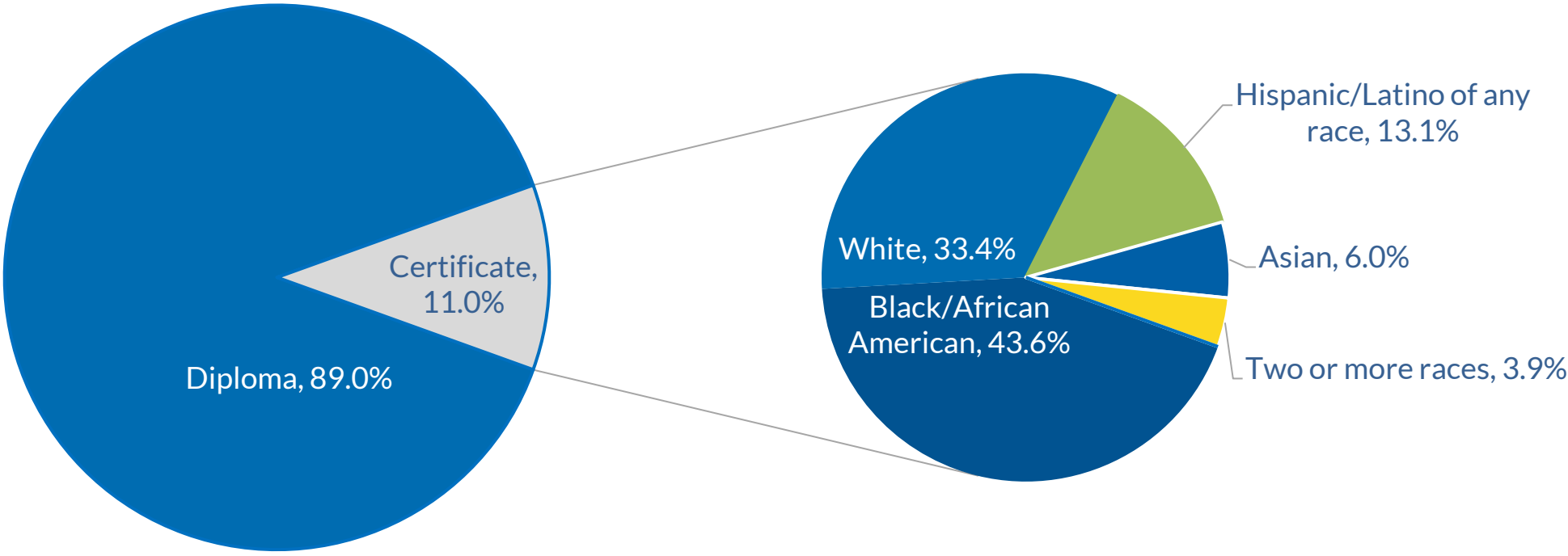
Students with disabilities as a percentage of high school, CTE, and Career Research and Development (CRD) Enrollment, SY 2020-2021.



Data Source: Maryland CTE Works: CTE Participant Enrollment

# High School Completion: Students with Disabilities by Race/Ethnicity, SY 2021-2022

Of the 5,605 students with disabilities completing high school in school year 2021-2022, 89.0% graduated with a diploma and 11.0% graduated with a certificate (617).

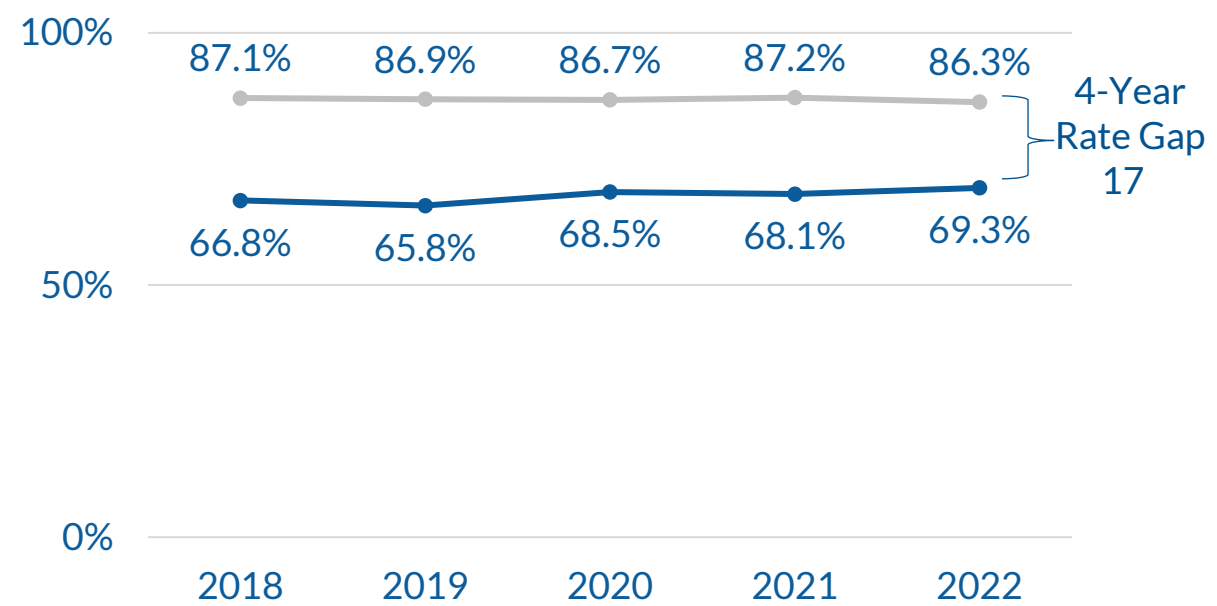


High School completion includes Diplomas, Certificates, and early college admission.  
 Native Hawaiian/Pacific Islander and American Indian/Alaska Native students with disabilities who graduated with a Special Education certificate data are suppressed due to small population.

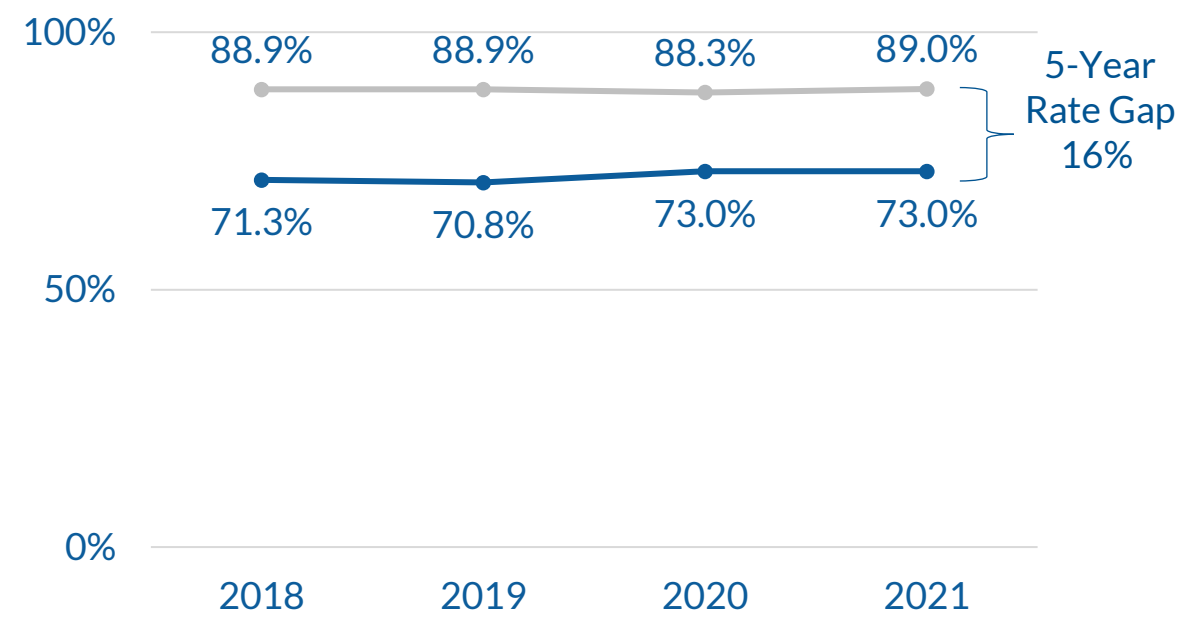
# Cohort Graduation Rates

For students with disabilities, 69.3% graduated within 4 years and 73.0% graduated within 5 years. Although these rates have both trended up, there continues to be a gap in comparison to all students.

### Four-Year Cohort Graduation Rate



### Five-Year Cohort Graduation Rate

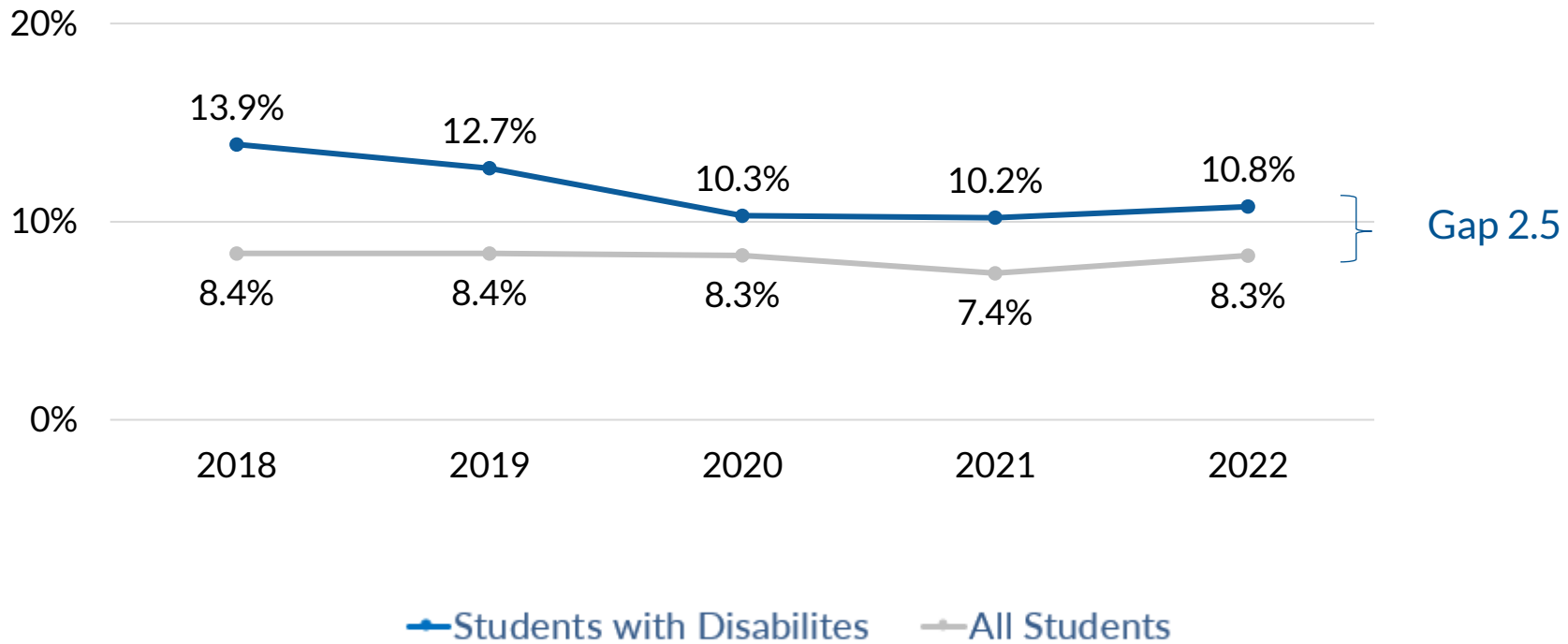


— Students with Disabilities — All Students

Data Source: Maryland Report Card

# Cohort Dropout Rate

Dropout rates for students with disabilities increased in school year 2021-2022 compared to the prior year; however, the gap in comparison to all students decreased.

