



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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April 13, 2018

MEMORANDUM

TO: Exceptional Children Program Directors
Charter School Directors
State-Operated Program Directors

FROM: William J. Hussey, Director *WJH*
Exceptional Children Division

SUBJECT: Significant Disproportionality/Mandatory Coordinated Early
Intervening Services (CEIS)

The Individuals with Disabilities Education Improvement Act 2004 (IDEA) requires the examination of data to determine if significant disproportionality based on race and ethnicity is occurring as described under §300.646(a)(1)(2)(3). The determination must be made with respect to: 1) the identification of students with disabilities, including specific disability categories; 2) the placement of students with disabilities in particular educational settings; and 3) the incidence, duration and type of disciplinary actions.

The IDEA further requires local educational agencies (LEAs) determined to have significant disproportionality as described under 34 CFR §300.646(b)(2) to reserve the maximum amount of federal funds (15 percent) under section 613(f) of the Act to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups who are significantly disproportionate under 34 CFR §300.646(a) of the IDEA regulations. The IDEA also requires the LEA to review and, if appropriate, revise policies, practices, and procedures to ensure compliance with the requirements of the Act and requires the LEA to report to the public on any revisions to the policies, practices, and procedures as described under 34 CFR §300.646(b)(1) of the IDEA regulations.

Enclosed are: 1) **the lists of LEAs that are identified as having significant disproportionality (SD) in identification and disciplinary actions in 2017-18** (no LEAs were identified with significant disproportionality for placement in 2017-18); and 2) the process steps/criteria used for making the determinations. For those LEAs with significant disproportionality in identification and discipline an amount equal to 15 percent of the total LEA IDEA federal funds for 2018-19 (611 funds and 619 funds) will be reallocated from PRC 60 to PRC 70. The list of LEAs receiving a warning (the potential to have significant disproportionality in future years), in any of the three areas examined, will be sent separately; although, there are no requirements regarding funding or a review of policies, procedures, and practices for such LEAs.

While LEAs may provide coordinated early intervening services to children K-12, the regulations strongly encourage these services be provided to children K-3. LEAs determined to have significant disproportionality must maintain documentation of the number of children who receive CEIS

during SY 2018-19 and subsequently receive special education and related services in SY 2018-19, 2019-20 or 2020-21.

In our collaborative effort to address the issue of significant disproportionality, the Division supports your efforts in developing comprehensive district-wide plans to address the academic and behavioral needs of at-risk students. If further clarification is needed, please contact Sherry Thomas at Sherry.Thomas@dpi.nc.gov or 919-807-3992, Nancy Johnson at ntjohnso@uncc.edu or 704-576-2760, or your regional consultant.

WJH/SHT:kb

Enclosures

c Alexis Schauss
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EXCEPTIONAL CHILDREN DIVISION

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

2017-18 Significant Disproportionality – Identification

LEA	Intellectual Disability - Mild				Status	Serious Emotional Disability				Status	
	Step 1	Step 2	Step 3	Step 4		Step 1	Step 2	Step 3	Step 4		
	Decl 2017 Ages 6-21 (N ≥ 30)	2017-18 RR	3 yrs w/Disp Rep	2016-17 RR		Decl 2017 Ages 6-21 (N ≥ 30)	2017-18 RR	3 yrs w/Disp Rep	2016-17 RR		
Moore County Schools	35/70 AA	5.28	Yes	3.94	NA	NA	NA	NA	NA	NA	NA
New Hanover County Schools	NA	NA	NA	NA	72/119 AA	6.47	Yes	4.66	NA	NA	SD
Roanoke Rapids City Schools	36/51 AA	6.56	Yes	4.55	NA	NA	Yes	NA	NA	NA	NA

RR - risk ratio

Disp Rep - disproportionate representation

AA - African American

NA - Not Applicable

SD - Significant Disproportionality

2017-18 Significant Disproportionality – Discipline (2016-17 current year data)

