

Disproportionality Guidance

OFFICE FOR EXCEPTIONAL CHILDREN

AUGUST 2015

Ohio | Department of Education

Table of Contents

Introduction 3
Disproportionality Process 4
Collection and Examination of Data 5
Applying Risk Ratios to Determine Disproportionality 5
Risk Ratios for Identification 7
Risk Ratio across All Disability Categories – Indicator 9 8
Risk Ratios in Specific Disability Categories – Indicator 10 9
Risk Ratios for Educational Placement 10
Risk Ratios for Discipline – Indicator 4b 12
Significant Disproportionality 13
Review of Policies, Practices and Procedures 13
Identification 13
Placement 18
Discipline 19
Revisions of Policy, Procedures and Practices 22
Redirection of Funds 22
ODE Monitoring 26
Strategies to Address Disproportionality 26
Links to Helpful Resources 27

Introduction

School districts in Ohio are annually monitored by the Ohio Department of Education to determine if significant disproportionality of racial and ethnic groups in special education identification, placement and discipline exists and the extent that disproportionate representation is the result of inappropriate identification.

The results are reported in the Annual Performance Report (APR) through the following three indicators:

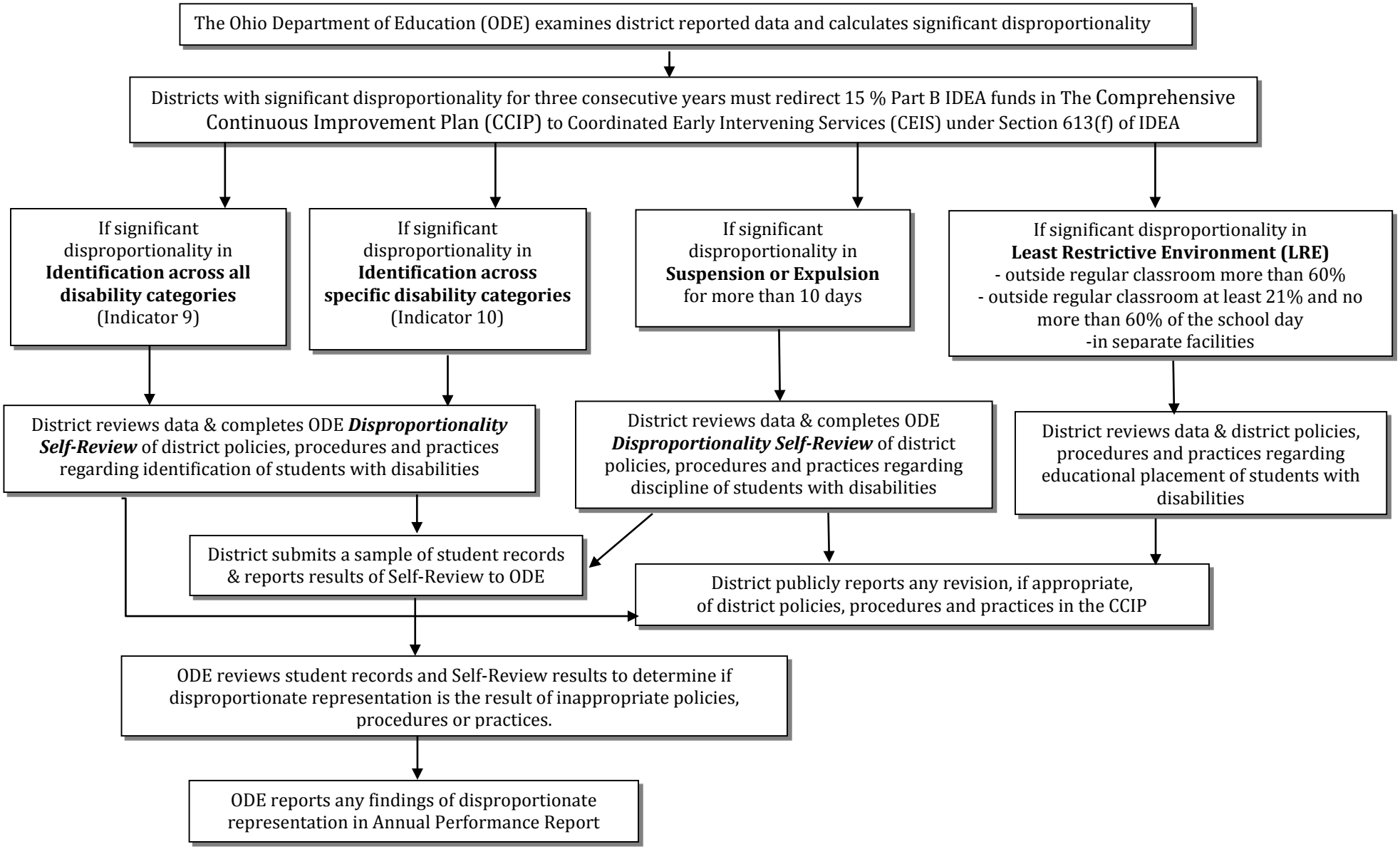
- Indicator 4b: Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))
- Indicator 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))
- Indicator 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))

Districts with significant disproportionality for three consecutive school years are required to redirect 15 percent of their IDEA Part B funds to Coordinated Early Intervening Services (CEIS). In addition, districts with significant disproportionality must review their district policies, procedures and practices with respect to the area(s) with disproportionate representation.