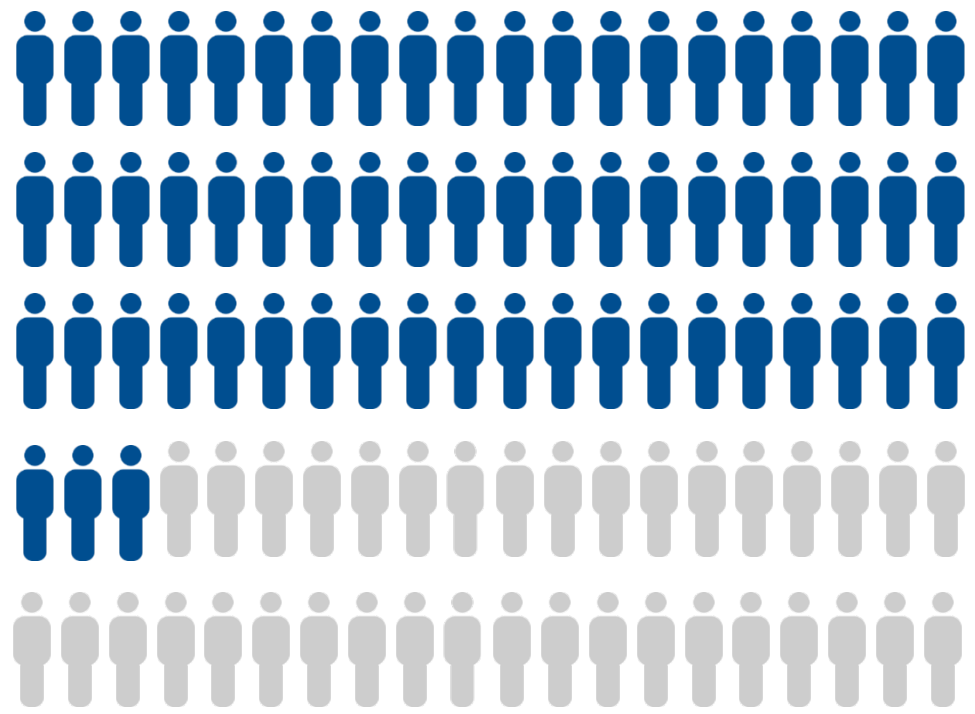


Data Source: Maryland Report Card

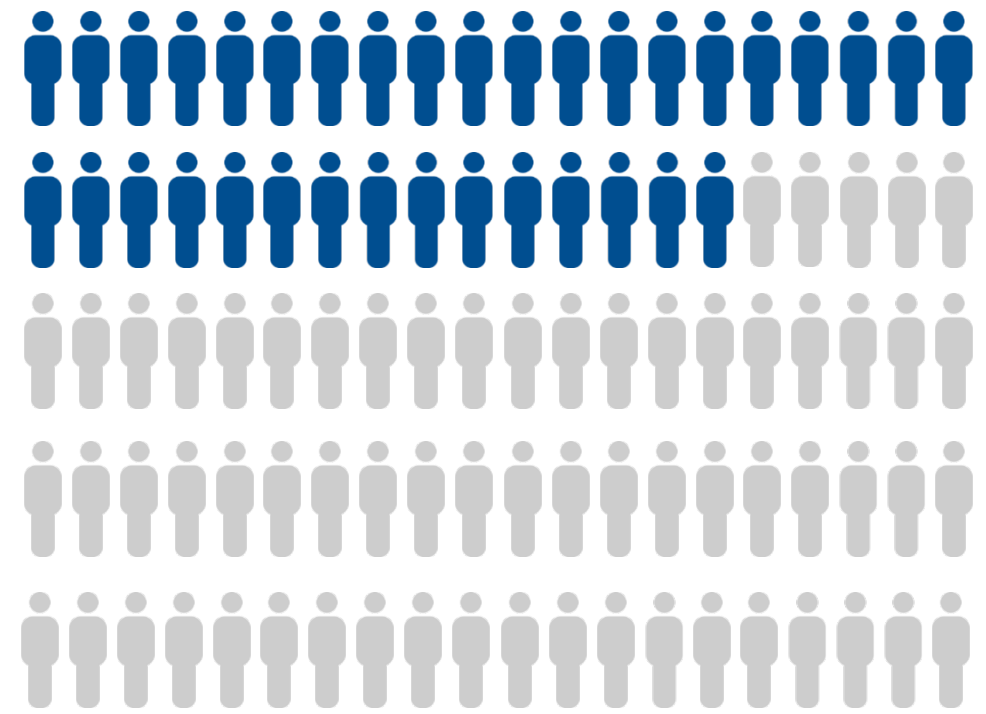


# College Enrollment for Students with Disabilities

Fewer students without disabilities from the class of 2020 enrolled in college within twelve months of graduating from high school in comparison to their peers.



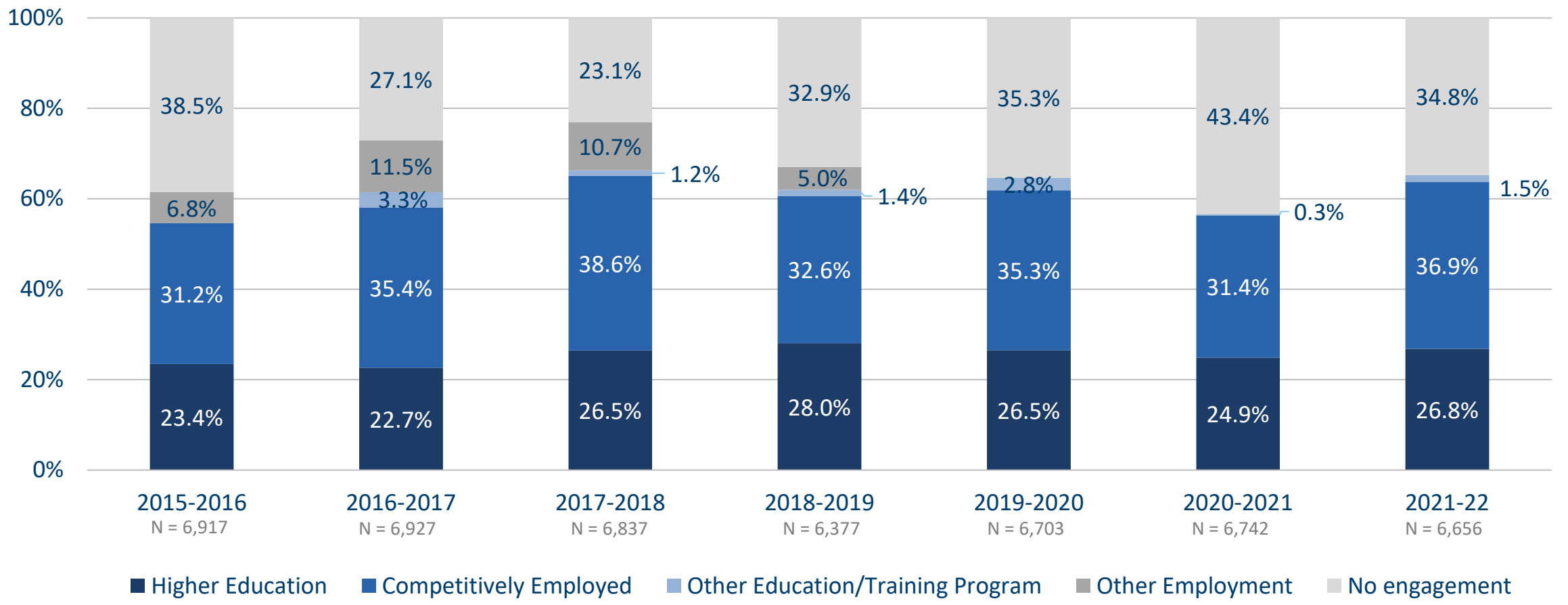
63% of Students without Disabilities



35% of Students with Disabilities

Data Source: Maryland Report Card, National Student Clearinghouse

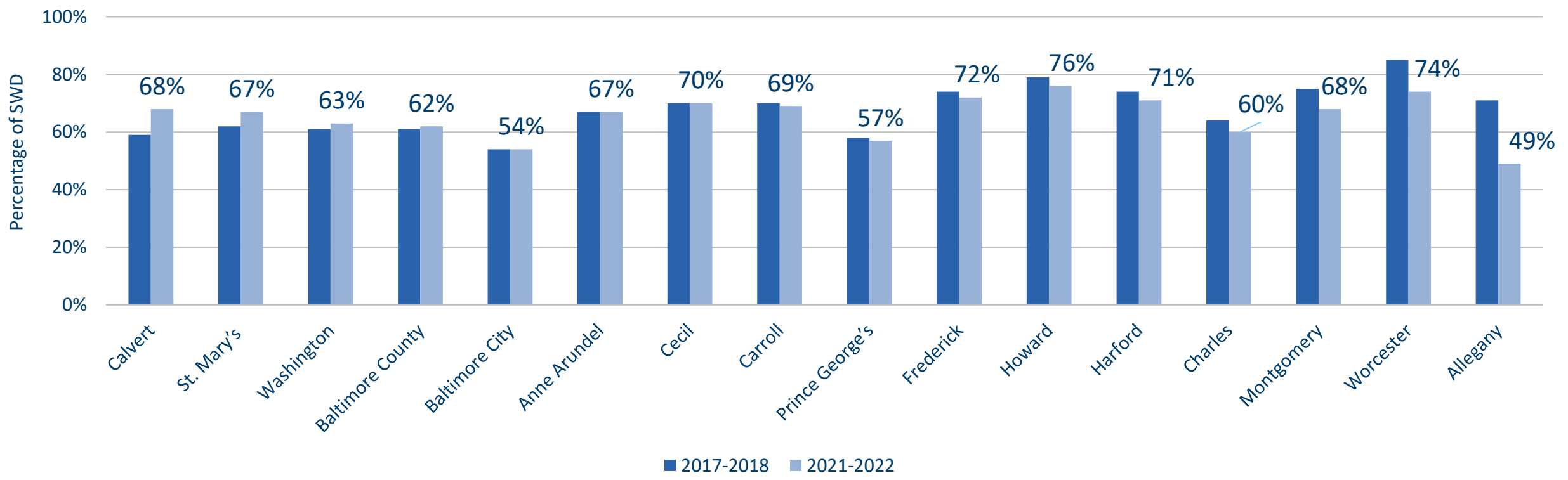
# Postsecondary Outcomes for Students with Disabilities



Data Source: Maryland Longitudinal Data System Center (MLDSC), Division of Early Intervention and Special Education Services (DEI/SES), Department of Rehabilitation Services (DORS)

# Postsecondary Outcomes by LEA

Percentage of Students with Disabilities Enrolled in Higher Education or Competitively Employed within One Year of Leaving School.

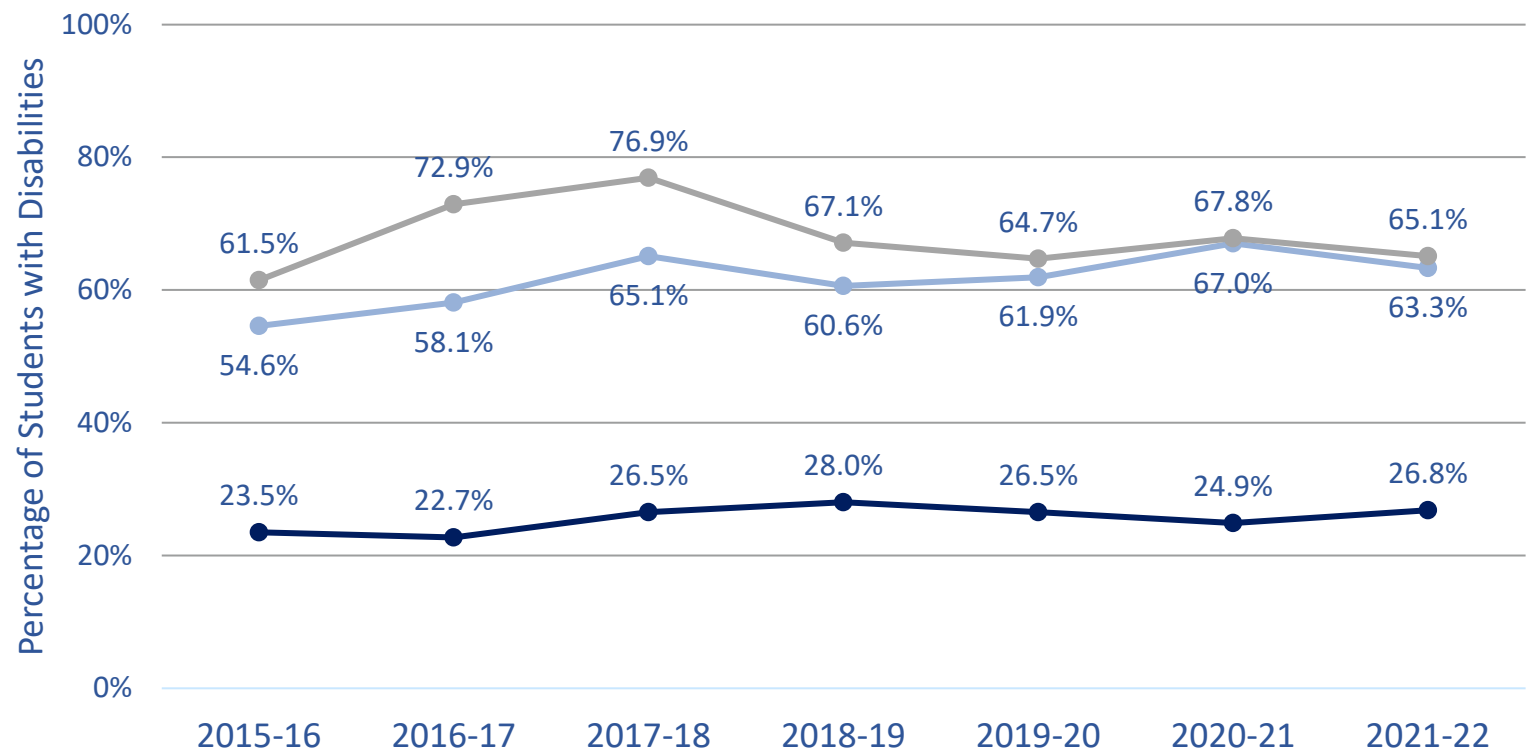


\*LEAs having less than 1% Students with Disabilities excluded.  
Data Source: Maryland CTE Works: CTE Participant Enrollment

# Maryland Postsecondary Outcomes

Percentage of students with disabilities by postsecondary outcome within one year of graduating high school.