LEA	Apr 1 2017 "N" ≥ 30	Race/ Ethnicity	Step 2 -> Twice State Average Rate for Types, Incidences, and Duration of Disciplinary Actions (All Areas) - Source: Nov 1, 2017 EDFacts Discipline Report/ NCDPI research/discipline-reporting for 2015-16			Step 3							Status
			OSS > 10 day - long-term (2*state average rate = NA)	ISS > 10 day (2*state average rate = NA)	OSS > 10 days cumulative (2*State average rate =NA)	3a. Significant discrepancy (> 2*State average rate) in 3 of 3 > 10 day disciplinary actions in current year	3b. Significant discrepancy (> 2*State average rate for given year) in 2 of 3 > 10 day disciplinary actions in consecutive year		3c. Significant discrepancy (> 2*State average rate for given year) in 1 of 3 > 10 day disciplinary actions in 3 rd consecutive year				
							2016-17	2015-16	2016-17	2014-15	2015-16	2016-17	
Alamance-Burlington Schools	880	AA	NA	NA	(63) 7.16%	1/3	1/3	1/3	4.39%	5.47%	7.16%	SD	
Anson County Schools	360	AA	NA	NA	(28) 7.78%	1/3	1/3	1/3	5.12%	9.78%	7.78%	SD	
Beaufort County Schools	384	AA	NA	NA	(28) 7.29%	1/3	1/3	1/3	4.48%	7.86%	7.29%	SD	
Harnett County Schools	741	AA	NA	NA	(39) 5.26%	1/3	1/3	1/3	4.92%	5.38%	5.26%	SD	
Nash-Rocky Mount Schools	1,355	AA	NA	NA	(82) 6.05%	1/3	1/3	1/3	6.90%	6.94%	6.05%	SD	
New Hanover County Schools	1,242	AA	NA	NA	(89) 7.17%	1/3	1/3	1/3	5.57%	6.02%	7.17%	SD	
Northampton County Schools	241	AA	NA	NA	(20) 8.30%	1/3	1/3	1/3	5.88%	8.43%	8.30%	SD	
Robeson County Schools	1,137	AA	NA	NA	(68) 5.98%	1/3	1/3	1/3	5.89%	6.61%	5.98%	SD	

North Carolina's Significant Disproportionality Determination Process
Revised March 2012
Revised January 2014

Identification: Data are analyzed by race/ethnicity for an LEA's overall disability population and in specific disability categories, including: autism; intellectual disability (mild); other health impairment; serious emotional disability; specific learning disability; and speech-language impairment.

Process:

Step 1: Determine an LEA's "N" size ≥ 30 for a given race/ethnicity for the overall population or disability category being considered. For an LEA with an "N" size ≥ 30 go to step 2. For an LEA with an "N" size < 30 , stop.

Step 2: Determine if an LEA has disproportionate representation for the current year. For an LEA with "N" ≥ 30 (see step 1 above) - ≥ 3.0 risk ratio = disproportionate representation. If an LEA has disproportionate representation for the current year, go to Step 3. If not, stop; an LEA does not have disproportionate representation and, thus, does not have significant disproportionality nor does it receive a warning.

Step 3: Determine if an LEA has had disproportionate representation for three (3) consecutive years. If an LEA has had disproportionate representation for 3 years, go to Step 4. If not, stop; an LEA receives a warning for the current year and is in danger of having significant disproportionality in future years.

Step 4: Determine if an LEA's current disproportionate representation has decreased, remained the same or increased from the previous year. If an LEA's disproportionate representation has decreased, remained the same, or increased from the previous year, and its risk ratio is > 5.0 , the LEA is determined to have significant disproportionality for the current year. If an LEA's disproportionate representation has decreased, remained the same or increased from the previous year and the LEA now has a risk ratio ≤ 5.0 , the LEA receives a warning for the current year and is in danger of having significant disproportionality in future years.

Note: In accordance with North Carolina's approved waiver under ESEA Flexibility its subgroup "N" size, which is used in the determination process, changed from ≥ 40 to ≥ 30 in 2013-14.

North Carolina's Significant Disproportionality Determination Process

Revised March 2012

Revised August 2014

Definition of Significant Discrepancy in Discipline: \geq twice the state average rate for types of disciplinary action and for incidence and duration.

Discipline: To determine if an LEA has significant disproportionality regarding discipline of students with disabilities, data are analyzed by race/ethnicity for: 1) type of disciplinary action, including in-school and out-of-school suspensions/expulsions of students with disabilities; and 2) incidence (number of disciplinary actions and duration (length of time). Data analyzed include > 10 day suspensions/expulsions (in-school; out-of-school); and ≤ 10 day out-of-school suspensions that accumulate to > 10 days in a school year.