This guidance will provide:

- Significant disproportionality calculations
- CEIS use of funds and required reporting
- Self-review and revision of district policies, procedures and practices

Disproportionality Process



Collection and Examination of Data

REQUIREMENT

Collection and examination of data regarding disproportionality

Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, 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 local educational agencies (LEAs) of the State with respect to:

- 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 section 602(3) of the Act;
- The placement in particular educational settings of these children; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

[34 CFR 300.646(a)] [20 U.S.C. 1418(d)(1)]

The federal Office of Special Education Programs (OSEP) provided a formula for states to identify disproportionality using district-level special education data to create a "risk ratio." This formula was developed by Westat, a federally-funded research center located in Rockville, Maryland.

The advantage to using district-level risk ratios is that identification, placement and discipline are compared among racial and ethnic groups within each individual district, rather than comparing populations between or among districts. This minimizes or eliminates the effects of the variation between district in regard to policies and student populations.

The Office for Exceptional Children (OEC) examines school districts with overrepresentation in identification, LRE and discipline based on a risk ratio of 3.5 or greater and underrepresentation in identification based on a risk ratio of .3 or lower, using a group-size rule (n=30) that aligns with the calculation of Annual Measurable Objectives (AMOs) for racial and ethnic subgroups.

Applying Risk Ratios to Determine Disproportionality

The following section summarizes how ODE applies the calculations of risk ratios to determine disproportionality in special education identification.

1. ODE uses the same enrollment data for both race/ethnicity and disability condition that are used to produce Local Report Cards (LRC).*

   These numbers are reported at the same time for students with and without disabilities, and district superintendents sign off on their validity after several opportunities to review them. The following tables provide examples of these data from several fictitious districts.

Figure 1 shows the race/ethnicity of the student body for the entire district. This table can be created at the district level using the same data that were used for the LRC. Most districts can locate these data in their accountability workbooks.

* ODE uses the On-Line Analytical Processing function in Microstrategy to access and analyze these data, stored in its data warehouse. Thus, each calculation is based on non-rounded counts of students; rounding is performed only when a report has been developed. For practical purposes, this means that district staff who are calculating their own risk ratios should begin with data used for the appropriate fiscal year enrollment report for the LRC, found on the web-based interactive LRC and in their accountability workbooks.

Figure 1: Enrollment Data
Total District Enrollment by Race/Ethnicity

District Identification Number	American Indian/Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
41234	24	494	13,632	271	12,995
42234	3	15	512	38	2,489
43234	7	32	47	19	3,450
44234	6	25	481	324	3,418
45234	1	6	31	4	2,497

Figure 2 shows the race/ethnicity of the students who have been identified in the category of emotional disturbance.

Figure 2: Enrollment Data
Emotional Disturbance by Race/Ethnicity

District Identification Number	American Indian/Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
41234	0	5	600	0	230
42234	0	0	4	0	18
43234	0	0	0	0	19
44234	0	0	6	3	32
45234	0	0	1	0	21

Note: Student enrollment is <u>not</u> rounded to determine minimum cell size. Thus, if the enrollment for a group was 9.99999, an "NR" would appear in the calculation, due to confidentiality requirements.

2. When fewer than 30 students within a single racial/ethnic group were identified as having the disability under scrutiny, ODE removed the group from the district analysis for that disability, in order to ensure that identification of one or two students does not trigger a significant risk ratio. Just as with the LRC, figures for these small groups appear as "NR," in the district's report. In addition, if the sum of students in all other racial/ethnic groups was less than 30, risk ratios are not calculated. Figure 3 shows student groups for whom risk ratios would <u>not</u> be calculated.

Figure 3: Local Report Card Data
Emotional Disturbance by Race/Ethnicity

District Identification Number	American Indian/Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
41234	0	NR	600	0	230
42234	0	0	NR	0	NR
43234	0	0	0	0	NR
44234	0	0	NR	NR	32
45234	0	0	NR	0	NR

3. ODE calculates risk ratios for each racial/ethnic group across all disability categories, within six specific disability categories, educational placement in particular settings and discipline. Figure 4 shows the results of the calculations for each racial/ethnic group across all disability categories.

