



PUBLIC SCHOOLS OF NORTH CAROLINA


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

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June 4, 2019

MEMORANDUM

TO: Directors, Exceptional Children Programs
Lead Administrators, Charter Schools
Directors, State Operated Programs

FROM: Sherry H. Thomas, Director 
Exceptional Children Division

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

The December 19 Equity in IDEA regulation on significant disproportionality 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 a particular educational setting; and 3) the incidence, duration and type of disciplinary actions.

The regulation further requires local educational agencies (LEAs) determined to have significant disproportionality as described under 34 CFR §300.646(b)(2)(d) to reserve the maximum amount of federal funds (15 percent) under section 613(f) of the Act to provide comprehensive coordinated early intervening services. The LEA may use funds reserved to serve children age 3 through grade 12, particularly but not exclusively children in those groups who were significantly overidentified and who are not currently identified as needing special education and related services as well as children with disabilities. This is a change from previous guidance around CEIS. The provision of CEIS is not to be limited to children with disabilities. The LEA must identify and address the factors contributing to the significant disproportionality in the CEIS plan within the VI-B Grant application which is due June 28, 2019. The regulation 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(c)(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 2018-19** (no LEAs were identified with significant disproportionality for placement in 2018-19); 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 2019-20 (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. However, LEAs on the warning list may choose to set aside up to 15 percent for permissive use.

At this time, LEAs determined to have significant disproportionality must maintain documentation of the number of children who receive CEIS during SY 2019-20 and subsequently receive special education and related services in SY 2019-20, 2020-21 or 2021-22. We will inform you if the U.S. Office of Special Education Programs issues revised documentation requirements.

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, Nancy Johnson at ntjohnso@uncc.edu or 704-576-2760, Amanda Byrd at amanda.byrd@dpi.nc.gov or 919-807-3948 or your regional consultant.

SHT/NTJ:kb

Enclosures

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