



INDIANA
DEPARTMENT *of*
EDUCATION

INDICATOR 4

MONITORING AND COMPLIANCE GUIDE

Indiana Department of Education

Office of Special Education

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Indicator 4: Suspension and Expulsion

Definition

- a. Percentage of local education agencies (LEAs) with significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.
 - i. As part of the Indiana Department of Education's (IDOE's) integrated monitoring system, LEAs are monitored for Indicator 4 compliance. Data submitted by LEAs is monitored to identify whether the c.
 - ii. IDOE uses three years of data when analyzing for significant discrepancy. The data making up each year's analysis contains the last three years of data lagged by one year. For example, for the FFY 2022 SPP/APR submission submitted February 1, 2024, data from the 2019-2020, 2020-2021, 2021-2022 school year was utilized for the calculation. If the LEA exceeds the state-established threshold for three consecutive years, the file review is conducted to determine if significant discrepancy is due to inappropriate policies, practices, and procedures.
- b. Percentage of LEAs with (a) significant discrepancy by race/ethnicity in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs and (b) policies, procedures, and/or practices that contribute to the significant discrepancy, and do not comply with the requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.
 - i. As part of IDOE's integrated monitoring system, LEAs are monitored for Indicator 4 compliance. Data submitted by LEAs is monitored to identify whether the rate at which a particular racial or ethnic group of students with disabilities is subjected to removals totaling more than 10 days is more than twice as high as the LEA's rate at which all racial or ethnic groups of students without disabilities are suspended/expelled more than 10 days, for three consecutive years. Comparisons are made using a rate ratio.
 - ii. The numerator of the rate ratio is the rate of students with disabilities from a particular racial or ethnic group who are removed more than 10 days in a school year compared to the number of children with disabilities of that race in the LEA. The denominator of the rate ratio for particular racial or ethnic group is the rate of students without disabilities who are removed more than 10 days in a school year compared to the number of children without disabilities in the LEA. If that rate ratio exceeds the state-established threshold for three consecutive years for the same race, the file review is conducted to determine if significant discrepancy of a

particular race/ethnicity is due to inappropriate policies, practices, and procedures. If a preliminary notice for Indicator 4B has been received, it means that the data submitted for your LEA shows that the rate ratio for students in a particular racial or ethnic group who have been removed more than 10 days is greater than two times the rate ratio for all racial or ethnic groups of students without disabilities in the LEA, for three consecutive years.

- iii. IDOE uses three years of data when analyzing for significant discrepancy. The data making up each year's analysis contains the last three years of data lagged by one year. For example, for the FFY 2022 SPP/APR submission submitted February 1, 2024, data from the 2019-2020, 2020-2021, 2021-2022 school year was utilized for the calculation. If the LEA exceeds the state-established threshold for three consecutive years, the file review is conducted to determine if significant discrepancy of a particular race or ethnicity is due to inappropriate policies, practices, and procedures.

Monitoring Cycle

LEAs are notified of the identification of significant discrepancy for three consecutive years, 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 of provision of the data from IDOE.

Following the data review, IDOE will complete a policy and procedure review based on the state developed rubric to examine local policies related to disciplinary practices for students with disabilities. 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, including use of positive behavioral interventions and supports and procedural safeguards.

Annually, IDOE will notify LEAs of compliance status. LEAs identified as noncompliant will participate in technical assistance to correct noncompliance.

Yearly Review Cycle

At the end of each calendar year, discipline data (DOE-ES) is retrieved by an IDOE Special Education Specialist and is checked for potential errors. The Indiana Department of Education (IDOE) data specialist will then run data analysis to determine each LEAs status for inclusion in the calculation and for further examination. LEAs that are identified in the analysis with a rate ratio that exceeds the state criteria for three

years are flagged. By May, a preliminary notice is sent to the identified LEAs for review that a file, policy, and procedure review will take place. By May, IDOE will contact the identified LEAs with information regarding their review and will then select files for review of students who have been removed for more than 10 days in the school year. By November, the file review will be completed to determine which LEAs are out of compliance, are in continued noncompliance, and/or longstanding noncompliance for Indicator 4 for Results Driven Accountability (RDA). LEAs with noncompliance will be notified by an IDOE special education specialist of the noncompliance identified. The LEAs are then required to participate in corrective action to address the noncompliance.