Figure 4: Risk Ratios Across All Disability Categories

District Identification Number	American Indian/Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
41234	0.00	0.00	NR	3.51	0.00
42234	0.00	0.00	0.00	NR	0.00
43234	0.00	0.00	0.00	0.00	0.00
44234	0.00	0.00	0.00	NR	NR
45234	0.00	0.00	0.00	NR	0.00

4. In Ohio, a risk ratio of 3.50 or higher indicates overrepresentation of specific racial/ethnic groups in special education. A risk ratio of .3 or lower indicates underrepresentation in identification. The 3.51 risk ratio for Hispanic students means that a Hispanic student in this district is 3.51 times more likely to be identified as a student with a disability than students from other racial/ethnic groups combined. Figure 5 is a replication of Figure 4 with all risk ratios less than 3.50 removed.

Figure 5: Risk Ratios Across All Disability Categories Greater than 3.50

District Identification Number	American Indian/Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
41234				3.51	
42234					
43234					
44234					
45234					

Note: Risk ratios are not rounded until after "significant disproportionality" is determined. A risk ratio of 3.49999999999999 does not trigger consequences for the district, although it may appear as 3.50 in a report that compares identification, educational placement and discipline across all racial/ethnic groups.

All other rounding is completed during the final creation of reports. Complex or sequential calculations begin with the data reported in the Education Management Information System (EMIS); no rounding occurs during the sequence of calculations. (Thus, if a student is enrolled in a district 89 out of 180 days, that enrollment is not counted as 0.5 Average Daily Membership (ADM) during subsequent calculations, but rather, as the fraction 89/180.)

5. Per federal requirements, ODE applies the risk ratio calculations described above to:
   - Across all disability categories combined (Indicator 9);
   - Six individual disability categories (Indicator 10);
   - Educational placement; and
   - Discipline (Indicator 4b).

Risk Ratios for Identification

Two types of risk ratios for disproportionality are calculated in the area of identification; one to indicate the relative risk of students in racial/ethnic groups to be identified as a student with a disability (having any disability condition) and one to indicate their relative risk to be identified with specific disability conditions.

Risk ratios are calculated for the following racial/ethnic groups: African-American, American Indian, Asian, Hispanic, Multiracial, Pacific Islander and White.

Risk Ratio across All Disability Categories – Indicator 9

This risk ratio compares the risk (likelihood) for students in each racial/ethnic group and the risk for the student population not in that racial/ethnic group to be identified as students with a disability.

Numerator of the risk ratio calculation:

Both the numerators and denominators of the risk ratio are "risks." Risk calculations use the same steps as calculating percentages. The risk for the numerator is calculated by determining the number of students in the racial/ethnic group that have been identified with a disability and dividing that number by the total number of the district's students in that racial/ethnic group. For example, the risk or likelihood that a single Asian student has been identified as a student with a disability is calculated by dividing the number of Asian students who have been identified as students with a disability by the total number of Asian students in the district. Figure 6 shows this formula.

Figure 6: Risk Calculation for an Asian Student to be Identified with a Disability

Asian Risk to be Identified with a Disability		
Step	**Description**	**Data**
A	Enrollment (from LRC data) of *Asian* students identified as students with a disability	57
B	Enrollment (from LRC data) of *Asian* students	435
C = A ÷ B	Risk for *Asian* Students to be Identified with a Disability	13.10%

Denominator of the risk ratio calculation:

The risk (likelihood) that students from all other racial/ethnic groups would be identified with a disability becomes the denominator of the risk ratio calculation. It is computed by determining the total number of students in all of the other racial/ethnic groups that have been identified with a disability and dividing that number by the total number of students in all of the other racial/ethnic categories enrolled in the district. To continue with the above example, the risk or likelihood that students from all racial/ethnic groups other than Asian would be identified with a disability is calculated by dividing the number of students from all other racial/ethnic groups identified with a disability by the total number of students from all other racial/ethnic groups enrolled in the district. Figure 7 shows this formula.

Figure 7: Risk Calculation for a Non-Asian Student to Be Identified with a Disability

Non-Asian Risk to Be Identified with a Disability		
Step	**Description**	**Data**
D	Enrollment (from LRC data) of Non-*Asian* students identified as students with a disability	50
E	Enrollment (from LRC data) of Non-*Asian* students	1,560
F = D ÷ E	Risk for Non-*Asian* students to Be Identified with a Disability	3.21%

Calculation of the risk ratio:

The ratio is calculated by dividing the numerator (the risk for identification for the given racial/ethnic group) by the denominator (the risk of identification for students not in that racial/ethnic group). Using the above example, the likelihood of an Asian student being identified with a disability (numerator; Figure 6) would be divided by the likelihood of students from any other racial/ethnic group being identified with a disability (denominator; Figure 7). If this risk ratio is greater than or equal to 3.50, the district would be identified as having a disproportionate number of Asian students overidentified with a disability. Figure 8 shows this formula.

