

Child Find - 3.3 Disproportionality

State Performance Plan (SPP):

(See Overview in the Introduction for more information on the SPP.)

SPP 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20.U.S.C. 1416 (a) (3) (A))

SPP 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is a result of inappropriate identification. (20.U.S.C. 1416 (a) (3) (A))

Intent:

To eliminate significant disproportionate representation in the identification, placement and discipline of children with disabilities within racial/ ethnic groups through the use of early intervening services, high quality regular education and appropriate policies, procedures and practices.

Timelines:

- Data submitted according to Ohio Department of Education (ODE) requirements **annually**.
- ODE **annually** notifies local educational agency (LEA) of findings of significant disproportionate representation in identification, placement and discipline.
- LEA **may** appeal representation finding if there are mitigating circumstances supported by data.
- LEA with significant disproportionate representation required to redirect 15 percent of Part B-IDEA funds to early intervening in **annual** CCIP consolidated funding application.
- Policy, procedures and practices reviewed **annually** by LEA with significant disproportionate representation in identification or placement.

REQUIREMENT

3301-51-03

(C) Disproportionality

(1) General

The Ohio Department of Education and each school district must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the school districts of the state with respect to:

- (a) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in the definition of "child with a disability" in paragraph (B) (10) of rule 3301-51-01 of the Administrative Code;
- (b) The placement in particular education settings of these children; and
- (c) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

GUIDANCE

Reducing or Eliminating Significant Disproportionality Based on Race and Ethnicity for Children Participating in Special Education and Related Services

Prevention Strategies

The school district develops policies, procedures and practices that reduce or eliminate the possibility of racial or ethnic over-representation in the identification of children with disabilities according to a particular impairment described in the definition of "child with a disability" as stated in 3301-51-01(B) (10) of the Operating Standards. Impairments include a cognitive disability (mental retardation), hearing loss (including deafness), speech or language impairment, visual impairment (including blindness), serious emotional disturbance, orthopedic impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness or multiple disabilities that call for special education and related services;

The school district trains its staff in topics such as the effective use of problem solving; scientifically- based interventions; data collection and interpretation; and diverse instructional and behavior management strategies including positive behavioral strategies and interventions;

Staff members work together in developing and maintaining an environment that demonstrates a collaborative responsibility for all children, enabling them to develop and learn to their fullest potential;

The school district works with staff, families and the community to provide early intervening strategies; and

Professional development results in staff recognizing that limited English proficiency; environmental, cultural or economic disadvantage; or lack of instruction in math and/ or reading do not constitute a disability.

REQUIREMENT

3301-51-03

Disproportionality

(2) Review of policies, practices, and procedures

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with paragraph (C) (1) of this rule, the Ohio Department of Education must:

- (a) Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of IDEA.
- (b) Require any school district identified in paragraph (C) (1) of this rule to reserve the maximum amount of funds under Section 613(f) of the IDEA to provide comprehensive coordinated early intervening services to serve children in the school district, particularly, but not exclusively, children in those groups that were significantly over- identified under paragraph (C) (1) of this rule; and
- (c) Require the school district to publicly report on the revision of policies, practices, and procedures described under paragraph (C) (2) (a) of this rule.

GUIDANCE

Review and revision of policies, practices, and procedures regarding disproportionality

ODE reviews data and advises districts if their data show a disproportionality in the identification of children with disabilities or the placement of such children in particular educational settings.

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

If a disproportionality exists, the school district reviews its policies and procedures for identification of children with disabilities and revises those policies and procedures to comply with the requirements to correct the disproportionality thus avoiding improperly classifying or misidentifying a child, which can result in a more restrictive placement than the child's disability requires.

- The district publicly reports on the changes it has made to its policies and procedures to comply with the requirements of IDEA.
- The district reserves funds for early intervening services. (Not to be confused with early intervention for those children birth to three.)
- The district reviews the intervention documentation and the identifying data to pinpoint any weakness in the intervention processes.
- The district determines if early intervening services are needed.
- The district develops and implements the early intervening services.
- The district monitors data and makes changes as necessary based on the data.

The district monitors to assure intervening services are conducted appropriately.

LEGAL CITATIONS:

Federal Statutes:

20.U.S.C. 1412(24); 1418(d)

Code of Federal Regulations:

34 CFR §300.173 and 300.646

Ohio Revised Code:

3323.03 3323.01(A)

3323.02 3323.04

Operating Standards:

3301-51-01(B) (10)

3301-51-03(C)

3301-14-01

3301-51-05

3301-51-06

3301-35-06

FORMS (* = required)

- Disproportionate Representation Data Examination Report (*notification sent only to LEA with findings in identification, placement and discipline*)
- Representation Appeal Form (**optional**)
- 15% Early Intervening Redirection (*in Consolidated Funding Application within the CCIP, **required** for LEA with findings of disproportionate representation*)
- Disproportionality Self- Review Report (**required** of LEA with findings in identification only)