Process:

Step 1: Determine an LEA's "N" size ≥ 30 for a given race/ethnicity for an LEA's overall disability population and cell size of ≥ 10 for the type of disciplinary action. For an LEA with an "N" size ≥ 30 and cell size ≥ 10 go to step 2. For an LEA with an "N" size < 30 and/or a cell size < 10 , stop.

Step 2: Determine if an LEA has a significant discrepancy for a given race/ethnicity for type of disciplinary action and for incidence and duration.

For an LEA with an "N" ≥ 30 and cell size ≥ 10 (see step 1 above) – a significant discrepancy is \geq twice the state average rate for types of disciplinary action and for incidence and duration (definition above). If an LEA has a significant discrepancy in any identified area, go to Step 3. If not, stop; an LEA does not have a significant discrepancy and, thus, does not have significant disproportionality nor does it receive a warning.

Step 3: Determine if an LEA has a significant discrepancy in disciplinary actions that results in significant disproportionality.

- a. If an LEA has a significant discrepancy in 3 of 3 > 10 day disciplinary actions (long-term suspension/expulsion; short-term suspensions that accumulate to > 10 days in a school year; in-school suspensions > 10 days), the LEA is determined to have significant disproportionality for the current year.
- b. If an LEA has a significant discrepancy in 2 of 3 > 10 day disciplinary actions (long-term suspension/expulsion; short-term suspensions that accumulate to > 10 days in a school year; in-school suspensions > 10 days) for 2 consecutive years, the LEA is determined to have significant disproportionality in the second consecutive year.
- c. If an LEA has a significant discrepancy in 1 of 3 > 10 day disciplinary actions (long-term suspension/expulsion; short-term suspensions that accumulate to > 10 days in a school year; in-school suspensions > 10 days) for 3 consecutive years, and the LEA has not made reasonable progress*, the LEA is determined to have significant disproportionality in the third consecutive year.
- d. If an LEA has a significant discrepancy in any of the disciplinary actions reviewed and has not been determined to have significant disproportionality as described in 3a, b, or c, the LEA receives a warning for the current year and is in danger of having significant disproportionality in future years.

*Reasonable progress - $\leq 1.0\%$ for > 10 day suspensions; $\leq 5.0\%$ for short-term suspensions that accumulate to > 10 days in a school year.

Note: In accordance with North Carolina's approved waiver under ESEA Flexibility its subgroup "N" size, which is used in the determination process, changed from ≥ 40 to ≥ 30 in 2013-14.

North Carolina's Significant Disproportionality Determination Process

Revised March 2012

Revised January 2014

Placement: Data are analyzed by race/ethnicity for placement options: regular class < 40% of day; separate schools/facilities; homebound/hospital placements. When analyzing the data for these placement options, an LEA's overall disability population and specific disability categories, including autism, intellectual disability (mild), other health impairment, serious emotional disability, specific learning disability, and speech-language impairment are considered.

Process:

Step 1: Determine an LEA's "N" size ≥ 30 for a given race/ethnicity for the placement option by overall population or disability category being considered. For an LEA with an "N" size ≥ 30 , go to step 2. For an LEA with an "N" size < 30 , stop.

Step 2: Determine if an LEA has disproportionate representation for the current year.

For an LEA with "N" ≥ 30 (see step 1 above) - ≥ 3.0 risk ratio = disproportionate representation.

If an LEA has disproportionate representation for the current year, go to Step 3. If not, stop; an LEA does not have disproportionate representation and, thus, does not have significant disproportionality nor does it receive a warning.

Step 3: Determine if an LEA has had disproportionate representation for three (3) consecutive years.

If an LEA has had disproportionate representation for 3 years, go to Step 4. If not, stop; an LEA receives a warning for the current year and is in danger of having significant disproportionality in future years.

Step 4: Determine if an LEA's current disproportionate representation has decreased, remained the same or increased from the previous year.

If an LEA's disproportionate representation has decreased, remained the same, or increased from the previous year, and its risk ratio is > 5.0 , the LEA is determined to have significant disproportionality for the current year.

If an LEA's disproportionate representation has decreased, remained the same or increased from the previous year and the LEA now has a risk ratio ≤ 5.0 , the LEA receives a warning for the current year and is in danger of having significant disproportionality in future years.

Note: In accordance with North Carolina's approved waiver under ESEA Flexibility its subgroup "N" size, which is used in the determination process, changed from ≥ 40 to ≥ 30 in 2013-14.