Figure 8: Risk Ratio Calculation for Asian Students to Be Identified with a Disability

Risk Ratio for Asian Students to Be Identified with a Disability		
Step	**Description**	**Data**
A	Enrollment (from LRC data) of *Asian* students identified as students with a disability	57
B	Enrollment (from LRC data) of *Asian* students	435
C = A ÷ B	Risk for *Asian* students to be identified with a disability	13.10%
D	Enrollment (from LRC data) of Non-*Asian* students identified as students with a disability	50
E	Enrollment (from LRC data) of Non-*Asian* students	1,560
F = D ÷ E	Risk for Non-*Asian* students to be identified with a disability	3.21%
C ÷ F	*Asian* Student Risk Ratio	**4.09**

The formula shown in Figure 8 is used to calculate risk ratios for each separate racial/ethnic group named above.

Risk Ratios in Specific Disability Categories – Indicator 10

This risk ratio compares the risk for students in each racial/ethnic group and the risk for the student population not in that racial/ethnic group to be identified as having a specific disability condition.

The specific disability conditions for which risk ratios are calculated include:

- specific learning disability (SLD);
- intellectual disability;
- emotional disturbance (ED);
- other health impairment (OHI);
- autism; and
- speech/language impairment.

The risk (likelihood) that a single student of a racial/ethnic group has been identified with a specific disability is calculated very similarly to the risk for identification as disabled across all disability categories.

Numerator of the risk ratio calculation:

The risk for the numerator is calculated by determining the number of students in the racial/ethnic group that have been identified with the specific disability and dividing that number by the total number of the district's students in that racial/ethnic group. For example, the risk or likelihood that a single Asian student would be identified with autism is calculated by dividing the number of Asian students who have been identified with autism by the total number of Asian students in the district. Figure 9 shows this formula.

Figure 9: Risk Calculation for an Asian Student to Be Identified with Autism

Asian Risk to be Identified with Autism		
Step	**Description**	**Data**
A	Enrollment (from LRC data) of *Asian* students identified with *Autism*	56
B	Enrollment (from LRC data) of *Asian* students	458
C = A ÷ B	Risk for *Asian* students to be identified with *Autism*	12.23%

Denominator of the risk ratio calculation:

The risk (likelihood) that students from all other racial/ethnic groups would be identified with the same disability condition becomes the denominator of the risk ratio calculation. It is computed by determining the total number of students in all of the other racial/ethnic groups that have been identified with the same disability and dividing that number by the total number of students in all of the other racial/ethnic categories enrolled in the district. To continue with the above example, the risk or likelihood that students from all racial/ethnic groups other than Asian

would be identified with autism is calculated by dividing the number of students from all other racial/ethnic groups identified with autism by the total number of students from all other racial/ethnic groups enrolled in the district. Figure 10 shows this formula.

Figure 10: Risk Calculation for a Non-Asian Student to Be Identified with Autism

Asian Risk to be Identified with Autism		
Step	**Description**	**Data**
D	Enrollment (from LRC data) of Non-*Asian students* identified with *Autism*	53
E	Enrollment (from LRC data) of Non-*Asian* students	1552
F = D ÷ E	Risk for Non-*Asian* students to be identified with *Autism*	3.41%

Calculation of the risk ratio:

The risk ratio is calculated by dividing the numerator (the risk of identification with the specific disability for the given racial/ethnic group) by the denominator (the risk of identification with the specific disability for students not in that racial/ethnic group). This risk ratio is calculated for each racial/ethnic group in relation to each of the specified disability conditions. Using the above example, the likelihood of an Asian student being identified with autism (numerator; Figure 9) would be divided by the likelihood of students from any other racial/ethnic group being identified with autism (denominator; Figure 10). If this risk ratio is 3.50 or larger, the district would be identified as having a disproportionate number of Asian students overidentified with autism. Figure 11 shows this formula.

Figure 11: Risk Ratio Calculation for Asian Students to Be Identified with Autism

Asian Risk Ratio to be Identified with Autism		
Step	**Description**	**Data**
A	Enrollment (from LRC data) of *Asian* students identified with *Autism*	56
B	Enrollment (from LRC data) of *Asian* students	458
C = A ÷ B	Risk for *Asian* students to be identified with *Autism*	12.23%
D	Enrollment (from LRC data) of Non-*Asian students* identified with *Autism*	53
E	Enrollment (from LRC data) of Non-*Asian* students	1552
F = D ÷ E	Risk for Non-*Asian* students to be identified with *Autism*	3.41%
C ÷ F	*Asian* Students with *Autism* Risk Ratio	**3.58**

The formula shown in Figure 11 is used to calculate risk ratios for each separate racial group by each of the six specific disability conditions named above.

Risk Ratios for Educational Placement

These risk ratios compare the risks for students with disabilities in each racial/ethnic group to the risk for the student population not in that racial/ethnic group to be placed in a particular educational setting (least restrictive environment (LRE)) for special education services.

The specific LRE settings for which risk ratios are calculated include:

- educational placement outside the regular classroom more than 60 percent of the school day
- educational placement outside regular classroom at least 21 percent and no more than 60 percent of the school day
- educational placement in separate facilities

The risk (likelihood) that a single student of a racial/ethnic group has been placed to receive services in a particular setting is calculated similarly to the risk for identification as disabled across all disability categories.