- A: Enrolled in Higher Education**
- B: Enrolled in Higher Education or Competitively Employed**
- C: Enrolled in Higher Education or in Some Other Postsecondary Education or Training Program or Competitively Employed or in Some Other Employment**



Data Source: State Performance Plan/Annual Performance Report: Part B



# Significant Disproportionality

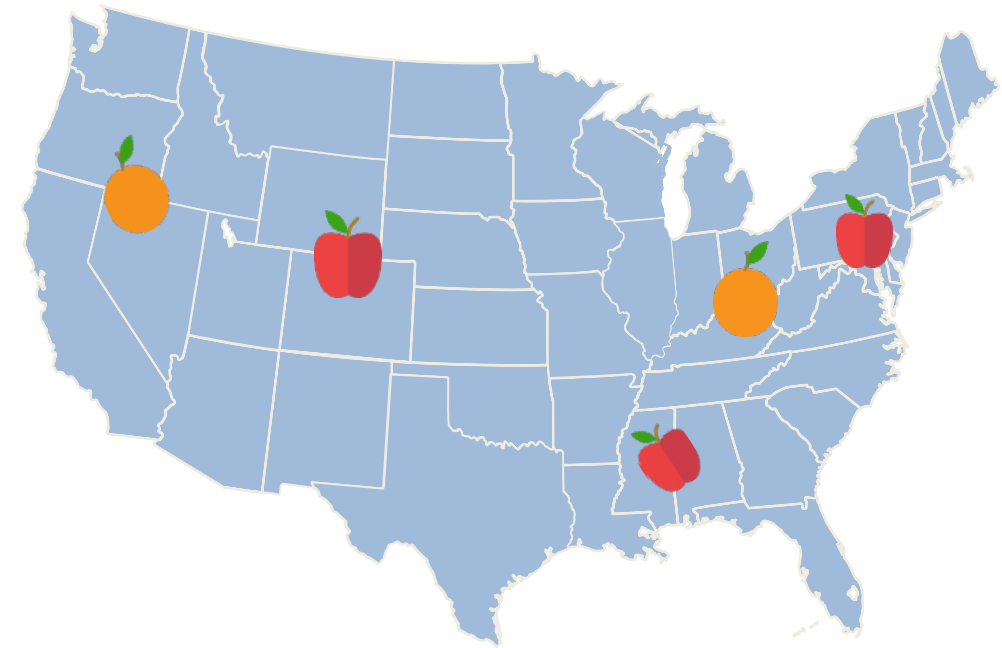
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5. *Dispute Resolution: Rights of Families*
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7. **Significant Disproportionality**
8. *Maryland Initiatives*

*Addressing significantly disproportionate representation of racial/ethnic groups in special education*

# Equity in Special Education

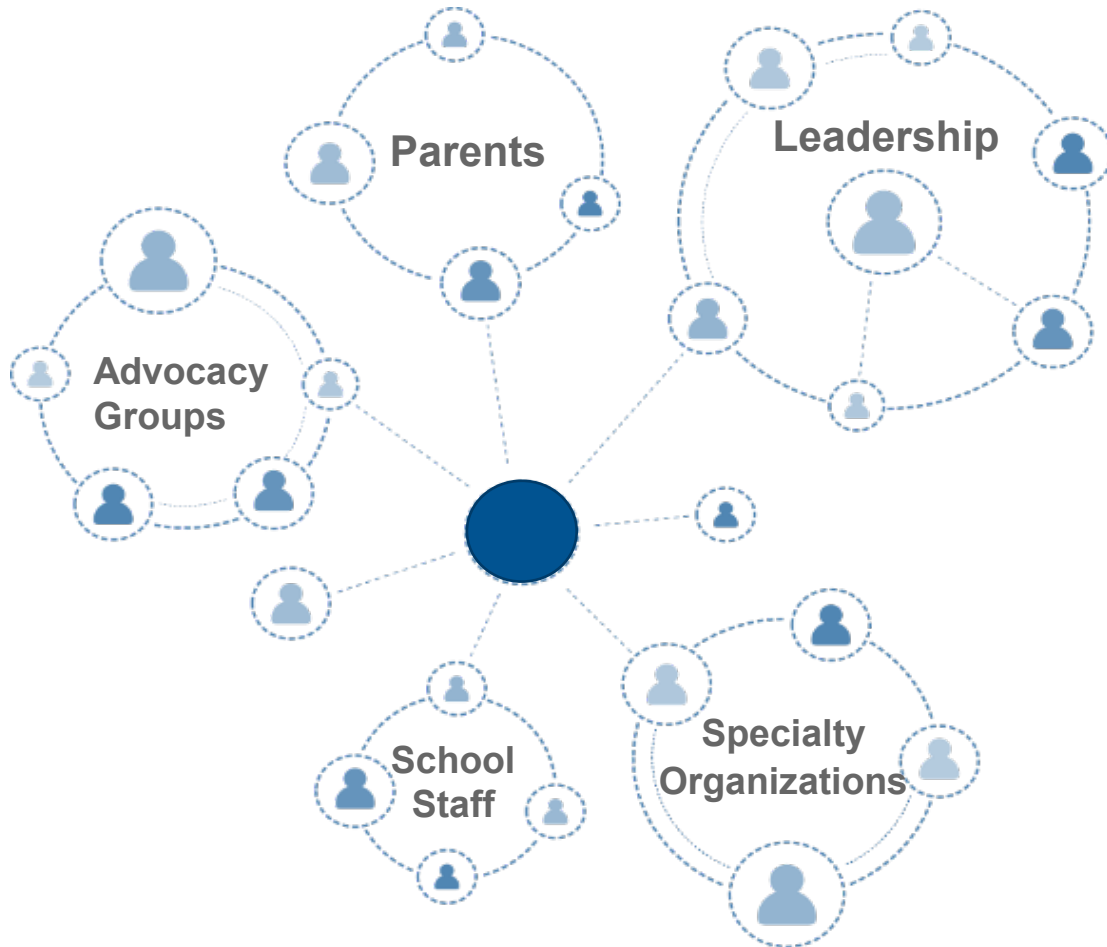
Revised Federal Regulations for Useful Comparisons Across States

- Provisions to **monitor racial disproportionality** in identification and placement were first introduced as part of **IDEA 1997**
- Those provisions were **strengthened in IDEA 2004** (added disciplinary removal and made interventions mandatory, including reservation of federal funds)
- This has been a **priority for the federal government and Maryland**, with impacts in both general education and special education
- In 2013, the Government Accountability Office (GAO) reported that about 2% of all State districts used IDEA funds to provide **coordinated early intervening services (CEIS)**
- The way states defined significant disproportionality made **identification unlikely; comparison and oversight difficult**



# Stakeholder Engagement

## Workgroups to Determine State Methodology



- Maryland State Board of Education
- Local School System Superintendents
- Deputy & Assistant State Superintendents
- Local Directors of Special Education
- Preschool Directors
- Disability Rights Maryland (DRM)
- Advocates for Children & Youth
- Juvenile Services Education System
- National Association for the Advancement of Colored People (NAACP)
- American Civil Liberties Union (ACLU)
- Maryland Coalition for Inclusive Education (MCIE)
- Institutes of Higher Education (IHE)
- Maryland Association of Nonprofit Special Education Facilities (MANSEF)
- Parents/Families
- Pathfinders for Autism
- Decoding Dyslexia
- The ARC Northern Chesapeake Region
- Maryland Coalition of Families
- Department of Juvenile Services
- Department of Human Services
- The Seed School of Maryland
- Developmental Disabilities Council
- Department of Rehabilitative Services
- Maryland State Education Association
- Homeless Education & Neglected and Delinquent Student Specialist



# Significant Disproportionality Methodology

**COMAR 13A.05.02.04**  
Adopted May 22, 2018

Based on race (all races) and ethnicity in any of the following 14 categories:

<p><b>Categories of Analysis</b></p>	<ul style="list-style-type: none"> <li><b>Identification</b> <ul style="list-style-type: none"> <li>As a student with a disability</li> <li>With a particular disability                             <ul style="list-style-type: none"> <li>Intellectual Disability</li> <li>Specific Learning Disability</li> <li>Emotional Disability</li> <li>Speech and Language Disability</li> <li>Other Health Impaired</li> <li>Autism</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Placement</b> <ul style="list-style-type: none"> <li>Inside Regular Education &lt; 40%</li> <li>Inside separate schools/residential facilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>Disciplinary Removals</b> <ul style="list-style-type: none"> <li>Out-of-school suspensions/expulsions 10 days or fewer</li> <li>Out-of-school suspensions/expulsions &gt; 10 days</li> <li>In-school suspensions 10 days or fewer</li> <li>In-school suspensions 10 days or fewer &gt; 10 days</li> <li>Total disciplinary removals, including removals by school personnel to and interim alternative education setting (IAES) and removals by hearing officer</li> </ul> </li> </ul>
<p><b>Population</b></p>	<ul style="list-style-type: none"> <li>Ages 3-5: Identification and Disciplinary Removals</li> </ul>	<ul style="list-style-type: none"> <li>Ages 6-21: Identification, Placement, and Disciplinary Removals</li> </ul>	
<p><b>Methodology</b></p>	<p>Method Federal-Driven</p> <ul style="list-style-type: none"> <li>Risk Ratio</li> </ul> <p>Threshold State-Driven</p> <ul style="list-style-type: none"> <li>2.0</li> </ul>	<p>Minimum cell size (numerator/students in identified group)</p> <ul style="list-style-type: none"> <li>5</li> </ul> <p>Minimum N-size (denominator/students in population)</p> <ul style="list-style-type: none"> <li>20</li> </ul>	
<p><b>Flexibility Options</b></p>	<p>Not identify an LEA until the LEA has exceeded the threshold for 2 prior consecutive years</p> <p style="text-align: center;"><u>AND</u></p> <p>Not identify an LEA if the LEA has demonstrated reasonable progress</p> <ul style="list-style-type: none"> <li>0.15 for risk ratios 2.0 – 4.0</li> <li>0.50 for risk ratios above 4.0</li> </ul>		
<p><b>Response to Identification</b></p>	<p>Review policies, procedures, and practices</p> <ul style="list-style-type: none"> <li>Require LEA to report on any revisions</li> </ul>	<ul style="list-style-type: none"> <li>Reserve 15% of Part B (611 and 619) fund allocation for comprehensive coordinated early intervening services (CCEIS)</li> <li>Submit CCEIS plan to MSDE                             <ul style="list-style-type: none"> <li>Focus: Root cause(s) of disproportionality</li> <li>Population: Students with <u>and</u> without disabilities</li> </ul> </li> </ul>	

# Categories of Analysis Matrix

98 Potential Areas of Significant Disproportionality

Category		Race/Ethnicity							
Identification	Identification: Special Education	ASIAN	BLACK AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	Identification = 49
	Identification: Intellectual Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Identification: Specific Learning Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Identification: Emotional Disability	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Identification: Speech or Language Impairments	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Identification: Other Health Impairments	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
Placement	Placement: Autism	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	Placement = 14
	Placement: Less than 40%	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
Disciplinary Removal	Placement: Separate School and Residential Facility	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	Disciplinary Removal = 35
	Discipline: Out-of-School Suspension: Less than/Equal to 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Discipline: Out-of-School Suspension: Greater than 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Discipline: In-School Suspension: Less than/Equal to 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Discipline: In-School Suspension: Greater than 10 days	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	
	Discipline: Sum Disciplinary Total	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER	HISPANIC/LATINO	TWO OR MORE RACES	AMERICAN INDIAN OR ALASKA NATIVE	WHITE	

