

Significant Disproportionality

Illinois District Manual

March 2026

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Introduction

Significant Disproportionality

“Significant disproportionality” describes a pattern where students from one or more racial and ethnic groups are identified for special education, placed in more restrictive educational settings, and disciplined at higher rates than their peers. Under [20 U.S.C. 1418\(d\)](#) and [34 CFR 300.646](#), states must provide for the collection and examination of data to annually determine whether significant disproportionality based on race or ethnicity is occurring in the state and in Local Education Agencies (LEAs) with respect to three areas.

- 1. Identification:** The identification of students with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in Section 602(3) of the Act.
- 2. Educational Environment:** The placement of children with disabilities in particular educational settings.
- 3. Disciplinary Removals:** The incidence, duration, and type of disciplinary actions, including suspensions and expulsions of children with disabilities.

States are required to use a standard methodology to identify significant disproportionality (i.e., overrepresentation) in LEAs, which involves the use of risk/alternate risk ratios to analyze educational disparities for eight racial/ethnic groups.

Racial/Ethnic Groups

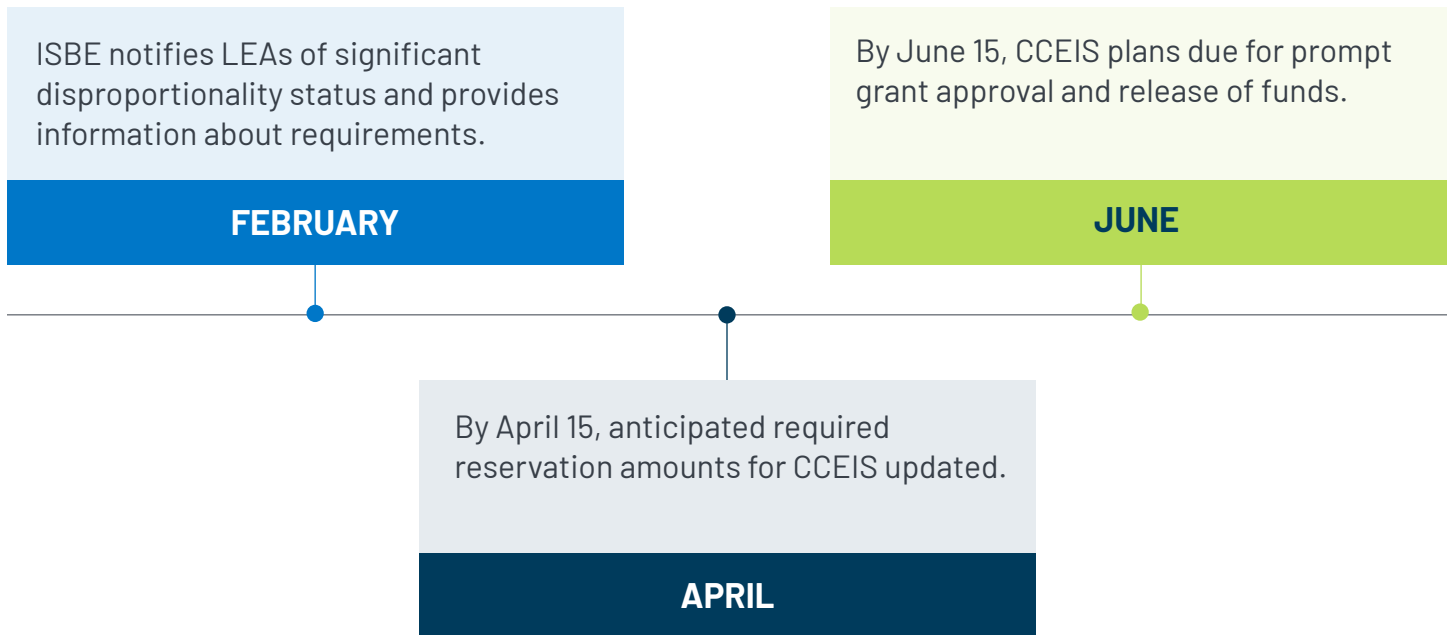
- Hispanic or Latino
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or More Races
- Middle Eastern or North African

Significant Disproportionality in Illinois

In Illinois, if an LEA is identified with significant disproportionality in one or more of the same categories of analysis for three consecutive years, the Illinois State Board of Education (ISBE) must annually:

- 1) provide for the review and, if appropriate, revision of policies, practices, and procedures within the LEA to ensure compliance with the requirements of the Individuals with Disabilities Education Act (IDEA); and
- 2) require the LEA to publicly report on the revision of policies, practices, and procedures consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99 and Section 618(b)(1) of IDEA; and
- 3) require the LEA to set aside 15% of its IDEA, Part B (Sections 611 and 619) funds to provide comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the significant disproportionality. (See [34 CFR 300.646\(c\)](#) and [\(d\)](#).)