The risk ratio calculations use the educational LRE setting data provided in the December Child Count and are verified by district staff. Just as in the determination of disproportionality in identification, when fewer than thirty students within a single racial/ethnic group were identified as being in the placement setting under scrutiny, ODE does not calculate a risk ratio for that group.

Numerator of the risk ratio calculation:

The risk (likelihood) for the numerator is calculated by determining the number of students in the racial/ethnic group that have been placed for educational services in a particular setting and dividing that number by the total number of the district's students in that racial/ethnic group reported in any placement setting for services. For example, the risk or likelihood that a single Asian student would be placed outside the regular classroom more than 60 percent of the day is calculated by dividing the number of Asian students who have been placed in that setting by the total number of Asian students with disabilities in the district with any placement for services - Figure 12 shows this formula.

Figure 12: Risk Calculation for an Asian Student to Be Placed Outside the Regular Classroom More Than 60 Percent of the School Day

Risk for Asian Students to be Placed Outside the Regular Classroom > 60% of the School Day		
Step	**Description**	**Data**
A	December count of *Asian* students with disabilities who are placed outside the regular classroom > 60% of the school day	30
B	December count of *Asian* students with disabilities with any placement for services	45
C = A ÷ B	Risk for *Asian* students to be placed outside of the regular classroom > 60% of the school day	66.67%

Denominator of the risk ratio calculation:

The risk (likelihood) that students from all other racial/ethnic groups would be placed for educational services in a particular setting becomes the denominator of the risk ratio calculation. It is computed by determining the total number of students in all of the other racial/ethnic groups that have been placed in the particular setting and dividing that number by the total number of students in all of the other racial/ethnic categories with any placement for services. To continue with the above example, the risk or likelihood that students from all racial/ethnic groups other than Asian would be placed outside the regular classroom more than 60 percent of the school day is calculated by dividing the number of students from all other racial/ethnic groups with that placement by the total number of students from all other racial/ethnic groups with any placement for services. Figure 13 shows this formula.

Figure 13: Risk Calculation for a Non-Asian Student to Be Placed Outside the Regular Classroom More Than 60 Percent of the School Day

Risk for Non-Asian Students to be Placed Outside the Regular Classroom > 60% of the School Day		
Step	**Description**	**Data**
D	December count of Non-*Asian* students with disabilities who are placed outside the regular classroom > 60% of the school day	97
E	December count of Non-*Asian* students with disabilities with any placement for services	1,552
F = D ÷ E	Risk for Non-*Asian* students to be placed outside of the regular classroom > 60% of the school day	17.38%

Calculation of the risk ratio:

The risk ratio is calculated by dividing the numerator (the risk for the specific placement for the given racial/ethnic group) by the denominator (the risk for the specific placement for students not in that racial/ethnic group). This risk ratio is calculated for each racial/ethnic group in relation to the specified placement. Using the above example, the likelihood of an Asian student being place outside the regular classroom more than 60 percent of the school day (numerator; Figure 12) would be divided by the likelihood of students from any other racial/ethnic group to be placed in the same setting (outside the regular classroom more than 60 percent of the school day (denominator;

Figure 13). If this risk ratio is 3.50 or larger, the district would be identified as having a disproportionate number of Asian students placed outside the regular classroom more than 60 percent of the time. Figure 14 shows this formula. The formula shown in Figure 14 is used to calculate risk ratios for each separate racial group.

Figure 14: Risk Ratio Calculation for Asian Students to Be Placed Outside the Regular Classroom More Than 60 Percent of the School Day

Risk Ratio for Asian Students to be Placed Outside the Regular Classroom > 60% of the School Day		
Step	**Description**	**Data**
A	December count of *Asian* students with disabilities who are placed outside the regular classroom > 60% of the school day	30
B	December count of *Asian* students with disabilities with any placement for services	45
C = A ÷ B	Risk for *Asian* students to be placed outside of the regular classroom > 60% of the school day	66.67%
D	December count of Non-*Asian* students with disabilities who are placed outside the regular classroom > 60% of the school day	97
E	December count of Non-*Asian* students with disabilities with any placement for services	1,552
F = D ÷ E	Risk for Non-*Asian* students to be placed outside of the regular classroom > 60% of the school day	17.38%
C ÷ F	*Asian* Students Risk Ratio	**3.84**

The formula shown in Figure 14 is used to calculate risk ratios for each separate racial group by each of the three LRE placement settings named above.

Risk Ratios for Discipline – Indicator 4b

The risk ratios to determine disproportionate out of school suspension or expulsion among special education students are calculated by using steps similar to those used for identification and LRE placement. Two differences are that a) all students attending the school district are included, regardless of attending home status and b) the comparison is between the discipline of students with disabilities in a single racial group to the discipline of all typical students. When fewer than 30 students with disabilities are enrolled in the school district and fewer than five students within a single racial/ethnic group were suspended or expelled from school for more than ten cumulative days, ODE does not calculate a risk ratio for that group.