# LEA 1 Scenario: Over-Identification for Intellectual Disability (ID) by Race

## Year 1

$$\frac{30 \text{ Black students with ID in LEA 1}}{100 \text{ total Black students in LEA 1}} = \frac{30}{100} = 0.30$$

$$\frac{100 \text{ non-Black students with ID in LEA 1}}{1,000 \text{ total non-Black students in LEA 1}} = \frac{100}{1,000} = 0.10$$

$$\text{Risk Ratio: } \frac{0.30}{0.10} = 3.0$$

Black students are 3 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

## Year 2

$$\frac{27 \text{ Black students with ID in LEA 1}}{100 \text{ total Black students in LEA 1}} = \frac{27}{100} = 0.27$$

$$\frac{100 \text{ non-Black students with ID in LEA 1}}{1,000 \text{ total non-Black students in LEA 1}} = \frac{100}{1,000} = 0.10$$

$$\text{Risk Ratio: } \frac{0.27}{0.10} = 2.7$$

Black students are 2.7 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

## LEA 1 Significant Disproportionality Determination

- Was LEA 1 disproportionate (RR over 2.0) for two consecutive years?
  - Year 1 – 3.0
  - Year 2 – 2.7
- Was RR for Year 1 between 2.0 and 4.0?
- Did LEA 1 make reasonable progress (0.15) between Year 1 and Year 2?
  - RR 3.0 – RR 2.7 = 0.30
  - 0.30 > 0.15

REASONABLE PROGRESS WAS MADE

**Determination:**  
NOT SIGNIFICANTLY DISPROPORTIONATE

# LEA 2 Scenario: Over-Identification for Emotional Disability (ED) by Race

## Year 1

$$\frac{30 \text{ Black students with emotional disabilities (ED)}}{100 \text{ total Black students}} = \frac{30}{100} = 0.30$$

$$\frac{100 \text{ non-Black students with ED}}{1,000 \text{ total non-Black students}} = \frac{100}{1,000} = 0.10$$

Risk Ratio:  $\frac{0.30}{0.10} = 3.0$

Black students are 3.0 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

## Year 2

$$\frac{29 \text{ Black students with ED}}{100 \text{ total Black students}} = \frac{29}{100} = 0.29$$

$$\frac{100 \text{ non-Black students with ED}}{1,000 \text{ total non-Black students}} = \frac{100}{1,000} = 0.10$$

$$\frac{0.29}{0.10} = 2.9$$

Black students are 2.9 times more likely to be identified as having an intellectual disability than their non-Black peers in LEA 1

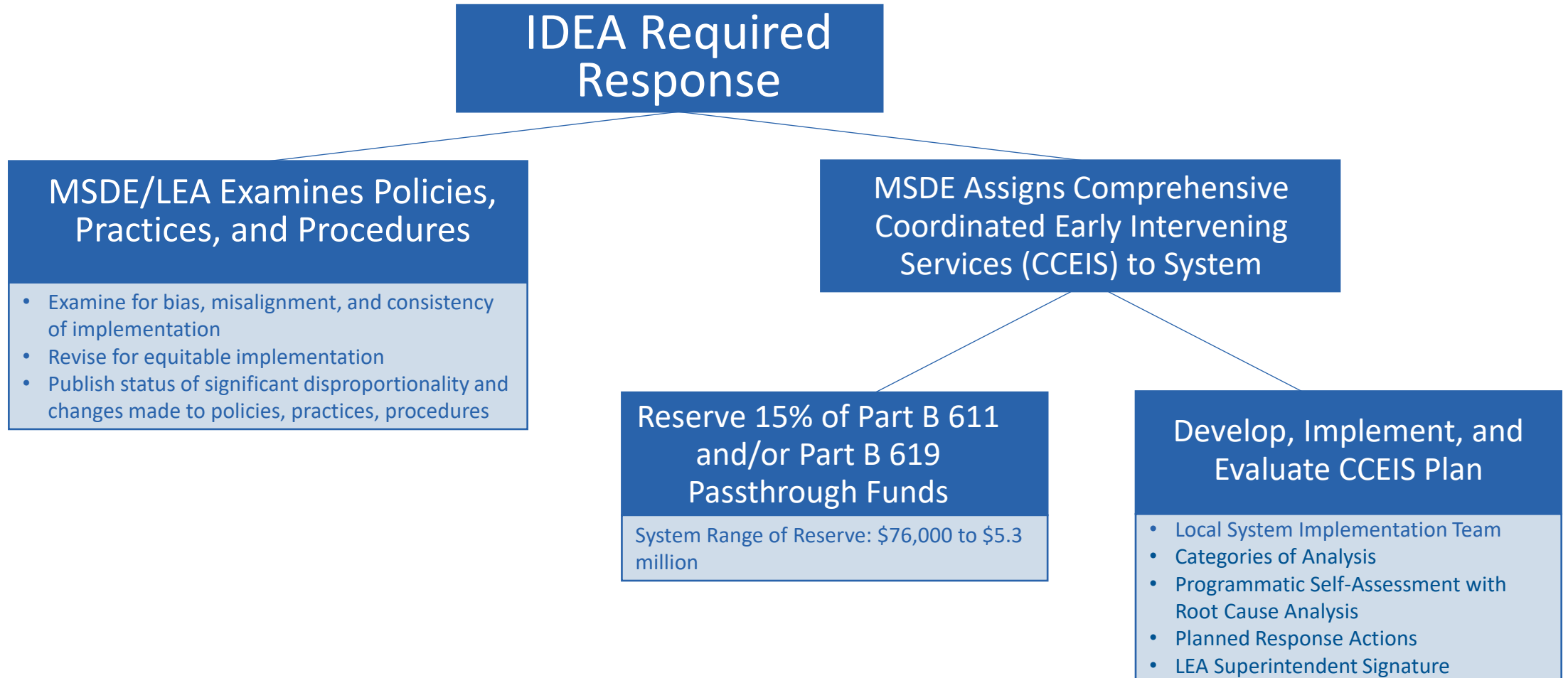
## LEA 2 Significant Disproportionality Determination

- Was LEA 2 disproportionate (RR over 2.0) for two consecutive years?
  - Year 1 - 3.0
  - Year 2 - 2.9
- Was RR for Year 1 between 2.0 and 4.0?
- Did LEA 2 make reasonable progress (0.15) between year 1 and year 2?
  - RR 3.0 - RR 2.9 = 0.10
  - 0.10 < 0.15

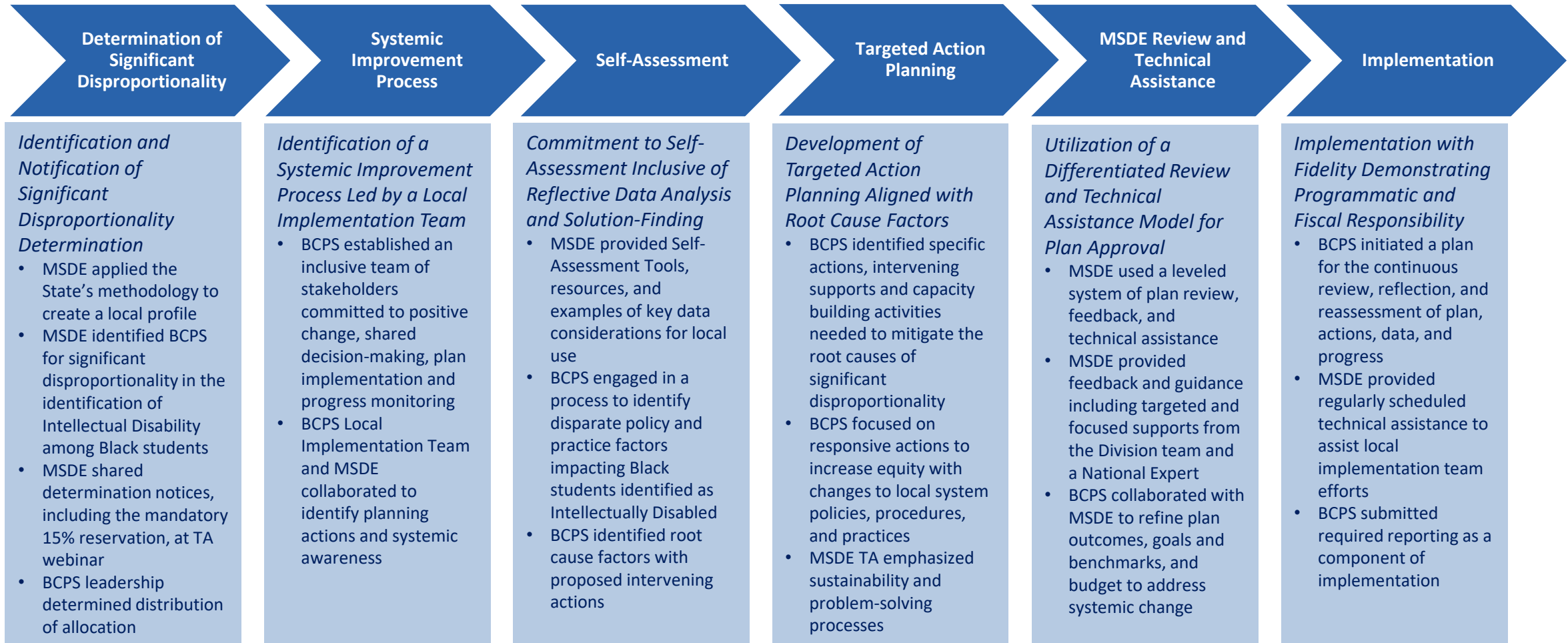
REASONABLE PROGRESS WAS NOT MADE

**Determination:**  
SIGNIFICANTLY DISPROPORTIONATE

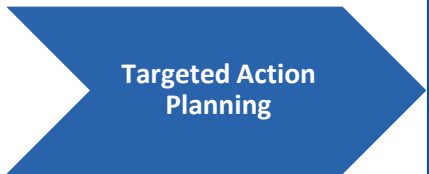
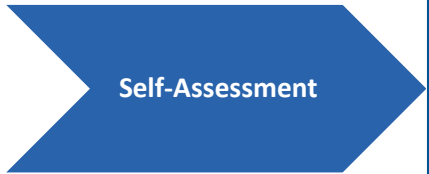
# IDEA Required Response



# Baltimore County Public Schools Under Comprehensive Coordinated Early Intervening Services Process for 2022-2023 School Year



# Baltimore County Public Schools CCEIS Process in Action



**Root Cause Factors**

- African-American/Black Students were 2.32 times more likely to be identified as having an intellectual disability than students in any other racial/ethnic group
  - Inconsistent implementation of pre-referral processes including Multitiered System of Supports (MTSS) and assessment procedures
  - Inconsistent practices related to eligibility determination and placement determination
  - Inconsistent access to early intervention supports and continuum of services available to diverse student populations across the district
- 58% of all students identified as having an intellectual disability are African-American/Black Students
  - Examination of eligibility determination trends across racial/ethnic groups and school settings for patterns indicative of implicit/explicit bias
  - Identified that many of the African-American/Black Students identified as having an intellectual disability were transfers. 72% of those students enrolled during the time period of 7/1/21-5/22/22 were determined eligible by neighboring LEAs

