



# PUBLIC SCHOOLS OF NORTH CAROLINA

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

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April 20, 2018

## MEMORANDUM

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

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

A handwritten signature in black ink, appearing to be "WJH", written over the printed name of William J. Hussey.

**SUBJECT:** **Warning Lists for Significant Disproportionality**

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.

Local educational agencies (LEAs) were notified in a recent memorandum of those LEAs identified as having significant disproportionality in each of the three areas examined and the requirement to reserve federal funds to provide comprehensive coordinated early intervening services to serve students in the identified LEAs. The memorandum also indicated that notification of LEAs receiving a warning (the potential to have significant disproportionality in future years), in any of the three areas examined, would be sent separately.

Enclosed are: 1) **the lists of LEAs that are receiving a warning for the potential to have significant disproportionality in future years, in any of the three areas examined**; and 2) the process steps/criteria used for making determinations regarding significant disproportionality (identification, placement and discipline). LEAs without significant disproportionality, may choose to use an amount up to 15 percent of the total LEA IDEA federal funds for 2018-19 (611 funds and 619 funds) to provide coordinated early intervening services (CEIS). If an LEA chooses to provide CEIS, the amount elected will be reallocated from PRC 60 to PRC 70.

While LEAs may provide CEIS to students K-12, the regulations strongly encourage these services be provided to students K-3. LEAs that choose to provide CEIS must maintain documentation of the number of student who receive CEIS during SY 2018-19 and subsequently receive special education and related services in SY 2019-20, 2020-21 or 2021-22.

In our collaborative effort to address the potential to have significant disproportionality in future years, the Division supports your efforts 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](mailto:Sherry.Thomas@dpi.nc.gov) or 919-807-3992, Nancy Johnson at [ntjohnso@uncc.edu](mailto:ntjohnso@uncc.edu) or 704-576-2760, or your regional coordinator.

WJH/SHT:kb

Enclosures

c Alexis Schauss  
Sherry Thomas  
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### EXCEPTIONAL CHILDREN DIVISION

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

## 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  $\geq 30$  for a given race/ethnicity for the overall population or disability category being considered. For an LEA with an "N" size  $\geq 30$  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"  $\geq 30$  (see step 1 above) -  $\geq 3.0$  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  $\leq 5.0$ , 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  $\geq 40$  to  $\geq 30$  in 2013-14.



|                               |         |    |      |           |      |    |     |    |         |    |      |     |      |    |     |    |    |    |    |
|-------------------------------|---------|----|------|-----------|------|----|-----|----|---------|----|------|-----|------|----|-----|----|----|----|----|
| Onslow County Schools         | 51/121  | AA | 3.16 | No (Yr.1) | NA   | NA | NA  | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Person County Schools         | 39/55   | AA | 4.54 | Yes       | 3.44 | >  | Yes | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Pitt County Schools           | 214/282 | AA | 3.60 | Yes       | 3.91 | <  | Yes | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Sampson County Schools        | 56/139  | AA | 3.03 | No (Yr.1) | NA   | NA | NA  | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Scotland County Schools       | 57/79   | AA | 3.08 | No (Yr.2) | 3.70 | NA | NA  | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Union County Public Schools   | 56/148  | AA | 4.26 | No (Yr.1) | NA   | NA | NA  | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Wake County Schools           | 250/481 | AA | 3.79 | Yes       | 3.60 | >  | Yes | W  | 419/762 | AA | 4.10 | Yes | 3.59 | >  | Yes | NA | NA | NA | W  |
| Wayne County Schools          | 152/213 | AA | 4.56 | Yes       | 4.89 | <  | Yes | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Wilson County Schools         | 130/139 | AA | 4.73 | Yes       | 5.26 | <  | Yes | W  | NA      | NA | NA   | NA  | NA   | NA | NA  | NA | NA | NA | NA |
| Winston-Salem Forsyth Schools | NA      | NA | NA   | NA        | NA   | NA | NA  | NA | 97/170  | AA | 3.30 | Yes | 3.42 | <  | Yes | NA | NA | NA | W  |