Figure 15: Risk Ratio Calculation for any Racial Group Suspended More Than 10 Cumulative Days

Risk Ratio for Suspension by Race		
Step	**Description**	**Data**
A	*Race* SWD Suspended > 10 CUMULATIVE days	5
B	*Race* SWD Enrollment	106
C = A ÷ B	*Race* SWD Suspension Rate	4.72%
D	Typical Students Suspended > 10 CUMULATIVE days	43
E	Typical Enrollment	3896
F = D ÷ E	Typical Suspension Rate	1.10%
C ÷ F	*Race* Suspension Risk Ratio	**4.27**

The formula shown in Figure 15 is used to calculate risk ratios for both suspension and expulsion for each separate racial/ethnic group.

Significant Disproportionality

School districts with risk ratios of 3.5 or greater in identification, placement (LRE) and discipline by race/ethnicity for three consecutive years will be determined to have significant disproportionality. ODE will notify school districts identified with significant disproportionality of the requirements to 1) redirect 15% of their Part B IDEA funds to coordinated early intervening services (CEIS) and 2) review their policies, procedures and practices. School districts will have the opportunity to appeal the finding if they have a mitigating circumstance that has a direct impact on the data used to calculate the risk ratio.

Review of Policies, Practices and Procedures

REQUIREMENT

Review and revision 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 §300.646(a) of the *IDEA* regulations, the State or the Secretary of the Interior must:

- 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 the Act;
- Require any LEA identified under §300.646(a) of IDEA to reserve the maximum amount of funds 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 that were significantly overidentified under §300.646(a) of the IDEA regulations; and
- Require the LEA to publicly report on the revision of policies, practices, and procedures described under §300.646(b)(1) of the IDEA regulations.

[34 CFR 300.646(b)] [20 U.S.C. 1418(d)(2)]

A school district notified by ODE that they have significant disproportionality in identification, LRE placement or discipline will be required to review their district policies, procedures and practices with respect to the identified area(s).

Identification

The school district should compare the alignment of their district identification policies, procedures and practices with the requirements as defined in laws and regulations. A student may not be identified as a student with a disability if the determinant factor for that determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965, as amended and specified in the No Child Left Behind Act of 2001, January 2002, 20 U.S.C. 6301 (ESEA);
- Lack of appropriate instruction in math; or
- Limited English proficiency.

The school district selected for significant disproportionality for identification will conduct their review using the *Disproportionality Self-Review* provided by ODE. The school district selected will focus on identification policies, procedures and practices for Indicator 9 across all disability categories or for Indicator 10 in specific disability categories. The specific disability categories for Indicator 10 are:

- Intellectual Disability Specific Learning Disability (SLD)
- Emotional Disturbance (ED)
- Speech/Language Impairment
- Other Health Impairment (OHI)
- Autism

The self-review process for identification has two focus areas:

I School-wide Approaches and Pre-referral Interventions

The school district's Board of Education must have a written policy that articulates a school-wide approach to providing a high quality general education for all students including intervention that is designed to meet student needs throughout the district. Both the policy and its implementation are reviewed in order to determine if there are equitable opportunities for students to receive supportive interventions that enable them to be successful in the general education environment. Procedures and practices are analyzed to determine if the policy is implemented in a consistent manner for all students and that students of different racial or ethnic groups are not treated differently in any schools of the district.

II Individual Evaluations and Eligibility Determinations of Students with Disabilities.

The school district's evaluation practices are reviewed to determine if students of all racial and ethnic groups, and particularly students of the identified group, have received appropriate evaluations. The student evaluations, from the groups with significant risk ratios, must include a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the student that may assist in determining whether the student is a student with a disability.

The school district's eligibility determination processes are examined to determine to what extent students of the identified racial and ethnic groups are provided appropriate instruction and resources to promote learning prior to referral and that the eligibility determination is based on the students' evaluations.

The table below contains each section of the *Ohio Operating Standards for the Education of Children with Disabilities* that the school district will target as they examine the alignment of their district's identification policies, procedures and practices. The table also provides examples of the types of evidence that can be investigated to determine the district's compliance with federal and state laws and regulations.

Operating Standard	Evidence
General Practice – Instruction & Intervention	
3301-35-06 (A) Educational programs and experiences shall be designed and implemented to provide a general education of high quality for all students. Students shall be provided sufficient time and opportunity to achieve local school district performance requirements and objectives measured by required state achievement and proficiency tests. Instruction shall include intervention that is designed to meet student needs. Instruction and instructional activities shall be: (1) Consistent with educational research and proven practices; (2) Appropriate to student ages, developmental needs, learning styles, abilities and English proficiency; and (3) Designed to ease the transition of students from one educational environment to another. (4) In accordance with division (M) of section 3301.07 of the Revised Code and rule 3301-33-01 of the Administrative Code, phonics	▪ Core reading program that is aligned to Ohio's New Learning Standards. This core program includes the Big 5: phonemic awareness, alphabetic principals, fluency with text, vocabulary, and comprehension ▪ Core math program that is aligned to Ohio's New Learning Standards ▪ Research based instructional practices in each of the following three tiers of instructional support: Universal, Targeted, and Intensive ▪ Building/Districtwide Positive Behavioral Supports ▪ Intervention Assistance teams with building administrative support o The Intervention Assistance Team (IAT) discusses the general education supports the student may be receiving and considers the appropriateness of additional supports o The IAT discusses what attempts have been made to provide remedial instructional or other general education support alternatives to special education. ▪ General education supports and services and behavioral interventions are implemented prior to referral regardless of a student's race or ethnicity

