

# Significant Disproportionality: Equity in IDEA

Due to the COPAA v. Devos decision on March 7, 2019, the State is moving forward with fully implementing the 2016 Equity in IDEA regulation on significant disproportionality that is currently in effect. The United States Department of Education expects States to calculate significant disproportionality for the 2018-2019 school year using the 2016 rule's standard methodology.

## What is Significant Disproportionality?

IDEA Section 618 (d) requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the public education agencies (PEAs) of the State in the areas of identification, placement, and discipline. There are 14 categories of analysis for each of seven racial or ethnic groups. As many as 98 calculations per PEA may occur. However, PEAs with populations that fall below the minimum cell or n-sizes (see below) are exempt from analysis.

*"Children with disabilities are often disproportionately and unfairly suspended and expelled from school and educated in classrooms separate from their peers. Children of color with disabilities are overrepresented within the special education populations, and the contrast in how frequently they are discipline is even starker." John B. King Jr. (2016)*



### Categories of Analysis

#### 14 Categories of Analysis x 7 racial or ethnic groups:

- Identification of children ages 3-21 as children with disabilities
- Identification of children ages 3-21 with:
  - intellectual disabilities
  - specific learning disabilities
  - emotional disturbance
  - speech or language impairments
  - other health impairments
  - autism
- Placements of children with disabilities ages 6-21:
  - inside a regular class less than 40% of the day
  - inside separate schools and residential facilities
- For children with disabilities ages 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 and expulsions of 10 days or fewer
  - in-school suspensions and expulsions of more than 10 days
  - disciplinary removals in total



### Risk Ratios & Calculations

Minimum cell size = 10

Minimum n-size = 30

Risk Ratio Threshold = 3.0

What does that mean? It means that the population calculated is 3 times as likely than another population to be identified/placed/disciplined.

Please see the Significant Disproportionality infographic on the ESS website:  
<http://www.azed.gov/specialeducation/sppapr/>  
for more information and examples of how significant disproportionality is calculated.

# You've been identified as Significantly Disproportionate, now what?

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## Reporting Requirements

1. Review your policies and procedures to ensure compliance with the requirements of IDEA,
2. Publicly report the revisions of the policies and procedures
3. Report the number of children served under this section who received CCEIS
4. Of those served, report who subsequently received special education & related services during the preceding 2-year period

## Set-Aside of Funds

You must set aside exactly 15% of your IDEA Part B grant funds for Comprehensive Coordinated Early Intervening Services (CCEIS).

- Funds can be taken from either 611 or 619
- Age 3 through grade 12 served
- Supplement *not* supplant activities
- Activities *must* address factors and policy, practice, or procedure contributing to significant disproportionality

## Frequently Asked Questions:



### What can the 15% set-aside funds be used for?

- ▶ Activities can include professional development, education and behavioral evaluation, services, and supports.

\*Can be used to supplement, not supplant activities.

### Can the funds be carried over?



- ▶ Yes, funding carryover is allowed and funds are available for 27 months.

E.g., FFY 19 IDEA Part B grant – Can be used from 7/1/19 to 9/30/21.

### Does the use of the 15% set-aside funds affect Maintenance of Effort (MOE)?



- ▶ Yes, if the funds used/reserved for CEIS require an additional increase in State or local funds for IDEA, then the higher expenditures become the MOE base for the subsequent year.

### Can the 15% set-aside be calculated after the deduction of funds?



- ▶ No, the 15% must be calculated from both 611 and 619 prior to any deduction of funds.

Website: [www.azed.gov/specialeducation/pea-determinations/](http://www.azed.gov/specialeducation/pea-determinations/)

Email: [ESSOperations@azed.gov](mailto:ESSOperations@azed.gov)