Annual Timeline



Definitions

- A **cell size** is a minimum number, set by the state, of children experiencing a particular outcome (e.g., children identified as children with disabilities, children with disabilities in a particular educational environment, etc.). When calculating risk ratios, minimum cell size applies to the numerator in the fraction for calculating the risk for a particular racial or ethnic group. **Illinois has a cell size of 10 for all significant disproportionality calculations.**
- An **n-size** is a minimum number, set by the state, of children enrolled in an LEA (with respect to identification) or of children with disabilities enrolled in an LEA (with respect to placement and discipline) to be used as the denominator when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups. **Illinois has an n-size of 30 for all significant disproportionality calculations.**
- The **comparison group** consists of the children in all other racial or ethnic groups within an LEA or within the state when reviewing a particular racial or ethnic group within an LEA for significant disproportionality.
- **Risk** refers to the likelihood of a certain outcome (e.g., receiving out-of-school suspension) for a particular racial/ethnic group. **Risk** is calculated by dividing the number of children from a specified racial or ethnic group or groups experiencing that outcome by the total number of children from that racial or ethnic group or groups enrolled in the LEA.
- A **risk ratio** describes the likelihood of an outcome in one group compared to the likelihood of the same outcome in another group. **Risk ratio** is calculated by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk for children in all other racial and ethnic groups within the LEA.

- The **alternate risk ratio** is calculated by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that same outcome for children in all other racial or ethnic groups in Illinois. This differs from the risk ratio only in that the comparison group comes from the state instead of the LEA. *If the comparison group in the LEA does not meet both the minimum cell size (10) and the minimum n-size (30), then the state must calculate an alternate risk ratio.*
- **Risk ratio threshold** is the point at which there is a finding of significant disproportionality. There is a finding of significant disproportionality if the risk ratio is greater than the risk ratio threshold in the same category for three consecutive years and if there is not reasonable progress. **In Illinois, the risk ratio threshold across all categories of analysis is 4.00**
- **Reasonable progress** occurs if a reduction of 10% or higher in the risk ratios occurs in two consecutive years. Then, the LEA is exempt from a significant disproportionality determination for that specific area of analysis.
- **Coordinated early intervening services (CEIS)**, sometimes referred to as voluntary CEIS, involves the optional allocation of up to 15% of an LEA's IDEA Part B funds (611 and 619) to provide services to students in kindergarten through Grade 12 who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. Allowable activities include relevant professional development, as well as educational and behavioral evaluations, services, and supports. (See [34 CFR 300.226](#) for more information.)
- **Comprehensive coordinated early intervening services (CCEIS)**, sometimes referred to as mandatory CEIS, must be initiated by an LEA if it is identified as having significant disproportionality in identification, placement, and/or disciplinary removals. CCEIS involves the mandatory allocation of exactly 15% of an LEA's IDEA Part B funds (611 and 619) to provide services to students ages 3 through Grade 12 who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. Services may also be provided to students currently identified as needing special education or related services. Allowable activities include relevant professional development, as well as educational and behavioral evaluations, services, and support. These activities must address factors contributing to significant disproportionality. Additionally, LEAs must review related policies, practices, and procedures, and publicly report on any revisions made to ensure compliance with IDEA. (See [34 CFR 300.646\(d\)](#) for more information.)

Exception: Illinois does not calculate a risk ratio or an alternate risk ratio in a particular category for an LEA if the particular racial or ethnic group being analyzed does not meet the minimum cell size (10) or minimum n-size (30); or if the comparison group in the state does not meet the minimum cell size (10) or minimum n-size (30).

Significant Disproportionality Categories

Identification

Significant disproportionality in identification exists when students ages 3-21 in a particular racial/ethnic group are at a significantly greater risk of being:

1. identified as a student with a disability, or
2. identified within a particular disability category.

