

Equity in IDEA regulation: disproportionate representation, significant discrepancy, significant disproportionality

Element	Disproportionate Representation	Significant Discrepancy	Significant Disproportionality
Regulation	20 U.S.C. § 1416(a)(3)(C)	20 U.S.C. § 1416(a)(3)(A); § 1412(a)(22)	34 CFR §300.646-7
IDEA requirement	<p>Part B State Performance Plan/Annual Performance Report, Indicators 9 & 10</p> <p><u>Indicator 9:</u> Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification</p> <p><u>Indicator 10:</u> Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification</p>	<p>Part B State Performance Plan/Annual Performance Report, Indicators B4</p> <p><u>Indicator 4A:</u> Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs</p> <p><u>Indicator 4B:</u> Percent of districts that have: (a) a significant discrepancy, by race or 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, or practices that contribute to the significant discrepancy</p>	<p>Determine whether significant disproportionality based on race/ethnicity is occurring with respect to:</p> <ul style="list-style-type: none"> • The identification of children with disabilities • The placement of children in particular educational settings • The incidence, duration, and type of disciplinary actions, including suspensions and expulsions
Determining the Cohort (methodology)	<p><u>Step 1:</u> Determine which districts meet the state’s definition of disproportionate representation</p> <p><u>Step 2:</u> Determine if disproportionate representation is due to inappropriate identification through a review of policies, procedures, and practices</p>	<p>For Indicator 4, states must calculate:</p> <p>The rate of suspensions/expulsions for children with disabilities among districts within the state</p>	<p>For each analysis category (i.e., identification, placement, discipline), state must calculate a risk ratio for each LEA for each of the racial and ethnic groups.</p> <p>– Exception: If the particular racial/ethnic group being analyzed does not meet the minimum cell size or minimum n-size then the state does not calculate a risk ratio.</p> <p>– Exception: If the comparison group in the LEA does not meet the minimum cell size or</p>

			the minimum n-size, then the state must calculate an alternate risk ratio.
Data to review	<p>Children ages 6-21</p> <p>All seven racial and ethnic groups: Hispanic/Latino; American Indian or Alaskan native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; White; and two or more races.</p> <p>For B9: all disabilities</p> <p>For B10: disability categories including:</p> <ul style="list-style-type: none"> • Intellectual Disability • Specific Learning Disabilities • Emotional Disturbance • Speech or Language Impairments • Other Health Impairments • Autism 	<p>Children ages 6-21</p> <p>All disabilities</p> <p>Indicator 4A: Out of school suspension/expulsions greater than 10 days</p> <p>Indicator 4B: Out of school suspensions/expulsions greater than 10 days for each of the seven racial and ethnic groups.</p>	<p>All seven racial/ethnic groups.</p> <p><u>Identification including:</u> Ages 3-21 All disabilities and specific disability categories of: intellectual disability, specific learning disabilities, emotional disturbance, speech or language impairments, other health impairments, and autism</p> <p><u>Placement including the categories of:</u> Ages 6-21 Inside general education class less than 40 percent of day and separate schools and residential facilities</p> <p><u>Discipline:</u> Ages 3-21 Including the categories of: out-of-school suspensions/ expulsions of 10 days or less, out-of-school suspensions (including expulsions) of greater than 10 days, in-school suspensions of 10 days or less, in-school suspensions of greater than 10 days, total disciplinary removals</p>
District-level consequences	Districts that had noncompliance through the review of policies, procedures, or practices must correct that non-compliance within 1 year of identification.	Districts that had noncompliance through the review of policies, procedures, or practices must correct that noncompliance. Districts need to develop and implement a corrective action.	<p>Districts must set aside 15 percent of their IDEA funds for Comprehensive Coordinated Early Intervening Services (CCEIS) for children ages 3 through 12th grade with and without disabilities. CCEIS must identify and address the factors contributing to significant disproportionality; and address a policy, practice, or procedure it identifies as contributing to the significant disproportionality.</p> <ul style="list-style-type: none"> • When an LEA serves only children with disabilities, the state shall not require the LEA to reserve the funds for CCEIS.

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