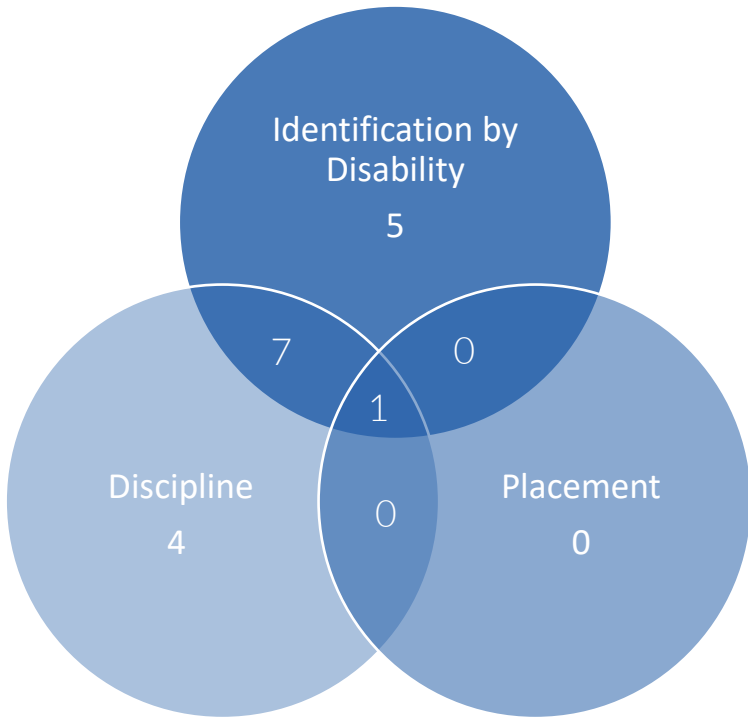
**Improvement Actions**

- System-wide implementation of the *Eligibility Determination Guidance Document* and *Intellectual Disability Worksheet*
  - Required professional learning related to BCPS Student Support Teams (SSTs) and IEP Team processes, procedures, and practices
  - Identification of pre-referral processes including MTSS, early intervention supports, and continuum of supports at targeted school sites having disproportionate numbers of African-American/Black Students identified as having intellectual disability
  - Implementation of mandatory 60-day IEP Team reviews for students entering BCPS with an intellectual disability determination
  - Cross divisional collaboration: Psychological Services, Special Education, Equity and Cultural Proficiency, and Student Support Services for increase systemic awareness and leadership support (co-development, co-implementation, and co-evaluation)
- System-wide implementation of a Self-Monitoring Process with automatic notifications relative to IEP Team decision-making related to intellectual disability determinations
  - Professional learning and coaching specific to MTSS to inform awareness, prevention and effective evidence-based supports
  - Fidelity checks for implementation of identified processes, procedures, and practices
- System-wide monitoring of pre-referral and referral trends across racial/ethnic groups and school setting to target specific professional learning needs relative to the impact of potential bias

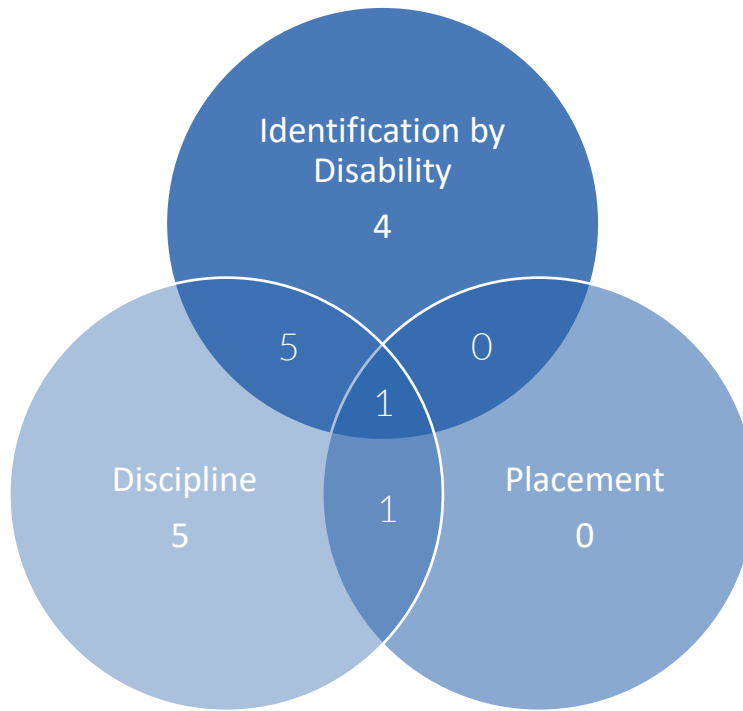
# State Significant Disproportionality

LEAs can be determined significantly disproportionate in three overarching categories: identification, placement, and discipline. State trends in disproportionality over the past three years are included below.

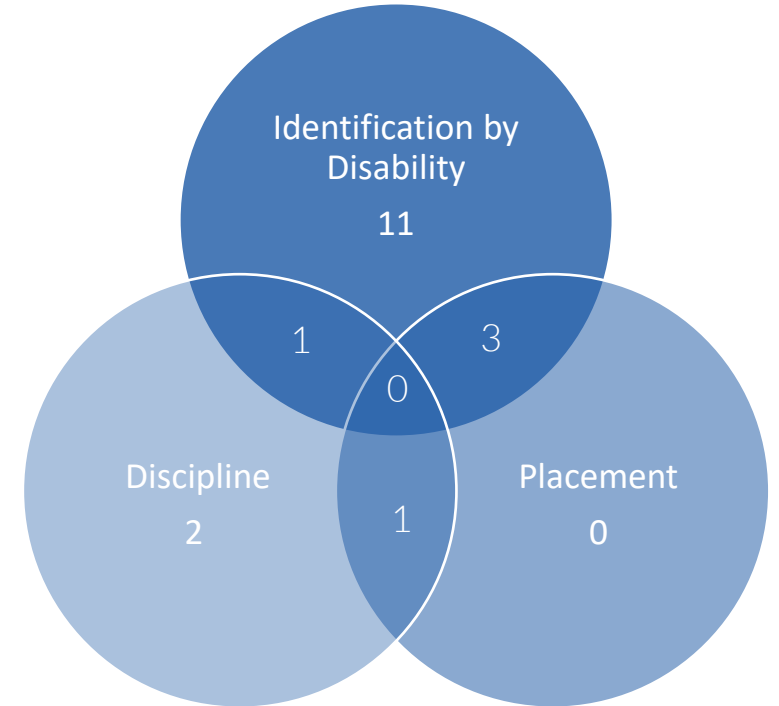
**2020 Data**  
(SY 2017 & SY 2018)



**2021 Data**  
(SY 2018 & SY 2019)



**2022 Data**  
(SY 2019 & SY 2020)

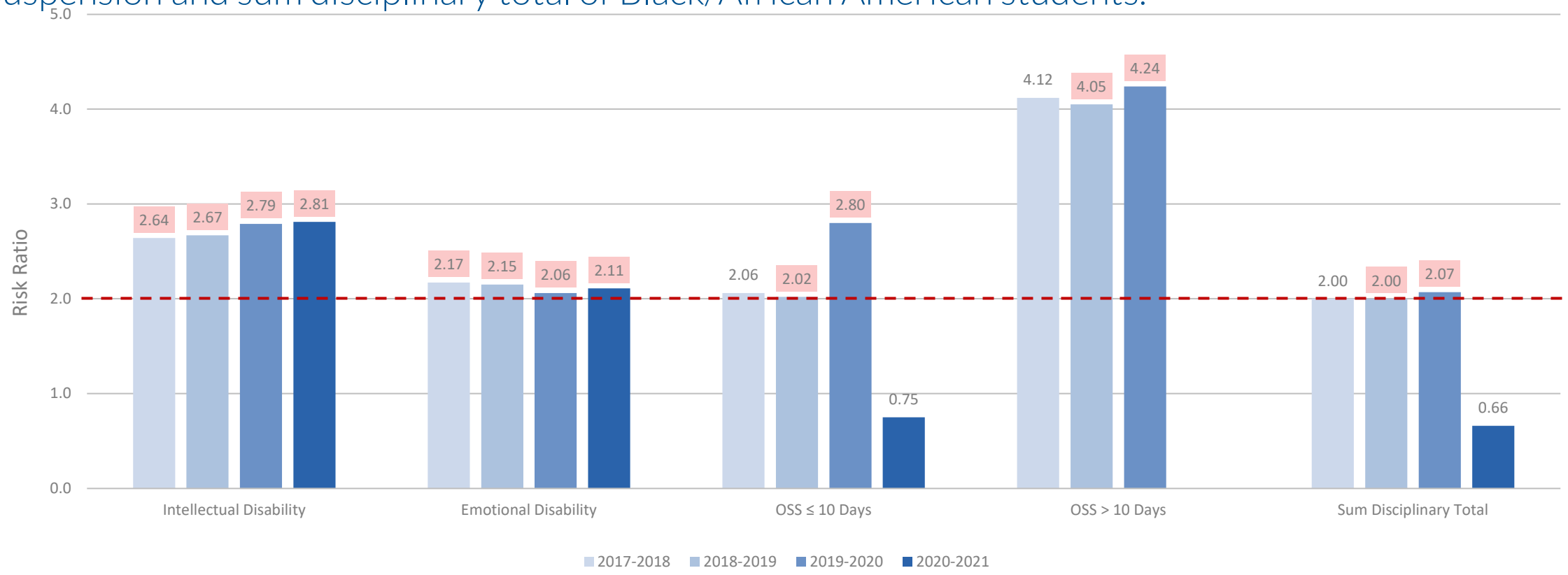


Data Source: Significant Disproportionality Profiles



# State Significant Disproportionality

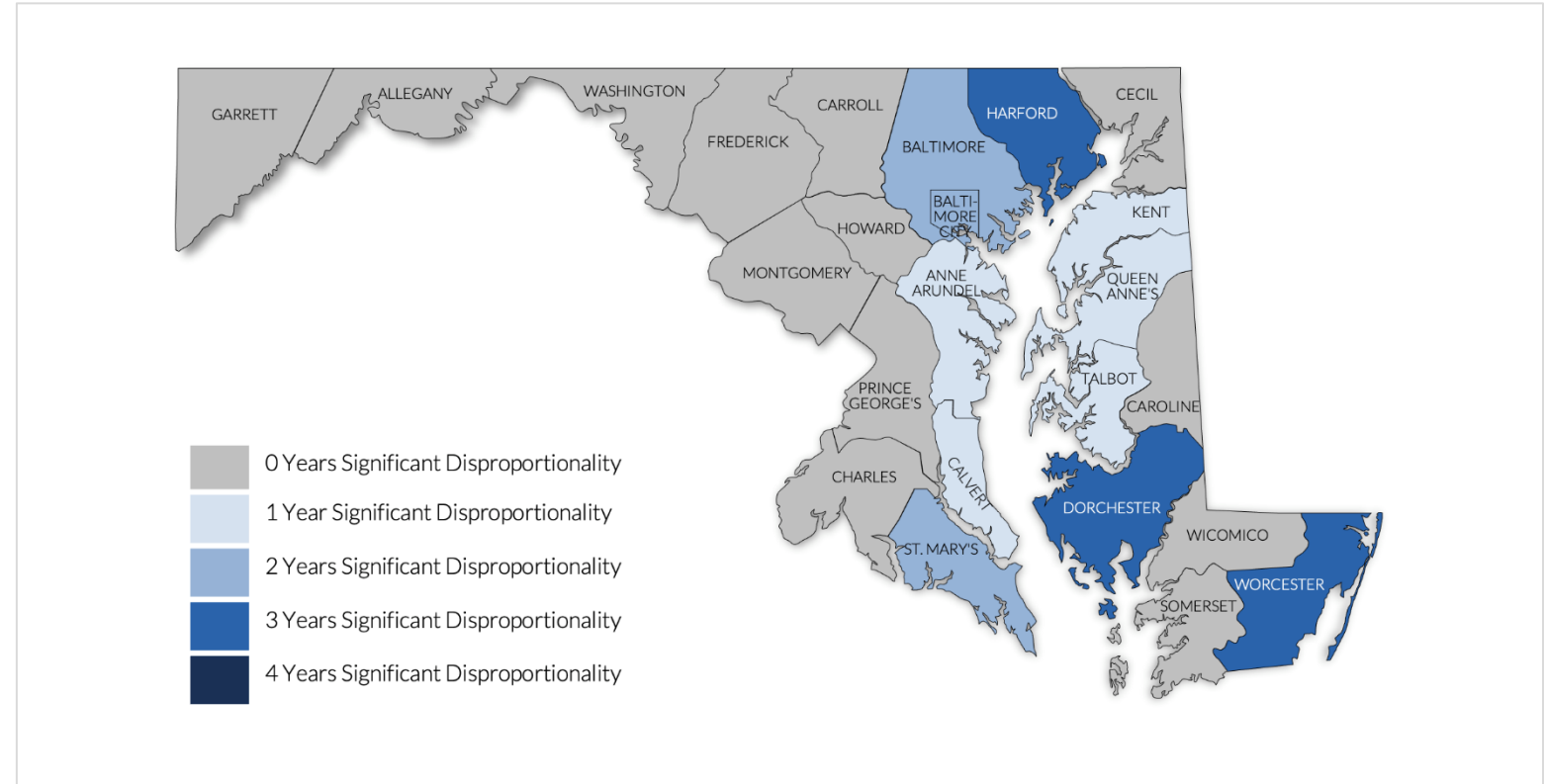
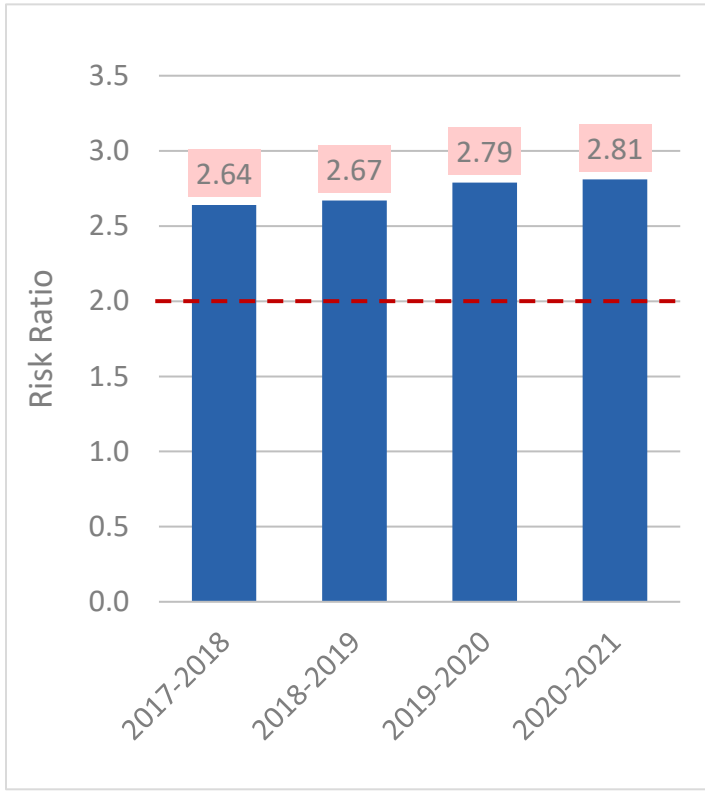
Over the past four years, Maryland has been significantly disproportionate in the identification of Black/African American students as intellectually and emotionally disabled and the out of school suspension and sum disciplinary total of Black/African American students.