State Targets

Indicator 4A

Indicator 4A- Suspension/Expulsion						
Target Year	2020	2021	2022	2023	2024	2025
Target Data	1.70%	1.65%	1.60%	1.55%	1.50%	1.45%

Indicator 4B

Indicator 4B- Suspension/Expulsion						
Target Year	2020	2021	2022	2023	2024	2025
Target Data	0%	0%	0%	0%	0%	0%

LEA Findings

Indicator 4A Finding Identification

An identified LEA must exceed the minimum rate ratio for three consecutive years. For Indicator 4A, that means that for an identified LEA it has been determined that students with disabilities in the school district were subject to removals of greater than 10 days at a rate that exceeds two times the rate of removal for students without disabilities within

the LEA for three consecutive years. Following this determination, IDOE will then utilize the STNs that met the file review criteria in those LEAs to determine whether the removal of those students was in compliance with Article 7 and IDEA requirements. This determination is based on evidence provided by each LEA to demonstrate that the removal was not due to the LEA's failure to implement the child's IEP and that the removal was not a manifestation of the student's disability.

Indicator 4B Finding Identification

An identified LEA must exceed the minimum rate ratio for three consecutive years. For Indicator 4B, this means that for an identified LEA it has been determined that students of a particular race or ethnic group with disabilities in the school district were subject to removals of greater than 10 days at a rate that exceeds two times the rate of removal for students without disabilities within the LEA for three consecutive years. Following this determination, IDOE will then utilize the STNs that met the file review criteria in those districts to determine whether the removal of those students was in compliance with Article 7 and IDEA requirements. This determination is based on evidence provided by each LEA to demonstrate that the removal was not due to the LEA's failure to implement the child's IEP and that the removal was not a manifestation of the student's disability.

Correction of Noncompliance and Tiered Support

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 4 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

When IDOE provides the results of the file review, the LEA will respond to any areas of concern identified that indicate noncompliance, and correct 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.

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

LEAs with New Findings

Tier one technical assistance is provided when an LEA has been identified to have a new finding. All LEAs in tier one will complete a root cause analysis and develop a corrective action plan to address the identified areas contributing to noncompliance. IDOE will meet with the LEA at least twice per school year, either virtually or in person, to review progress and revise the plans as needed. In the initial meeting with IDOE, the file review rubric will be reviewed with the LEA. Subsequent meetings will focus on tracking of action items in the corrective action plan and implementation of corrective action.

LEAs in Year 2 Findings - Continued Findings

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 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. The initial and subsequent file review rubric and previously created corrective action plan will be reviewed and IDOE will provide individualized feedback to the LEA to address any success gaps that are contributing to the continued noncompliance. The LEA will be required to participate in technical assistance as part of the corrective action plan.

LEAs with Longstanding Findings

LEAs that have not corrected noncompliance within 2 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. All technical assistance in this tier is individualized to better assist the school in meeting requirements for release from findings. IDOE will meet with the LEA to assist in developing a corrective action plan that addresses each concern identified. 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. LEAs with longstanding noncompliance will be required to participate in technical assistance as part of the corrective action plan.

Results Driven Accountability (RDA)

When a corporation meets the target for a particular compliance indicator, they are considered “compliant” and are assigned a score of 5. If the corporation has a “finding of noncompliance” for an indicator, the corporation is assigned a score of 1.¹ Indicator 4A is not included in the RDA scoring but is included as a non-scored indicator.

Category Weights for Compliance Index	
Category	Percentage Weight
Indicator 4B	8%
Indicator 9	8%
Indicator 10	8%
Indicator 11	22%
Indicator 12	22%
Indicator 13	22%
Continued Noncompliance	5%
Longstanding Noncompliance	5%
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

¹ If the compliance target (100% or 0%) is not met for the compliance indicators, the corporation is out of compliance and must correct the noncompliance within one year. For Indicators 11, 12, and 13, a corporation is designated as “substantially compliant” for the indicator and will receive a score of 5 if their compliance falls within a range of 95% - 100%. “Substantial compliance” is still considered a finding and must be corrected.

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"> ○ MTSS In Motion ○ Inclusive Instructional Practices ● <u>Workshops:</u> <ul style="list-style-type: none"> ○ <u>Developing Behavior Intervention Plans</u> ○ <u>Specially Designed Instruction: What, Where, When, and How</u> ○ <u>What Administrators Need to Know About SPED</u> <p><u>PATINS</u></p> <ul style="list-style-type: none"> ● <u>Jena Fahlbush: Supporting Behaviors for Students with Autism</u> <p><u>Office of Special Education Program (OSEP)</u></p> <ul style="list-style-type: none"> ● <u>Center on PBIS: Using PBIS to Ensure Racial Equality in School Discipline</u> ● <u>Center on PBIS: TA Approach for Equity in School Discipline</u> ● <u>Center on PBIS: Addressing Inequities in School Discipline</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.