When examining data to determine if significant disproportionality exists with respect to the identification of children ages 3-21 in specific disability categories, the following disability categories are reviewed:

- Intellectual disability
- Specific learning disability
- Emotional disturbance/disability
- Speech or language impairment
- Other health impairment
- Autism

Significant Disproportionality in Identification in Illinois

Significant disproportionality exists when students with disabilities in one racial/ethnic group are greater than 4.00 times as likely as students with disabilities in all other racial/ethnic groups to be identified in a particular disability for three consecutive years (e.g., exceeds a risk ratio threshold of 4.00).

Placement

Significant disproportionality in placement exists when students with disabilities age 5 (in kindergarten) through 21, excluding students with Individualized Service Plans and youth in care students, in a particular racial/ethnic group are at a significantly greater risk of being placed in one of the following Educational Environment (EE) categories than all other racial/ethnic groups:

- inside the regular classroom less than 40% of the school day (EE 03); or
- inside separate schools and residential facilities (EE 04, 05, 08, 09, 10, 13, 14, 15, or 16).

Significant Disproportionality in Placement in Illinois

Significant disproportionality exists when students with disabilities in one racial/ethnic group are greater than 4.00 times as likely as students with disabilities in all other racial/ethnic groups to be placed in a particular educational environment for three consecutive years (e.g., exceeds a risk ratio threshold of 4.00).

Discipline

Significant disproportionality in discipline exists when students with disabilities ages 3-21 in a particular racial/ethnic group are at a significantly greater risk of being subjected to disciplinary action during the school year than all other racial/ethnic groups. The discipline categories used to calculate significant disproportionality are listed below:

- Out-of-school suspensions (OSS) and expulsions of 10 days or fewer ($OSS \leq 10$ days)
- Out-of-school suspensions and expulsions of more than 10 days ($OSS > 10$ days)
- In-school suspensions (ISS) of 10 days or fewer ($ISS \leq 10$ days)
- In-school suspensions of more than 10 days ($ISS > 10$ days)

Total disciplinary removals, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting, and removals by a hearing officer.

Significant Disproportionality in Discipline in Illinois

Significant disproportionality exists when students with disabilities in one racial/ethnic group are greater than 4.00 times as likely as students with disabilities in all other racial/ethnic groups to receive a particular disciplinary action for three consecutive years (e.g., exceeds a risk ratio threshold of 4.00).

Methodology

In Illinois, a risk ratio of greater than 4.00 is used to determine significant disproportionality for all calculation categories. If an LEA exceeds a risk ratio threshold of 4.00 in a particular category of analysis for three consecutive years, the LEA is identified as having significant disproportionality.

Identification

Data used in these calculations include the count of children with disabilities ages 3-21 (December 1 Child Count) and the total count of children ages 3-21 enrolled in grades pre-kindergarten through 12 (October 1 Enrollment).

Calculations are performed for each racial/ethnic subgroup in which 30 or more students are enrolled, with 10 or more students from the same racial/ethnic subgroup in a given disability category:

- All disabilities
- Intellectual disability
- Specific learning disability
- Emotional disturbance/disability
- Speech or language impairment
- Other health impairment
- Autism

Risk Ratio Calculation

TARGET GROUP

Number of enrolled children from racial/ethnic group in disability category



Number of enrolled children from a given racial/ethnic group



COMPARISON GROUP

Number of all other children in disability category



Number of all other enrolled children

Placement

Data used in these calculations include the count of children with disabilities ages 5 (in kindergarten) through 21 (December 1 Child Count), which includes education environments.

Calculations are performed for each racial/ethnic subgroup with 30 or more students with disability-based IEPs and with 10 or more students in specific placement categories:

- inside the regular classroom less than 40% of the school day (EE 03); or
- inside separate schools and residential facilities (EE 04, 05, 0809, 10, 13, 14, 15, or 16).

Risk Ratio Calculation

TARGET GROUP

Number of children with disabilities from racial/ethnic group in placement category



Number of children with disabilities from a given racial/ethnic group



COMPARISON GROUP

Number of all other children with disabilities in placement category



Number of all other children with disabilities

Risk Ratio Calculation

Discipline

Data used in these calculations include the count of children with disabilities ages 3-21 (December 1 Child Count) and End-of-Year (EOY) Discipline data. Calculations are performed for each racial/ethnic subgroup with 30 or more students with disability-based IEPs and with 10 or more students in specific discipline categories:

- OSS \leq 10 days
- OSS $>$ 10 days
- ISS \leq 10 days

TARGET GROUP

Number of children with disabilities from racial/ethnic group in discipline category



Number of children with disabilities from a given racial/ethnic group



COMPARISON GROUP

Number of all other children with disabilities in discipline category



Number of all other children with disabilities

Questions and Answers

How will an LEA be notified if they are identified as having significant disproportionality?