Data Source: Significant Disproportionality Profiles

# Identification: Intellectual Disability

Maryland has been significantly disproportionate in the identification of Black/African American students as having an intellectual disability for the past four years; three LEAs have been significantly disproportionate in this area for three of those four years.

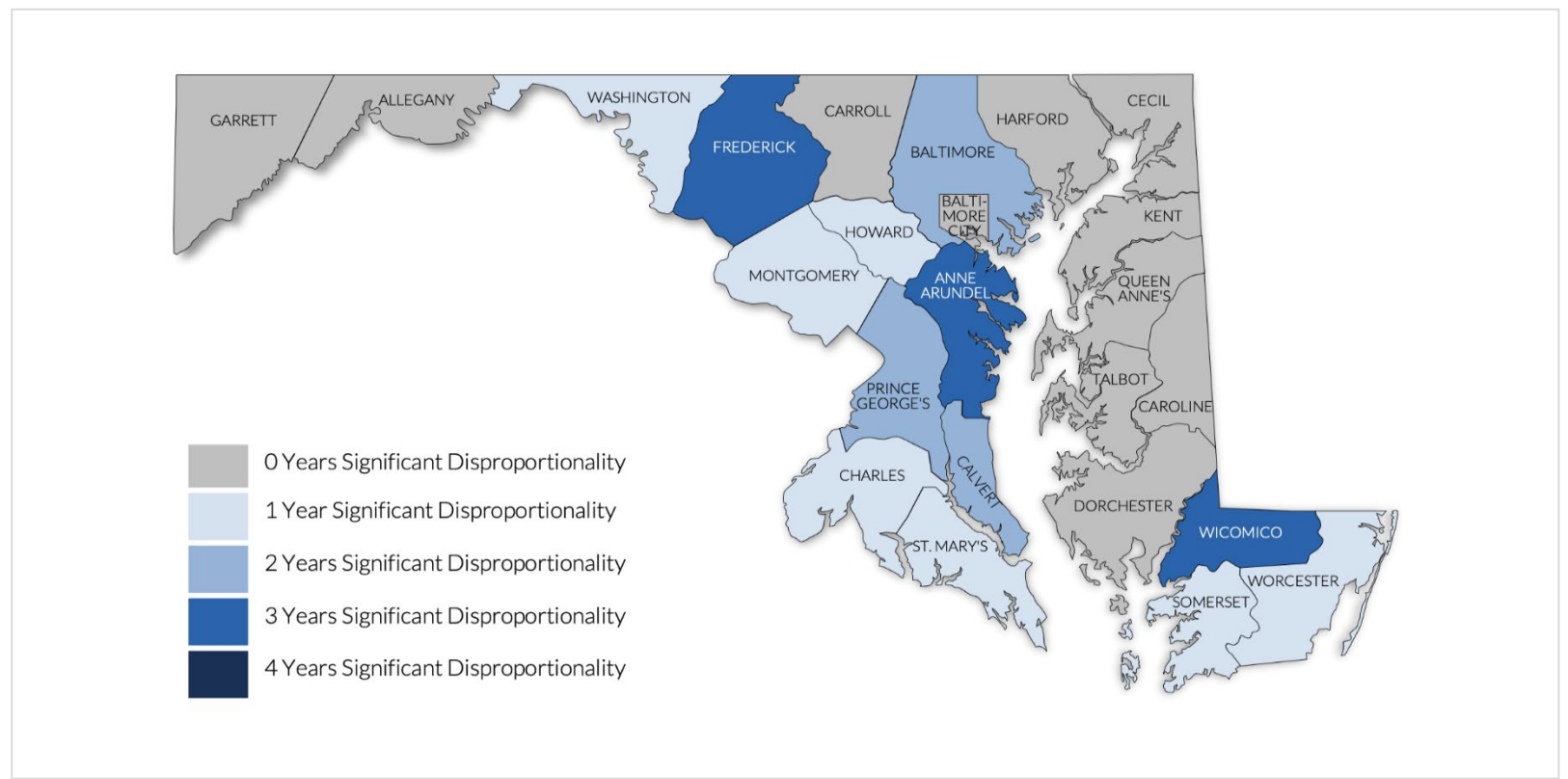
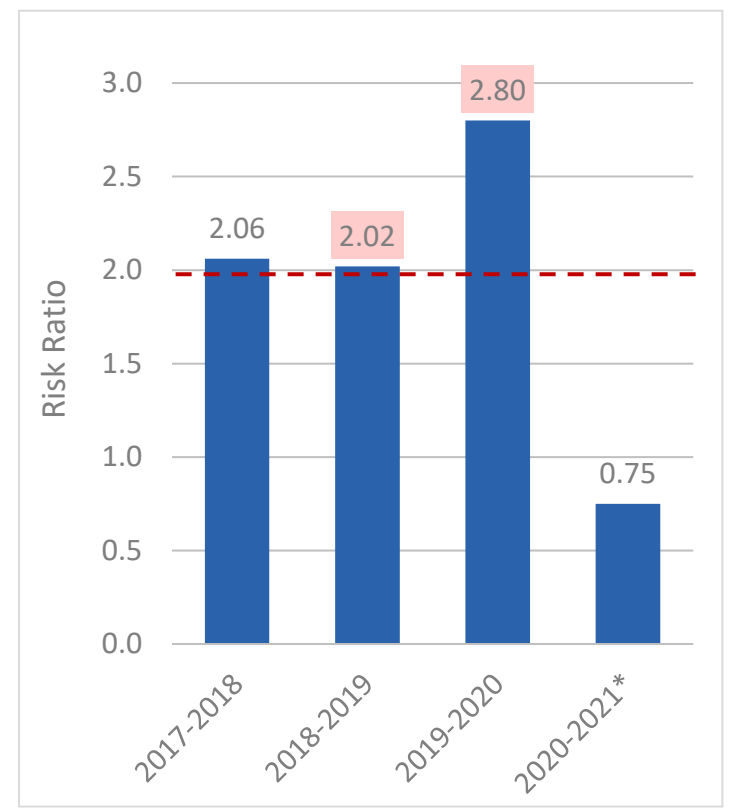


Data Source: Significant Disproportionality Profiles



# Discipline: Out of School Suspension $\leq$ 10 Days

Maryland has been significantly disproportionate in the out of school suspension (ten days or less) of Black/African American students for two of the past four years; three LEAs have been significantly disproportionate in this area for three years.

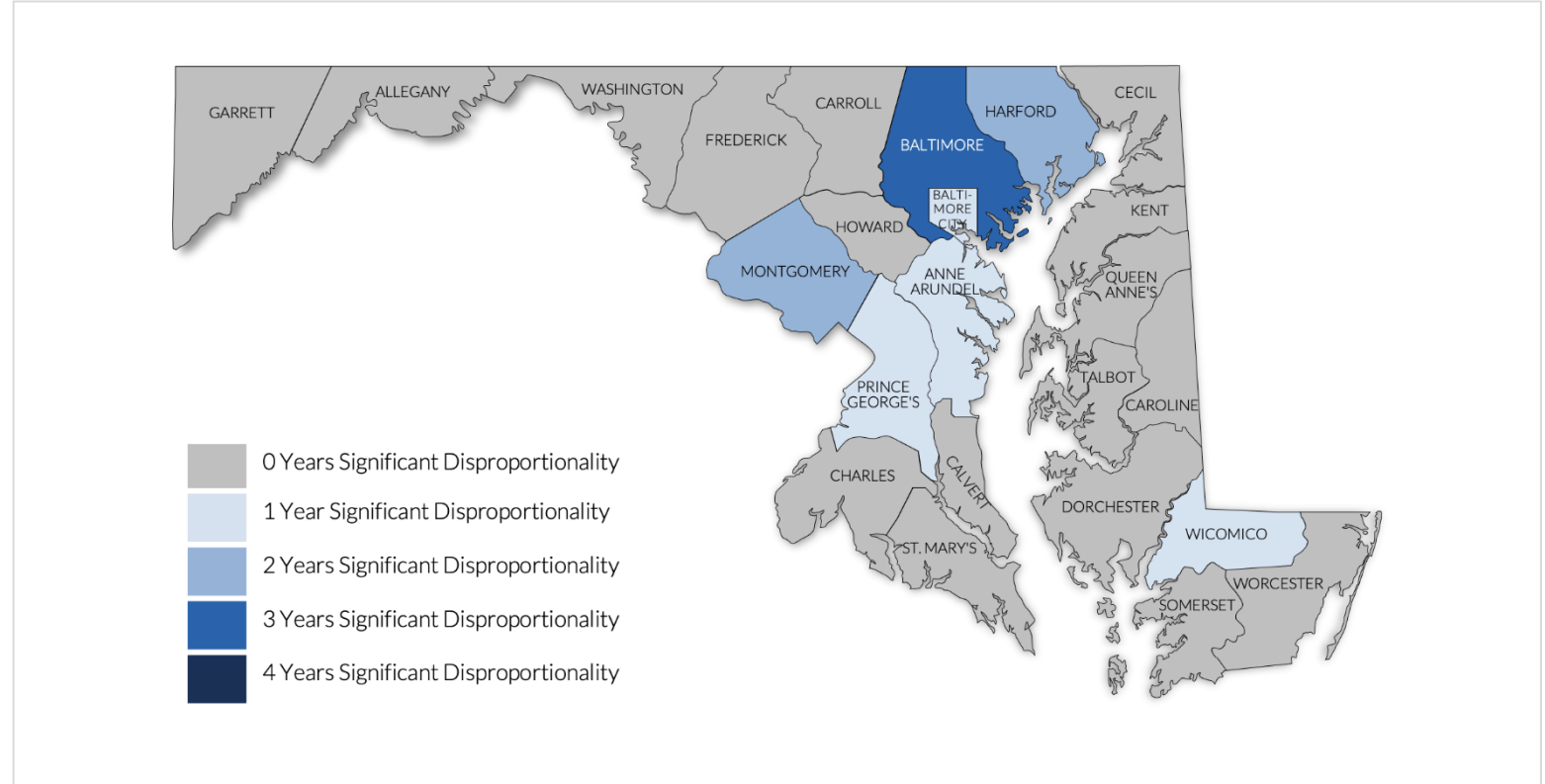
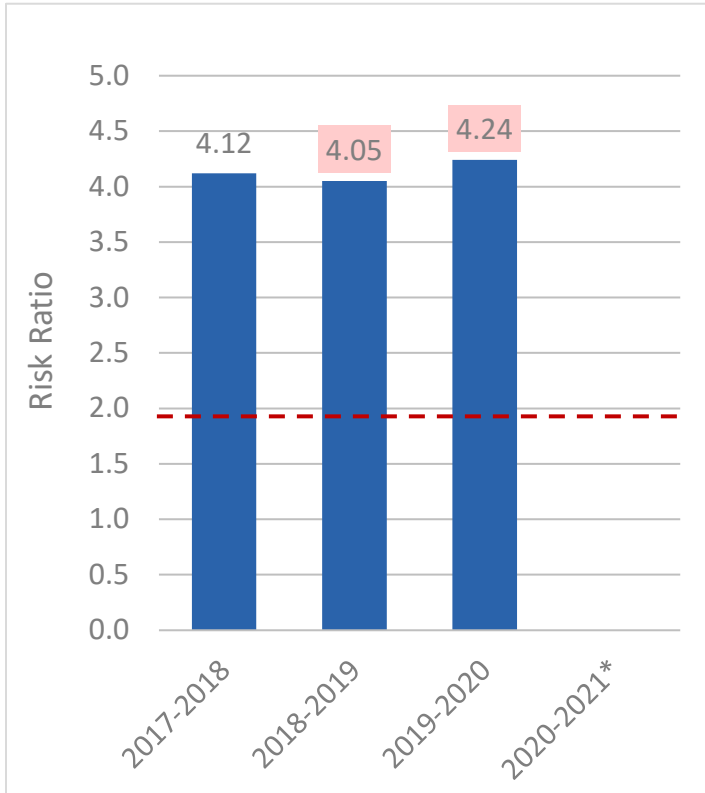


\* Virtual Instruction

Data Source: Significant Disproportionality Profiles

# Discipline: Out of School Suspension > 10 Days

Maryland has been significantly disproportionate in the out of school suspension (greater than 10 days) of Black/African American students for two of the past four years; One LEA has been significantly disproportionate in this area for three years.

