



Significant Disproportionality

Frequently Asked Questions

Q1. What is 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. More specifically, Section 618 of the Individuals with Disabilities Education Act (IDEA) requires states to collect and examine data to determine if significant disproportionality based on the seven federally identified race and ethnicity categories is occurring in the state and the Local Education Agencies (LEAs) of the state with respect to:

- the identification of children as children with disabilities;
- the placement of such children in more restrictive educational settings; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Q2. Why is significant disproportionality important?

Students who are misidentified as students with disabilities may have higher rates of office referrals, suspensions, and expulsions from school. These misidentified students also face limited, less rigorous curriculum and diminished opportunities before and after graduation.¹ Students who are suspended or expelled are more likely to be held back, drop out, or enter the juvenile/criminal justice system when compared to their peers.²

Q3. How do states determine if significant disproportionality exists?

States use calculations for each LEA that determine whether significant disproportionality exists in one or more of the areas identified in question one. An LEA is found to have significant disproportionality when calculations are above a set risk ratio for three consecutive years. States must use a standard methodology for these calculations and analyze the results. IDEA regulations require states to engage interested parties when defining their criteria for determining significant disproportionality. This may include children with disabilities and their families, educators, local and state education agency staff, researchers, policymakers, and community organizations/advocacy groups.

¹Truth in labeling: Disproportionality in special education. (2007). United States: NEA Professional Library

²United States Department of Education Office for Civil Rights. (2014). Data snapshot: School discipline. Civil Rights Data Collection. https://civilrightsdata.ed.gov/assets/downloads/2011-12_CRDC-School-Discipline-Snapshot.pdf

Q4. What are the requirements and processes for addressing significant disproportionality?

When a state identifies an LEA with significant disproportionality, states must ensure that the LEA:

- identifies and addresses the factors contributing to the significant disproportionality, which may include policies, practices, or procedures that contribute to the significant disproportionality; and
- uses 15% of its federal special education funds to provide comprehensive coordinated early intervening services to address the factors contributing to the significant disproportionality.

Q5. What does “policy, procedure, and practice” mean as referenced in IDEA?

IDEA requires that states must provide for the review and, if appropriate, the revision of policies, procedures, and practices (PPPs) in the area in which an LEA is significantly disproportionate (i.e., identification, placement, or disciplinary removals). Additionally, IDEA requires that the LEA set aside 15% of its Part B funds to provide comprehensive coordinated early intervening services (CCEIS). The purpose of this PPP review is to ensure compliance with the requirements of IDEA and to identify contributing factors of the identified significant disproportionality.

For a closer examination of each of the terms, review the [In Brief: Defining Policy, Procedure, and Practice](#) created by the Data Center for Addressing Significant Disproportionality (DCASD).

Q6. What does “root cause analysis” mean as referenced in IDEA?

If the state identifies an LEA as having significant disproportionality, that LEA must then take steps to focus on and improve the experiences and outcomes of students with disabilities by addressing and mitigating the cause(s) of significant disproportionality. Before any such steps can occur, however, the LEAs must identify the contributing causes of significant disproportionality. One of the best practices for finding contributing causes is root cause analysis.

For a closer examination of root cause analysis, review the [In Brief: Root Cause Analysis Overview](#) created by DCASD.

Q7. What are the differences between coordinated early intervening services and comprehensive coordinated early intervening services?

Coordinated early intervening services (CEIS) are voluntary while comprehensive coordinated early intervening services (CCEIS) are mandatory. See Table A.

Table A

A [Comparison of Mandatory Comprehensive Coordinated Early Intervening Services \(CCEIS\) and Voluntary Coordinated Early Intervening Services \(CEIS\)](#). From IDEA Data Center 2016.

Element	Coordinated Early Intervening Services (CEIS)	Comprehensive Coordinated Early Intervening Services (CCEIS)
Regulation	34 CFR §300.226	34 CFR §300.646
Type	Voluntary – LEAs can choose to use a portion of their IDEA Part B funds for services to a defined group of at-risk students.	Mandatory – LEAs identified as having significant disproportionality in identification, placement, and/or disciplinary removals must use IDEA Part B funds for CCEIS.
Grade level/ ages served	Kindergarten through grade 12	Age 3 through grade 12
Groups served	Only children who are not currently identified as needing special education or related services.	Children 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. Children currently identified as needing special education or related services (funds can be used primarily, but not exclusively, for this group).
Funds	Up to 15 percent of IDEA Part B funds (611 and 619)	Exactly 15 percent of IDEA Part B funds (611 and 619)
Permitted activities	Professional development for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction and, where appropriate, instruction on the use of adaptive and instructional software. Educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.	Professional development and educational and behavioral evaluations, services, and supports. The activities must address factors and policy, practice, or procedure contributing to significant disproportionality.

Element	Coordinated Early Intervening Services (CEIS)	Comprehensive Coordinated Early Intervening Services (CCEIS)
<p>Reporting requirements</p>	<p>An LEA is required to report to the state and the state is required to report to the U.S. Department of Education the following:</p> <ul style="list-style-type: none"> • the number of children served under this section who received early intervening services; and • the number of children served under this section who received early intervening services and subsequently received special education and related services under Part B of IDEA during the preceding 2-year period. 	<p>An LEA is required to publicly report on the revision of policies, practices, and procedures.</p> <p>An LEA is required to report to the state and the state is required to report to the U.S. Department of Education the following:</p> <ul style="list-style-type: none"> • the number of children served under this section who received early intervening services; and • the number of children served under this section who received early intervening services and subsequently received special education and related services under Part B of IDEA during the preceding 2-year period.