LEAs will be emailed a letter from ISBE in February if any category meets or exceeds the risk ratio or alternate risk ratio threshold of 4.00 for significant disproportionality for three consecutive years. Once the LEA has been made aware, ISBE Special Education Department staff will be available to provide assistance to the LEA. For specific questions, LEAs can reach out to SigDispro@isbe.net.

What actions are required if an LEA is identified as having significant disproportionality?

- LEAs must review and, if appropriate, revise policies, practices, and procedures in the area in which they are identified with significant disproportionality. ([34 CFR 300.646\(c\)\(1\)](#))
- LEAs must publicly report any changes to policies, practices, and procedures consistent with the requirements of FERPA and its implementing regulations in 34 CFR Part 99 and Section 618(b)(1) of IDEA. If no changes are made, it is recommended that districts report to ISBE that no changes are necessary.
- LEAs must set aside 15% of their IDEA Part B Flow Through and Preschool funds to provide CCEIS to address factors contributing to the significant disproportionality. ([34 CFR 300.646\(c\)](#) and [\(d\)](#))
- LEAs must complete a CCEIS plan.

What information should be included in the CCEIS plan?

- The CCEIS plan should include the following components:
 - The area(s) in which the district has been identified
 - **Data analysis**
 - The data trends and patterns identified
 - Identification of any contributing factors and conclusions made
 - A review of policies, practices, and procedures, and identification of changes needed. Districts must address any policy, practice, or procedure it identifies as contributing to the significant disproportionality.
 - Actionable contributing factors of the significant disproportionality
 - **CCEIS plan**
 - Description of services, supports, interventions, and measurements
 - Description of current or future services, supports, interventions, and measurements that will continue to improve the area of finding(s) and what is planned to further address the areas
 - When describing the supports and services to students, explain if the selected supports are evidence-based.
 - Professional development
 - A description of professional development to be conducted that addresses the identification
 - **Provide the CCEIS budget**
 - Anticipated required reservation amounts for CCEIS released in April
 - Provide an explanation of how the budgeted items will address the areas of disproportionality

- Provide estimated dollar amount to be spent
- Districts that are not in the first year of a CCEIS plan must provide budget information from the previous year, including actual dollars spent.

- **Goal Setting**

- Create a SMART goal related to the area of significant disproportionality
- Identify strategies to target the contributing factors that were found using data analysis
- Identify data to be gathered for the goal
 - When creating a goal and strategies, consider monitoring, evaluation, and design for continuous improvement.
 - Important data tip: The district will need to track and report the number of students receiving CCEIS services, as well as the students who received CCEIS services and were provided an IEP, by year.
- Provide a timeline for the monitoring and evaluation
- Provide information on the staff responsible for the strategy

- **Documentation, as needed**

- Data, reports, supporting documentation to show changes in practices and policies

What activities are included under CCEIS?

CCEIS encompasses a broad range of activities that include professional development and educational and behavioral evaluations, services, and supports. (See [34 CFR 300.646\(d\)\(1\)](#).) An LEA must use funds reserved for CCEIS to identify and address the factors contributing to the significant disproportionality in the LEA for the identified category. According to the Office of Special Education Programs, these factors may include a 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; and other similar policies, practices, or procedures that contribute to the significant disproportionality.

This requirement is fundamental to the use of funds reserved for CCEIS, and it carries with it a practical limitation: An LEA may use CCEIS funds for training and professional development and behavioral evaluations and supports, such as functional behavioral assessments, behavioral intervention plans, and positive behavioral interventions and supports, but only to the extent that it is doing so to address the factors identified by the LEA as contributing to the significant disproportionality identified by the state.

Further, the LEA must address any policy, practice, or procedure it identifies as contributing to the significant disproportionality including any that results in a failure to identify, or the inappropriate identification of, a racial or ethnic group or groups. The LEA has discretion as to how best to address the policy, practice, or procedure, including eliminating, revising, or changing how it is implemented, if it does so in a manner consistent with the requirements of IDEA and its implementing regulations. (See [34 CFR 300.646\(d\)\(1\)\(iii\)](#).)

Can an LEA voluntarily engage in CCEIS?