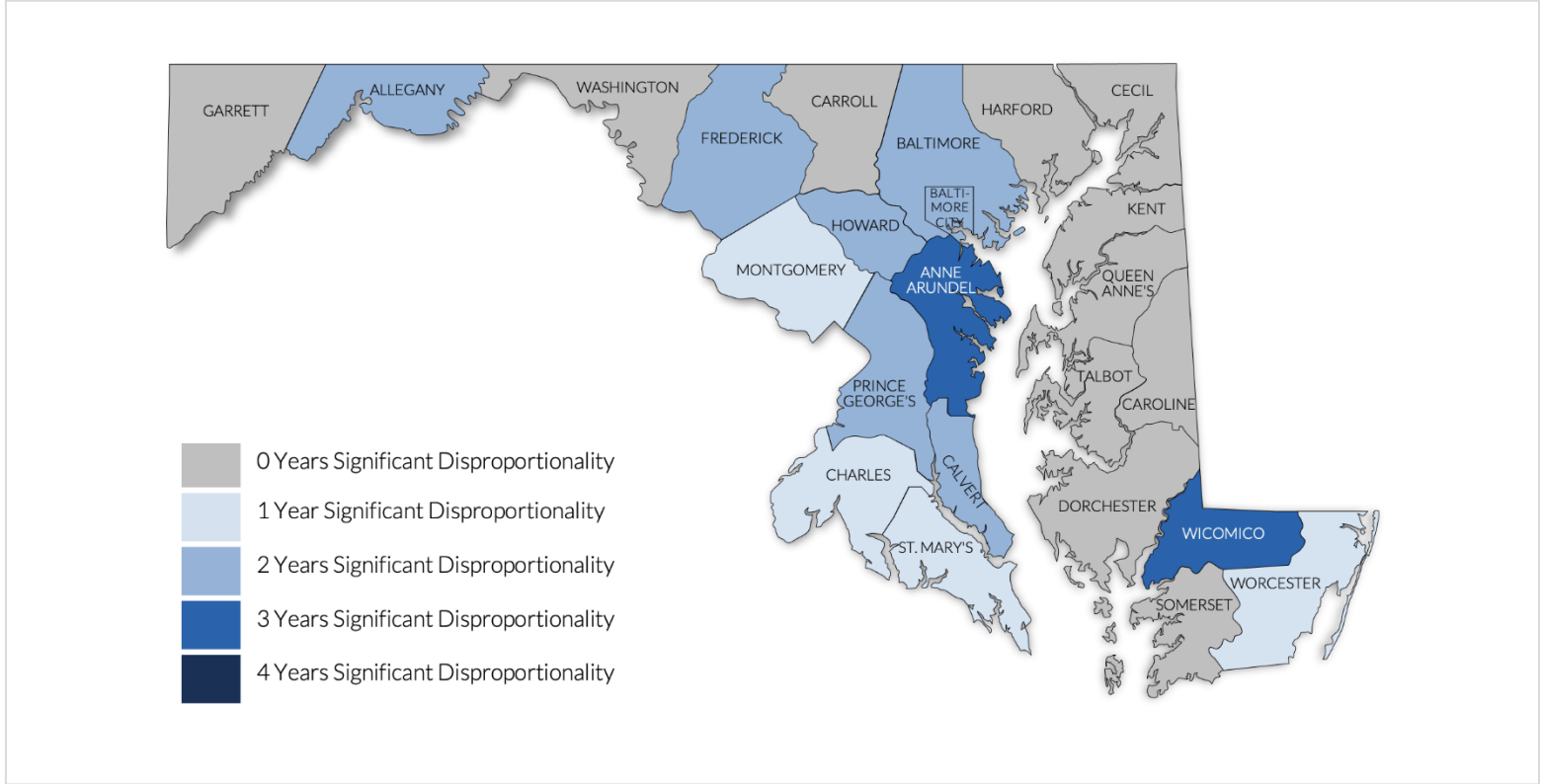
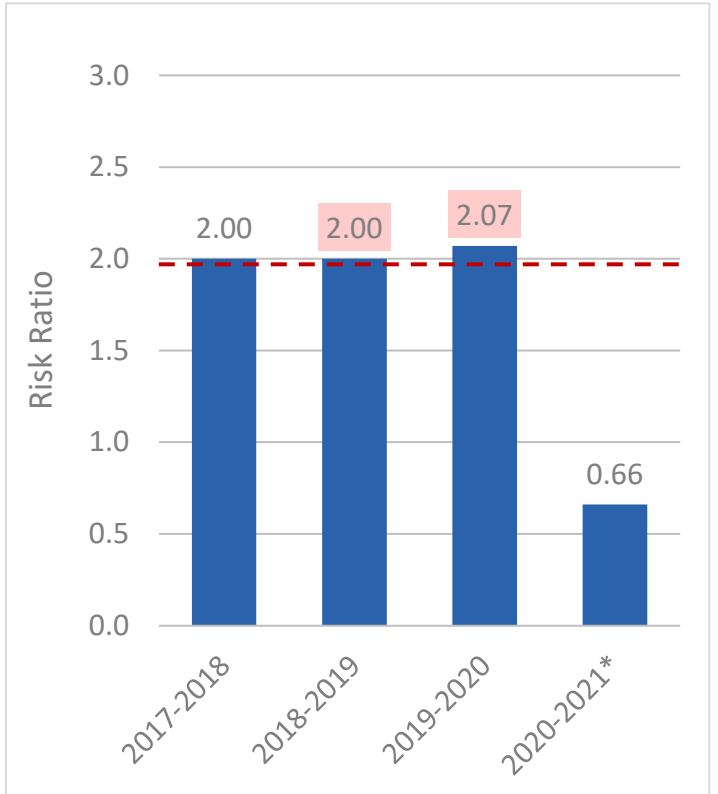


\* Virtual Instruction

Data Source: Significant Disproportionality Profiles

# Discipline: Sum Disciplinary Total

Maryland has been significantly disproportionate in sum disciplinary total for Black/African American students for two of the past four years; two LEAs have been significantly disproportionate in this area for three years.



\* Virtual Instruction

Data Source: Significant Disproportionality Profiles

# MSDE's Ongoing Response to Significant Disproportionality

## Current Response

- **Capacity building**
  - Equity specialists (1.5 FTE)
  - National expert
  - Regional liaison teams
  - Cross-divisional general and special education teams
- **Data-informed decision making**
  - Required use of Maryland Online IEP (MOIEP) significant disproportionality reporting tool (twice annually)
    - Identify trends at the state-, system-, school-, and student-level
  - Required use of local self-assessment tool to conduct root cause analysis
- **Accountability**
  - Approved system Comprehensive Coordinated Early Intervening Services (CCEIS) plans
  - Semi-annual and final programmatic and financial progress reporting
  - Cyclical subrecipient fiscal monitoring

## Response Moving Forward

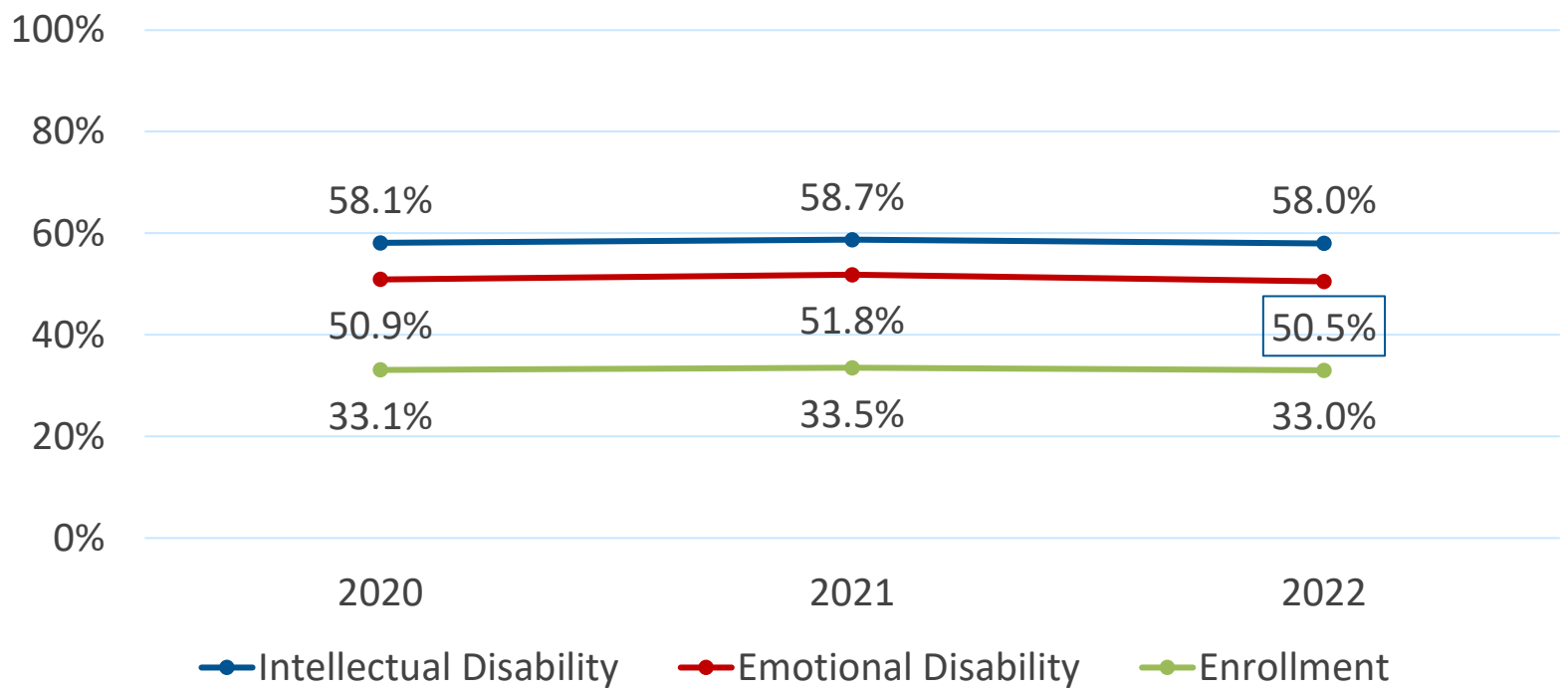
### Superintendent Charge

- Develop a robust, comprehensive statewide plan to identify and address disproportionality across all systems and demographic groups
- Convene a workgroup focused on addressing the overidentification of Black/African American students with intellectual disabilities to provide recommendations for systemic change
  - A guidance resource for school psychologists and IEP chairs will be released by summer 2023
  - Technical assistance sessions will be offered
- Implement an elevated response, including grant-making, to address over-identification, restricted placement, and disparate disciplinary removal of underserved students, including required corrective action

# Identification of Students over Time

The disproportionality in identification of Black/African-American students has not changed over the past few years.

Disability Identification Rates of Black/African-American Students



Black/African-American students are 33% of the state's student population but **over half of the students identified for intellectual and emotional disabilities.**



# Categories of LEAs

**Majority**

**Black/African-American:**  
At least 50% Black/African-American students

Baltimore City  
Charles  
Prince George's

**Diverse**

No race/ethnicity group more than 50% of students

Anne	Howard
Arundel	Montgomery
Baltimore County	Somerset
Dorchester	Wicomico

**Majority White**

More than 50% White students

Allegany	Harford
Calvert	Kent
Caroline	Queen Anne's
Carroll	Saint Mary's
Cecil	Washington
Frederick	Worcester
Garrett	

# Intellectual Disability Identification Rates

Black/African-American students were overidentified for an intellectual disability in every LEA but one in 2021-2022.