Operating Standard	Evidence
Referral	
3301-51-06 (A) Evaluations (1) Each school district shall adopt and implement written policies and procedures, approved by the Ohio department of education, office for exceptional children, to ensure that a referral process is employed to determine whether or not a child is a child with a disability. The school district of residence shall ensure that initial evaluations are conducted and that reevaluations are completed.	▪ Written Board approved Special Education Policy and Procedures ▪ Alignment of each building's practices to the district's approved Special Education Policy and Procedures
3301-51-06 (A) Evaluations (2) Consistent with rule 3301-35-06 of the Administrative Code, each school district shall provide interventions to resolve concerns for any preschool or school-age child who is performing below grade-level standards.	▪ General education supports and services and behavioral interventions are implemented for anyone prior to referral regardless of a student's race or ethnicity
3301-51-06 (A) Evaluations (3) A school district may not use interventions to delay unnecessarily a child's being evaluated to determine eligibility for special education services. If such interventions have not been implemented prior to referral for evaluation, appropriate interventions should be implemented during the same sixty-day time frame during which the school district conducts a full and individual evaluation. (4) Each school district shall use data from interventions to determine eligibility for special education services, appropriate instructional practices, and access to the general curriculum. In the case of a preschool-age child, data collected through interventions is part of the differentiated referral process.	▪ Intervention data included in Evaluation Team Report (ETR) ▪ Data includes curriculum and instructional practices used and results obtained
Evaluation - Planning	
3301-51-06(F)(1) Additional requirements for evaluations and reevaluations (1) Review of existing evaluation data As part of an initial evaluation, and as part of any reevaluation under this rule, the evaluation team shall develop an evaluation plan that will provide for the following and be summarized in an evaluation team report: (a) Review existing evaluation data on the child, including: (i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or state assessments, and classroom-based observations; (iii) Observations by teachers and related services providers; (iv) Data about the child's progress in the general curriculum or, for the preschool-age child, data pertaining to the child's growth and development; (v) Data from previous interventions, including: *(a)* Interventions required by rule 3301-35-06 of the Administrative Code; and *(b)* For the preschool child, data from early intervention, community or preschool program providers; and (vi) Any relevant trend data beyond the past twelve months, including the review of current and previous IEPs; and (b) On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine: (i) Whether the child is a child with a disability, as defined in rule 3301-51-01 of the Administrative Code, and the educational needs of the child; or (ii) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;	▪ Evidence of an evaluation plan o This can be incorporated in Prior Written Notice; or o It can be a separate plan that the district has developed. ▪ Evaluation Plan contains all required elements as defined in this rule ▪ Written referral includes information about reasons for the referral and interventions that were tried or reasons why no such attempts were made ▪ The Evaluation planning team discusses what attempts have been made to provide remedial instruction or other general education support as alternatives to special education

Operating Standard	Evidence
(iii) The present levels of academic achievement and related developmental needs of the child; (iv) Whether the child needs special education and related services; or (v) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and (vi) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.	
Evaluation – Procedures (All Disabilities)	
3301-51-06(E) Evaluation Procedure 3301-51-06(F)(2)-(5) Additional requirements for evaluations and reevaluations *(refer to code for full text citations)*	▪ Tests and other evaluation materials are selected and administered so as not to be discriminatory on a racial or cultural basis ▪ Assessments and other evaluation materials are provided in the student's native language or other mode of communication and in the form most likely to provide information on what the student knows and can do academically, developmentally and functionally ▪ Evaluations include input from multiple tools and strategies and provided by multiple individuals including the parents ▪ Assessments and other evaluation materials are administered for purposes for which the assessments or measures are valid and reliable ▪ Tests are administered and scored by trained and knowledgeable personnel in accordance with instructions of the tests ▪ The child is assessed in all areas of the suspected disability as defined within Rule 3301-51-01 ▪ All components of the evaluation plan are completed and included in the Evaluation Team Report (ETR)
3301-51-06 Evaluation Procedures (H) Additional procedures for identifying children with specific learning disabilities (I) Additional procedures for identifying children with multiple disabilities (J) Additional procedures for identifying children with deafness or hearing impairment	▪ Additional procedures are documented for these specific disability categories
Determination of Eligibility	
3301-51-06(G) Determination of eligibility (1) General Upon completion of the administration of assessments and other evaluation measures: (a) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in rule 3301-51-01 of the Administrative Code, in accordance with paragraph (G)(2) of this rule and the educational needs of the child; and (b) The school district provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. (i) The written evaluation team report shall include: *(a)* A summary of information obtained during the evaluation process; and *(b)* The names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination. Any team	▪ The names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination ▪ Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement ▪ Results of the reevaluation provide the information necessary to determine the type of disability and the specific areas in which the student will need special education services ▪ Eligibility decisions are based on evaluation data demonstrating that students require special education as defined in regulation and not due to lack of appropriate general education instruction, supports or behavior

