



SEPTEMBER 2019

Significant Disproportionality in Special Education



The U.S. Department of Education (ED) requires states to identify school districts whose data show significant racial disproportionality in special education for three consecutive years.

The purpose is to ensure students of all races receive appropriate and equitable supports in the least restrictive environment. A wide body of research has demonstrated that over-identification and exclusionary placement or discipline may affect students' long-term outcomes.

If your district has been identified, it means that students in at least one racial/ethnic group in the district are at least four times as likely as other students to:

- Be identified to receive special education and related services for a particular disability,
- Once identified for special education, be placed outside of the general education setting, or
- Once identified for special education, experience a disciplinary removal, such as a suspension or expulsion.

The federal rules for significant disproportionality went into effect May 20, 2019.

Racial/Ethnic Groups Identified

- ☐ Hispanic/Latino
- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Native Hawaiian or Other Pacific Islander
- ☐ White
- ☐ Two or More Races



15%

of identified districts' fiscal year 2020 IDEA flow-through funds must be dedicated to addressing contributing factors of significant disproportionality

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Calculating Significant Disproportionality

The number of children experiencing a particular outcome must meet a minimum cell size of 10 to serve as the numerator in the risk ratio calculation for a particular racial/ethnic group or for the comparison group of all other children. The number of children enrolled in a district must meet a minimum *n*-size of 30 to serve as the denominator for the identification calculation. The number of children with disabilities enrolled in a district must meet a minimum *n*-size of 30 to serve as the denominator for the placement and discipline calculations. States must compare a district's data to state-level data if the district's data does not meet the minimum cell size or *n*-size for the comparison group.



Analysis Category: Identification

Age Range: Children 6-21 (Must Include Children 3-5 by July 1, 2020)

- All Disabilities
- Intellectual Disabilities
- Specific Learning Disabilities
- Emotional Disturbance
- Speech or Language Impairment
- Other Health Impairments
- Autism



Analysis Category: Placement

Age Range: Children 6-21

- Inside a regular class for less than 40 percent of the day
- Inside separate schools and residential facilities (not including homebound or hospital setting, correctional facilities, or private schools)



Analysis Category: Discipline

Age Range: Children 3-21

- Out-of-school suspensions and expulsions of 10 days or fewer
- Out-of-school suspensions and expulsions of more than 10 days
- In-school suspensions of 10 days or fewer
- In-school suspensions of more than 10 days
- Disciplinary removals in total

NEXT STEPS

ED requires districts identified for significant disproportionality to dedicate 15 percent of their fiscal year 2020 Individuals with Disabilities Education Act (IDEA) flow-through funds to address contributing factors. Possible uses of funds include professional development, evaluations, and services and supports. Supplement/Supplant rules apply.

Identified districts should determine the factors that contributed to the significant disproportionality, which may include:

- Lack of access to scientifically based instruction;
- Economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings;
- Inappropriate use of disciplinary removals;
- Lack of access to appropriate diagnostic screenings;
- Differences in academic achievement levels; or
- Policies, practices, and procedures.

ED requires identified districts to track and report:

- Funds set aside,
- Number of students who received services,
- Number of students who subsequently became eligible for special education services in the preceding 2-year period, and
- Changes made to policies, practices and procedures, publicly, consistent with the Family Educational Rights and Privacy Act.

The Illinois State Board of Education is partnering with the IDEA Data Center to host daylong trainings in Springfield and in the Chicago area for all appropriate staff in identified districts. The trainings support an understanding of the data, a root cause analysis, planning, allocation of resources, and tracking.



Illinois
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