Black/African-American Proportions of Enrollment and Identification for an Intellectual Disability by LEA Category, 2022

	Black/African-American Enrollment <sup>2</sup>	Black/African-American ID rate <sup>2</sup>
<b>State</b>	<b>33%</b>	<b>58%</b>
Majority Black/African-American LEAs	61%	80%
Diverse LEAs	28%	44%
Majority White LEAs	14%	20%
Not Majority Black/African-American LEAs <sup>1</sup>	23%	35%

<sup>1</sup>Combination of Diverse LEAs and Majority White LEAs

<sup>2</sup>ID rate is the proportion of identified students that were Black/African-American.

# Emotional Disability Identification Rates

Black/African-American students were overidentified for an emotional disability in two-thirds of LEAs in 2021-2022.

Black/African-American Proportions of Enrollment and Identification for an Intellectual Disability by LEA Category, 2022

	Black/African-American Enrollment <sup>2</sup>	Black/African-American ID rate <sup>2</sup>
<b>State</b>	<b>33%</b>	<b>51%</b>
Majority Black/African-American LEAs	61%	83%
Diverse LEAs	28%	41%
Majority White LEAs	14%	18%
Not Majority Black/African-American LEAs <sup>1</sup>	23%	33%

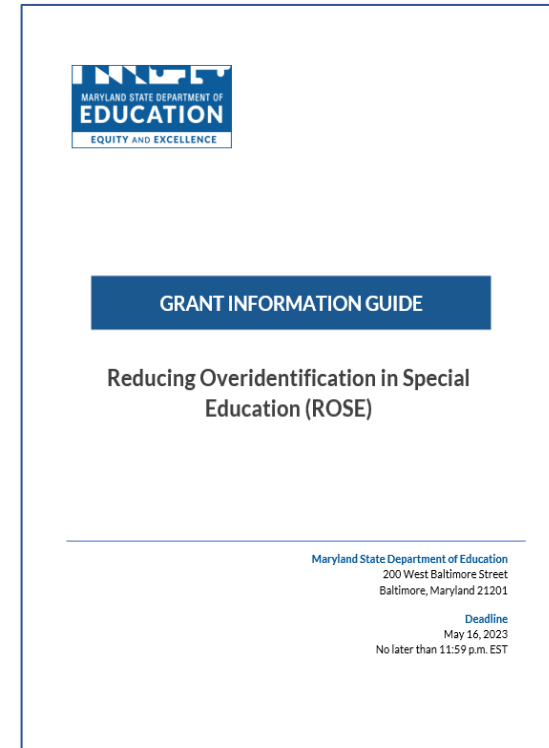
<sup>1</sup>Combination of Diverse LEAs and Majority White LEAs

<sup>2</sup>ID rate is the proportion of identified students to all students.

<sup>3</sup> Risk ratio is calculated as the Black/African-American ID rate divided by the non-Black/African-American ID rate. A risk ratio equal to 1 indicates no disproportionality.

# The Reducing Overidentification in Special Education Grant Program

- The \$3 million ROSE program is designed to seed resources for up to three local education agencies (LEAs) to mitigate the effects of pandemic learning loss on persistently underperforming students who **risk being misidentified for special education services due to their race, sex, gender, home language, and/or income status.**
- The program also connects to and **supports Blueprint implementation efforts associated with special education policies, processes, and practices.**
- Application release – March 1; Application due – May 16.



# The Reducing Overidentification in Special Education Grant Program

The program requires applicants to address all six required focus areas for the ROSE grant program:

- Conduct an **analysis of data** to determine where overidentification of students as intellectually and/or emotionally disabled based on race, sex, gender, home language, and income status exists;
- Develop and implement a **professional learning plan** that aligns to the root causes for overidentification;
- Develop and maintain **equitable policies, processes, and practices** that mitigate and eliminate opportunities for overidentification;
- Create or strengthen **pre-referral processes** that precede a student's referral for assessment to special education;
- Ensure systems and structures for **family engagement support and effective communication**; and
- Grant activities should complement, strengthen, and align to any existing **Comprehensive Coordinated Early Intervening Services (CEIS) programs**

Selected applicants will partner with a single, national leader awarded by MSDE for program implementation.



# Maryland Initiatives

1. *Individuals with Disabilities Education Act (IDEA)*
2. *Division of Early Intervention and Special Education Services*
3. *What Makes Maryland Unique?*
4. *COVID-19 and Compensatory Education/Recovery Services*
5. *Dispute Resolution: Rights of Families*
6. *Students with Disabilities Demographic and Outcome Data*
7. *Significant Disproportionality*
8. **Maryland Initiatives**

*Moving Maryland forward through strategic initiatives aimed at narrowing the gap*

# Grow Your Own

## Board Certified Behavior Analysts (BCBAs)

Grant Funding: *Maryland Elevates*

- Annual cohorts of 2 – 9 participants
- 2 - 3 year program
- Ongoing since 2013
- Participants are educators, psychologists, and other professionals
- 8 participating LEAs
- Graduate certificate from Johns Hopkins University School of Education
- Practicum experiences in educational setting
- Collaboration with Behavior Steering Committee to develop resources
- 50% tuition support
- 3 year service commitment in Maryland

## Teachers of the Visually Impaired (TVI)

Grant Funding: *Maryland Elevates* and *National Federation of the Blind*

- Cohort of 15
- 2 year program
- Began Fall 2021
- Participants are certified teachers
- 9 participating LEAs
- Master’s degree from Louisiana Tech
- Supervised practicum with the LEA
- Mentoring, community of practice, experiential learning and engagement with the blind community
- 100% tuition support
- 3 year service commitment in Maryland

## Special Education Teachers and Board Certified Behavior Analysts (BCBAs)

Grant Funding: *Maryland Leads*

- 2 cohorts of 16
- 2 year program
- Began Fall 2022
- Participants are certified teachers
- Frederick County Public Schools staff
- Master’s degree from Mount St. Mary’s University
- Supervised practicum in specialized afterschool/summer program.
- Mentorship and collaboration opportunities
- 100% tuition support and stipend for practicum
- 2 year service commitment in FCPS

# State Personnel Development Grant (SPDG)

## WHAT:

A competitive grant to provide focus on narrowing the gap and improving mathematics proficiency and social-emotional competency for elementary children with disabilities.

Highlights:

- \$5.5 million over 5 years
- Grant period: October 1, 2021 – Sept. 30, 2026
- One of 3 states competitively awarded funding in 2021-22
- One of 20 states recipients across 50 State Departments of Education

## WHY:

### Individual Student Math Proficiency & Social-Emotional Competence

- Disaggregated by Race and Disability Label
- Growth over time (Math and SEL)
- Gap with All Students

### Fidelity of Implementation/Teacher Knowledge & Skills

- Mathematics SDI
- Social-Emotional Learning
- Implementation of Teacher Learning & Coaching

### Demonstration Sites for Replication

District/School Implementation  
University Personnel Preparation

## WHO:

### Baltimore County

- Mars Estates Elementary
- Scotts Branch Elementary

### Howard County

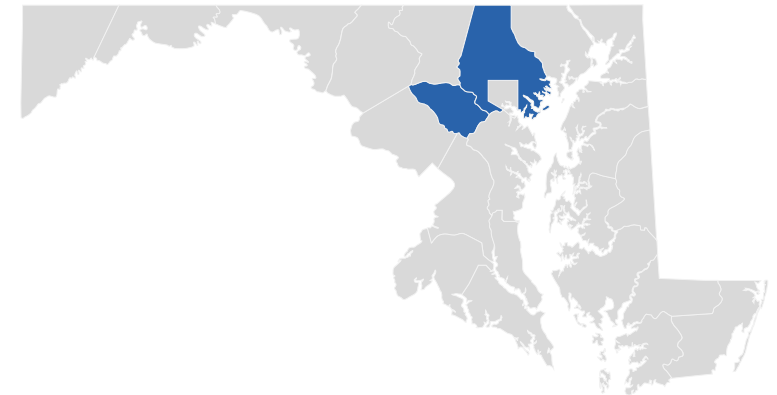
- Hanover Hill Elementary
- Jeffers Hill Elementary

### Partners

- Maryland Coalition for Inclusive Education
- Towson University

### National Experts

- Professional Learning: Dr. Thomas Guskey
- Mathematics: Dr. Jenny Root, Dr. Paul Riccomini, Dr. Emily Bouck
- Social-Emotional Learning: Dr. Douglas Fisher





# Blueprint: Prekindergarten for Students with Disabilities

Program	Current Description	Funding
Prekindergarten Expansion Grants Program (Prior Funding) <b>§7-101.2</b>	Private and public providers may apply for a grant to provide <b>full-day, high-quality prekindergarten for 3-year-olds and 4-year-olds</b> from families with incomes at <b>300% FPL or below. Children with disabilities and English learners are eligible regardless of income.</b> There is no cost to the families nor the District.	The FY2023 budget includes \$26,644,000.  Grantees receive \$13,000 per pupil
Maryland State Prekindergarten Program (State Share) <b>§5-229</b> <b>§7-1A-01 to §7-1A-09</b>	This program provides <b>funding to LEAs based on prior year enrollment</b> of 3-year-olds and 4-year-olds in full-day, high-quality prekindergarten. <b>Private providers may apply for a grant.</b> <ul style="list-style-type: none"> <li>• Prior year enrollment is based on the count of Tier I children (at 300% FPL or below) and Tier II (between 300%-600% FPL) (to be phased FY 2025)</li> <li>• <b>SWD who do NOT meet income requirements will not be counted as a part of prior year enrollment</b></li> </ul>	The FY2023 budget includes \$144 million.  Funding begins at <b>\$10,094 per pupil in FY2023</b> and rises to <b>\$19,526 per pupil by FY2030</b> , with increases for inflation thereafter.
Current § 7-1A-01 Definition		Proposed Expanded Definition
(i) “Tier I child: means a child: <ol style="list-style-type: none"> <li>(1) Who is 3 or 4 years old;</li> <li>(2) Whose family income is less than or equal to 300% of the federal poverty level; and</li> <li>(3) Whose family chooses to enroll the child in a full-day prekindergarten.</li> </ol>		(i) “Tier I child: means a child: <ol style="list-style-type: none"> <li>(1) Who is 3 or 4 years old;</li> <li>(2) Whose family income is less than or equal to 300% of the federal poverty level;</li> <li>(3) Children with disabilities, regardless of income;</li> <li>(4) Children from homes in which English is not the primary spoken language, regardless of income; and</li> <li>(5) Children experiencing homelessness, regardless of income; and</li> <li>(6) Whose family chooses to enroll the child in a full-day prekindergarten.</li> </ol>

# Blueprint: Funding for Students with Disabilities

Maryland’s Blueprint formula provides for Special Education funding each year that is the product of a per-pupil amount and the number of “enrolled in a public school in the prior fiscal year who required special education services as defined in the federal Individuals with Disabilities Education Act” (5-225).

- The exact per-pupil amount each year is determined by the statutory Special Education funding weight, where a weight is a proportion that is subsequently multiplied by a dollar amount, in this case the target per-pupil foundation amount.
- The amount of the weight is identified in law and, overall, increases over time – in FY 23 the weight is 86%; In FY 33 and beyond, the weight is 146%.
- The FY 23 per-pupil amount is \$7,147 ( $\$8,310 * 100\%$ ); the FY 33 per-pupil amount is \$18,053 ( $\$12,365 * 146\%$ ).

**In FY 23, the calculated per-pupil amount for Special Education students is \$7,147**

# Special Education Minimum School Funding in Statute

Maryland’s Blueprint law does not restrict Special Education fund usage but does require LEAs to ensure at least 75% of Special Education funds are allocated to the schools to directly support and serve eligible students.

- Title 5, section 234 of the Maryland Education article requires that each LEA distribute “at least 75% of the per pupil amount applicable to...the special education program under § 5–225...multiplied by the school enrollment for the applicable program”.
- § § 5–234 and 5–406 require LEAs to demonstrate and report, via a new statewide finance and data system, that funds have been allocated/budgeted and subsequently spent in accordance with the provisions of the law. Required § 5–234 reporting begins in FY 25.
- State Special Education funding under Blueprint, governed by Md. Code, Education § 5-225 further states:
  - Each school shall use the funds provided under this section to provide the services required by each student's individualized education program or 504 plans.
- MSDE will provide additional accountability through annually sampling and auditing reported spending to ensure reported spending matches supporting documentation.

# Questions?