RR - risk ratio

Disp Rep- disproportionate representation

AA - African American

Wh - White

NA - Not Applicable

W - Warning for future Significant Disproportionality

2017-18 Significant Disproportionality Warning List – Identification (continued)

|                                     | Other Health Impaired                       |                    |                   |                            |               |   | Specific Learning Disability                |                   |                       |                            |                   |   |                               |
|-------------------------------------|---|--------------------|-------------------|----------------------------|---------------|---|---|-------------------|-----------------------|----------------------------|-------------------|---|-------------------------------|
|                                     | Step 1                                      |                    | Step 2            | Step 3                     | Step 4        |   | Step 1                                      |                   | Step 2                | Step 3                     | Step 4            |   |                               |
|                                     | Dec1<br>2017<br>Ages 6-<br>21 # (N ≥<br>30) | Race/<br>Ethnicity | 2017-<br>18<br>RR | 3 yrs<br>w/<br>Disp<br>Rep | 2016-17<br>RR | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR | 2017-<br>18<br>RR | 2017<br>-<br>18<br>RR | 3 yrs<br>w/<br>Disp<br>Rep | 2017-<br>18<br>RR | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR | 2017-<br>18 RR<br>≤ 5.0<br>RR |
| LEA                                 |   |                    |                   |                            |               |   |   |                   |                       |                            |                   |   |                               |
| Asheville City<br>Schools           | 41/91                                       | AA                 | 3.21              | No<br>(Yr 1)               | NA            | NA  | NA  | NA                | NA                    | NA                         | NA                | NA  | NA                            |
| Avery County<br>Schools             | 37/38                                       | Wh                 | 6.56              | No<br>(Yr 1)               | NA            | NA  | NA  | NA                | NA                    | NA                         | NA                | NA  | NA                            |
| Chapel Hill-<br>Carrboro<br>Schools | 69/227                                      | AA                 | 3.47              | Yes                        | 3.35          | >   | Yes   | 3.67              | No<br>(Yr 1)          | NA                         | NA                | NA  | W                             |
| New Hanover<br>County<br>Schools    | 310/718                                     | AA                 | 3.21              | No<br>(Yr 1)               | NA            | NA  | NA  | NA                | NA                    | NA                         | NA                | NA  | NA                            |
| Washington<br>Montessori            | NA  | NA                 | NA                | NA                         | NA            | NA  | Wh  | 4.93              | No<br>(Yr 1)          | NA                         | NA                | NA  | NA                            |

RR - risk ratio

Disp Rep- disproportionate representation

AA - African American

H - Hispanic

Wh - White

NA - Not Applicable

W - Warning for future Significant Disproportionality

2017-18 Significant Disproportionality Warning List – Identification (continued)

| LEA                                 | Autism                                      |                    |                   |                            |                   | Speech-Language Impaired                    |                    |   |                |                   | Status |           |   |
|-------------------------------------|---|--------------------|-------------------|----------------------------|-------------------|---|--------------------|---|----------------|-------------------|--------|-----------|---|
|                                     | Step 1                                      |                    | Step 2            | Step 3                     | Step 4            |   | Step 1             |   | Step 2         | Step 3            |        | Step 4    |   |
|                                     | Dec1<br>2017<br>Ages 6-<br>21 # (N<br>≥ 30) | Race/<br>Ethnicity | 2017-<br>18<br>RR | 3 yrs<br>w/<br>Disp<br>Rep | 2016-<br>17<br>RR | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR | Race/<br>Ethnicity | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR | 2017-<br>18 RR | 2016-<br>17<br>RR |        | No (Yr 1) | 2017-<br>18 RR<br><, =, ><br>2016-<br>17 RR |
| Granville County<br>Schools         | NA  | NA                 | NA                | NA                         | NA                | NA  | Wh                 | Wh  | 3.03           | No (Yr 1)         | NA     | NA        | W   |
| Public Schools of<br>Robeson County | 43/147                                      | Wh                 | 3.12              | No<br>(Yr 1)               | NA                | NA  | Wh                 | NA  | NA             | NA                | NA     | NA        | NA  |

RR - risk ratio

Disp Rep - disproportionate representation

AA - African American

Wh - White

NA - Not Applicable

W - Warning for future Significant Disproportionality determination

## 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  $\geq 30$  for a given race/ethnicity for the placement option by overall population or disability category being considered. For an LEA with an "N" size  $\geq 30$ , 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"  $\geq 30$  (see step 1 above) -  $\geq 3.0$  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  $\leq 5.0$ , 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  $\geq 40$  to  $\geq 30$  in 2013-14.