No. Voluntary engagement is referred to as **CEIS**. An LEA can voluntarily allocate up to 15% of IDEA Special Education (Part B, Sections 611 and 619) funds to initiate CEIS. This is typically done as a preventive measure if an LEA has exceeded the risk ratio or alternate risk ratio threshold of 4.00 for significant disproportionality for one year or two consecutive years. It can also be done any time an LEA identifies a value to providing services to children not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

While LEAs who engage in voluntary CEIS are not required to conduct a data analysis, review and revise policy, practice, or procedure, or publicly report on reviews or revisions, they **must report annually** to the State Education Agency on the number of children served who received early intervening services and the number of children served who received early intervening services and subsequently received special education and related services under Part B of IDEA during the preceding two-year period.

Is “significant disproportionality” different from “significant discrepancy”?

Yes. [20 U.S.C. 1412\(a\)\(22\)](#) requires states to identify LEAs with “significant discrepancy,” which are disparities by race and ethnicity or by disability status in the rate of long-term suspensions and expulsions of children with disabilities. States must examine whether there are significant discrepancies among LEAs in the state or compare the rates of long-term suspensions and expulsions of children with disabilities to those rates for non-disabled children within the LEAs. (State Performance Plan 4b)

The significant disproportionality regulations do not apply to or address the obligation to identify significant discrepancies under [20 U.S.C. 1412\(a\)\(22\)](#).

For more information, reference the following: [IDEA equity requirements: similar sounding, but not the same](#).

Is “significant disproportionality” different from “disproportionate representation”?

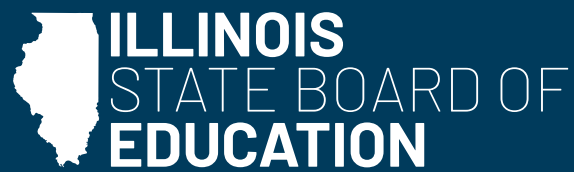
Yes. [20 U.S.C. 1416\(a\)\(3\)\(C\)](#) requires states to identify LEAs with “disproportionate representation” of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (State Performance Plan Indicators 9 and 10)

The significant disproportionality regulations do not apply to or address the obligation to identify disproportionate representation due to inappropriate identification under [20 U.S.C. 1416\(a\)\(3\)\(C\)](#), though nothing prohibits a state from using risk ratios or up to three years of data for analyzing disproportionate representation.

For more information, reference the following: [IDEA equity requirements: similar sounding, but not the same](#).

Appendix A: Timeline of Data Analysis and Determination

School Year	Area of Analysis	Data Sources	
2025-26	Identification	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2022-23 ▪ SY 2023-24 ▪ SY 2024-25 	October Enrollment <ul style="list-style-type: none"> ▪ SY 2022-23 ▪ SY 2023-24 ▪ SY 2024-25
	Placement	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2022-23 ▪ SY 2023-24 ▪ SY 2024-25 	
	Discipline	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2022-23 ▪ SY 2023-24 ▪ SY 2024-25 	End of the Year Discipline Data <ul style="list-style-type: none"> ▪ SY 2021-22 ▪ SY 2022-23 ▪ SY 2023-24
2026-27	Identification	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2023-24 ▪ SY 2024-25 ▪ SY 2025-26 	October Enrollment <ul style="list-style-type: none"> ▪ SY 2023-24 ▪ SY 2024-25 ▪ SY 2025-26
	Placement	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2023-24 ▪ SY 2024-25 ▪ SY 2025-26 	
	Discipline	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2023-24 ▪ SY 2024-25 ▪ SY 2025-26 	End of the Year Discipline Data <ul style="list-style-type: none"> ▪ SY 2022-23 ▪ SY 2023-24 ▪ SY 2024-25
2027-28	Identification	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2024-25 ▪ SY 2025-26 ▪ SY 2026-27 	October Enrollment <ul style="list-style-type: none"> ▪ SY 2024-25 ▪ SY 2025-26 ▪ SY 2026-27
	Placement	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2024-25 ▪ SY 2025-26 ▪ SY 2026-27 	
	Discipline	December 1 Child Count <ul style="list-style-type: none"> ▪ SY 2024-25 ▪ SY 2025-26 ▪ SY 2026-27 	End of the Year Discipline Data <ul style="list-style-type: none"> ▪ SY 2023-24 ▪ SY 2024-25 ▪ SY 2025-26



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