

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 and 10</p> <p>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.</p> <p>Indicator 10: Percentage of LEAs 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, Indicator 4</p> <p>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).</p> <p>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.</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.

<p>Determining the Cohort (methodology)</p>	<p>ISBE determines which LEAs meet the state’s criteria for disproportionate representation. ISBE then determines if the disproportionate representation is due to inappropriate identification through a review of policies, procedures, and practices.</p>	<p>ISBE calculates the rate of suspensions/expulsions for children with disabilities among LEAs within the state.</p>	<p>ISBE must calculate a risk ratio for each LEA for each of the racial and ethnic groups in each analysis category (i.e., identification, placement, discipline).</p> <p>Exception: ISBE does not calculate a risk ratio if the racial/ethnic group being analyzed does not meet the minimum cell size or minimum n-size. Exception: ISBE must calculate an alternate risk ratio if the comparison group in the LEA does not meet the minimum cell size or the minimum n-size.</p>
<p>Data to Review</p>	<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>Indicator B9: All disabilities</p> <p>Indicator B10: Disability categories including Intellectual Disability, Specific Learning Disabilities, Emotional Disturbance, Speech or</p>	<p>Children ages 3-21</p> <p>All disabilities</p> <p>Indicator 4A: Out-of-school suspensions/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>Children ages 3-21</p> <p>All seven racial and ethnic groups</p> <p>Identification, including 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>Placement, including the categories inside general education class less</p>

	Language Impairments, Other Health Impairments, and Autism.		<p>than 40 percent of day, separate schools, and residential facilities.</p> <p>Discipline, 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, and total disciplinary removals.</p>
Consequences for LEAs	LEAs that had non-compliance through the review of policies, procedures, or practices must correct that non-compliance within one year of identification.	LEAs that had non-compliance through the review of policies, procedures, or practices must correct that non-compliance. LEAs need to develop and implement a Corrective Action Plan.	LEAs 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. When an LEA serves only children with disabilities, the state shall not require the LEA to reserve the funds for CCEIS. LEAs must publicly report on any revisions to policy, procedure, or practice.