2017-18 Significant Disproportionality Warning List – Placement

| LEA                           | Inside Regular Class < 40% of Day |                           |            |                   |            |            |        |                    |            |            | Separate Environment* |            |                    |        |            |
|-------------------------------|-----------------------------------|---------------------------|------------|-------------------|------------|------------|--------|--------------------|------------|------------|-----------------------|------------|--------------------|--------|------------|
|                               | Step 1                            |                           | Step 2     | Step 3            | Step 4     |            | Status | Step 1             |            | Step 2     | Step 3                | Step 4     |                    | Status |            |
|                               | Dec1 2017 Ages 6-21 # (N ≥ 30)    | Race/Ethnicity/Disability | 2017-18 RR | 3 yrs w/ Disp Rep | 2016-17 RR | 2017-18 RR |        | 2017-18 RR <, =, > | 2016-17 RR | 2016-17 RR | 2016-17 RR            | 2017-18 RR | 2017-18 RR <, =, > |        | 2016-17 RR |
| Carteret County Schools       | 30/31                             | Wh/Au                     | 12.24      | No (Yr 2)         | 5.84       | >          | NA     | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | NA         |
| Charlotte-Mecklenburg Schools | 54/69                             | AA/SED                    | 3.80       | No (Yr 1)         | NA         | NA         | NA     | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | NA         |
| Lincoln County Schools        | 47/52                             | Wh/Au                     | 3.15       | No (Yr 2)         | 3.84       | NA         | NA     | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | NA         |
| Madison County Schools        | 48/49                             | Wh/All                    | 3.19       | No (Yr 1)         | NA         | NA         | NA     | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | NA         |
| Wake County Schools           | 55/89                             | AA/SED                    | 3.02       | Yes               | 4.98       | <          | Yes    | 44/61              | AA/SED     | 4.82       | Yes                   | <          | <                  | Yes    | W          |
|                               | 98/896                            | Asian/Au                  | 3.45       | No (Yr 1)         | NA         | NA         | NA     | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | W          |
| Wayne County Schools          | 84/114                            | AA/IDmi                   | 3.60       | Yes               | 4.31       | <          | Yes    | NA                 | NA         | NA         | NA                    | NA         | NA                 | NA     | NA         |

\* Includes public & private separate schools and homebound/hospitalized

RR - Risk Ratio

Disp Rep- disproportionate representation

AA - African American

Wh - White

NA - Warning List is Not Applicable

W - Warning for future Significant Disproportionality

Au - Autism

All - All Disabilities

IDmi - Intellectual Disability, mild

OHI - Other Health Impaired

SED - Serious Emotional Disability

SLD - Specific Learning Disability



## 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  $\leq 10$  day out-of-school suspensions that accumulate to  $> 10$  days in a school year.

### Process:

**Step 1:** Determine an LEA's "N" size  $\geq 30$  for a given race/ethnicity for an LEA's overall disability population and cell size of  $\geq 10$  for the type of disciplinary action. For an LEA with an "N" size  $\geq 30$  and cell size  $\geq 10$  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"  $\geq 30$  and cell size  $\geq 10$  (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  $\geq 40$  to  $\geq 30$  in 2013-14.

**2017-18 Significant Disproportionality Warning List – 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 2 <sup>nd</sup> consecutive year |         | 3c. Significant discrepancy (> 2*State average rate for given year) in 1 of 3 > 10 day disciplinary actions in 3 <sup>rd</sup> consecutive year |         |        |
|  |                     |                | NA   | NA  | NA  | 2016-17  | 2015-16 | 2016-17   | 2014-15 | 2015-16   | 2016-17 |        |
| Asheville City Schools                   | 254                 | AA             | NA   | NA  | (10) 3.94%  | 1/3  | 1/3     | 1/3   | 6.38%   | 6.05%   | 3.94%   | W      |
| Buncombe County Schools                  | 331                 | AA             | NA   | NA  | (13) 3.93%  | 1/3  | NA      | 1/3   | NA      | NA  | 3.93%   | W      |
| Cabarrus County Schools                  | 880                 | AA             | NA   | NA  | (37) 4.20%  | 1/3  | NA      | 1/3   | NA      | NA  | 4.20%   | W      |
| Charlotte-Mecklenburg Schools            | 6,937               | AA             | NA   | NA  | (272) 3.92%   | 1/3  | 1/3     | 1/3   | 4.03%   | 4.94%   | 3.92%   | W      |
| Craven County Schools                    | 629                 | AA             | NA   | NA  | (26) 4.13%  | 1/3  | 1/3     | 1/3   | NA      | 4.11%   | 4.13%   | W      |
| Durham Public Schools                    | 2,463               | AA             | NA   | NA  | (117) 4.75%   | 1/3  | NA      | 1/3   | NA      | NA  | 4.75%   | W      |
| Edgecombe County Schools                 | 542                 | AA             | NA   | NA  | (20) 3.69%  | 1/3  | 1/3     | 1/3   | 5.97%   | 6.61%   | 3.69%   | W      |
| Elizabeth City-Pasquotank Public Schools | 421                 | AA             | NA   | NA  | (18) 4.28%  | 1/3  | NA      | 1/3   | NA      | NA  | 4.28%   | W      |
| Franklin County Schools                  | 350                 | AA             | NA   | NA  | (24) 6.06%  | 1/3  | 1/3     | 1/3   | NA      | 5.33%   | 6.06%   | W      |
| Gaston County Schools                    | 1,136               | AA             | NA   | NA  | (45) 3.96%  | 1/3  | NA      | 1/3   | NA      | NA  | 3.96%   | W      |

