

IDEA Equity Requirements: Similar Sounding But not the Same

Disproportionate Representation

REGULATION

20 U.S.C. § 1416(A)(3)(C)

IDEA REQUIREMENT

Part B SPP/APR, Indicators 9 and 10

Indicator 9: Percentage of Local Education Agencies (LEAs) with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

Indicator 10: Percentage of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

REQUIRED ACTION STEPS FOR LEAS

LEAs with data-indicated disproportionality must complete a review of their policies, procedures, and practices.

LEAs that had non-compliance through the review of policies, procedures, or practices must correct that non-compliance within one year of identification.

Significant Discrepancy

REGULATION

20 U.S.C. § 1416(A)(3)(A); § 1412(A)(22)

IDEA REQUIREMENT

Part B SPP/APR, Indicator 4

Indicator 4a: Percentage of LEAs that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with Individualized Education Programs (IEPs).

Indicator 4b: Percentage of LEAs 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.

REQUIRED ACTION STEPS FOR LEAS

LEAs with data-indicated discrepancy must complete a review of their policies, procedures, and practices.

LEAs that had non-compliance through the review of policies, procedures, or practices must correct that noncompliance. LEAs need to develop and implement a Corrective Action Plan.

Significant Disproportionality

REGULATION

34 CFR §300.646-7

IDEA REQUIREMENT

The state must examine LEA-level data to determine whether significant disproportionality based on race/ethnicity is occurring with respect to:

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.

REQUIRED ACTION STEPS FOR LEAS

LEAs must set aside 15 percent of their IDEA funds for Comprehensive Coordinated Early Intervening Services to address the factors contributing to significant disproportionality.