

Significant Disproportionality: Equity in IDEA

What is Significant Disproportionality?

34 CFR § 300.646 requires States to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and its public education agencies (PEAs) 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.



Categories of Analysis

14 categories of analysis
x 7 racial or ethnic groups:

- Identification of children ages 3–21 with:
 - all disabilities
 - 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, 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



Risk Ratios and 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 as another population to be identified/placed/disciplined.

Please see the infographic on [the ESS Significant Disproportionality web page](#) for more information and for examples of how significant disproportionality is calculated.

For more information, visit the [Exceptional Student Services website](#).

If you have questions, [email ESS Operations](#).

* Students placed by a state placing agency are excluded from this calculation in all three areas: discipline, identification, and placement.



Your PEA has been identified as being significantly disproportionate; now what?

The United States Department of Education expects States to calculate significant disproportionality for the 2020–2021 school year using the [2016 rule's standard methodology \(34 CFR §300.646\)](#).

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.

Set-Aside of Funds

You must set aside exactly 15% of your total 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 any policy, practice, or procedure contributing to significant disproportionality

Frequently Asked Questions:



When are these calculations completed?

We expect calculations to be completed in March of any fiscal year for identification and placement using the current school year's October 1 data. Discipline calculations will be completed in December using the prior school year's student data. These calculations will determine whether comprehensive coordinated early intervening services would be required on the upcoming school year's grant.



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

Activities can include professional development, education and behavioral evaluation, services, and supports. These funds can be used to supplement, not supplant, activities. For information on allowable CEIS and CCEIS activities, [visit the ESS CEIS and CCEIS FAQ web page](#).



Can the funds be carried over?

Yes, funding carryover is allowed, and funds are available for 27 months (e.g., FFY 2020 IDEA Part B grant can be used from 7/1/21 to 9/30/23).



Does the use of the 15% set-aside funds affect Maintenance of Effort?

Yes, if the funds used/reserved for CCEIS 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.