Operating Standard	Evidence
member who is not in agreement with the team's determination of disability shall submit a statement of disagreement. (ii) The school district must provide a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than fourteen days from the date of eligibility determination.	
3301-51-06(G)(2) Special rule for eligibility determination A child must not be determined to be a child with a disability under this rule: (a) If the determinant factor for that determination is: (i) Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965, as amended and specified in the No Child Left Behind Act of 2001, January 2002, 20 U.S.C. 6301 (ESEA); (ii) Lack of appropriate instruction in math; or (iii) Limited English proficiency; and (b) If the child does not otherwise meet the eligibility criteria under paragraph (B)(10) of rule 3301-51-01 of the Administrative Code.	▪ Statement of determination from the team is in the Evaluation Team Report (ETR) ▪ Documentation that the child meets eligibility criteria for one or more of the disability conditions as defined in paragraph (F)(3) of rule 3301-51-01 of the Administrative Code
3301-51-06(G)(3) Procedures for determining eligibility and educational need (a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability as defined in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code, and the educational needs of the child, each school district must: (i) Draw upon information from a variety of sources, including aptitude and achievement tests, state and districtwide assessments, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and (ii) Ensure that information obtained from all of these sources is documented and carefully considered.	▪ Evaluation Team Report (ETR) summary contains a review of existing data including all elements from the Evaluation Plan ▪ Results of the evaluation provide information in all areas related to the suspected disability
(b) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with rule 3301-51-07 of the Administrative Code.	▪ A current IEP is on file ▪ IEPs are developed, reviewed and revised for each child with a disability as required in 3301-51-07
Reevaluation	
3301-51-06(D) Reevaluations (1) General A school district of residence must ensure that a reevaluation of each child with a disability is conducted in accordance with paragraphs (E) to (I) of this rule: (a) If the school district determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (b) If the child's parent or teacher requests a reevaluation; or (c) When a child, who has met the eligibility criteria for a developmental delay, transitions from preschool to school-age services; or (d) In order to make a change in disability category. (2) Limitation A reevaluation conducted under paragraph (D)(1) of this rule: (a) May occur not more than once a year, unless the parent and the school district agree otherwise; and (b) Must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.	▪ No more than three calendar years between the date on the prior Evaluation Team Report (ETR) and the most recent ETR

Placement

The placement or least restrictive environment (LRE) requirements in 34 CFR Section 300.114 through 300.117 express a strong preference, not a mandate, for educating children with disabilities in regular classes alongside their peers without disabilities. Section 300.114(a)(2), consistent with section 612(a)(5)(A) of the Act, requires that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The school district should review placement data for any trends or patterns when disaggregated by race/ethnicity and disability category. The table below contains each section of the *Ohio Operating Standards for the Education of Children with Disabilities* that the school district may target as they examine the alignment of their district's LRE policies, procedures and practices. The table also provides examples of the types of evidence that can be investigated to determine the district's compliance with federal and state laws and regulations.

Operating Standard	Evidence
3301-51-07 (N) Educational placements Consistent with rule 3301-51-04 of the Administrative Code, each school district must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.	▪ Parent invitation (notified early enough, scheduled at mutually agreed time and place) ▪ Documentation (i.e., communication log, correspondence, phone calls, e-mail documenting the opportunities provided to the parent to participate in meetings)
3301-51-09 (A) Least restrictive environment (LRE) Each school district shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled.	▪ EMIS data
3301-51-09 (B) LRE requirements (1) Except as provided in rule 3301-51-07 of the Administrative Code regarding children with disabilities in adult prisons, each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, to ensure that the school district meets the LRE requirements of this rule. (2) Each school district must ensure that: (a) To the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled; and (b) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.	▪ Written Board approved Special Education Policy and Procedures ▪ Alignment of each building's practices to the district's approved Special Education Policy and Procedures
3301-51-09 (C) Continuum of alternative placements (1) Each school district must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. (2) The continuum required in paragraph (C)(1) of this rule must: (a) Include the alternative placements listed in the definition of special education under rule 3301-51-01 of the Administrative Code (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (b) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.	▪ A full continuum of placement options equally available for all students regardless of their race/ethnicity

Operating Standard	Evidence
3301-51-09 (D) Placements In determining the educational placement of a child with a disability, including a preschool child with a disability, each school district must ensure that: (1) The placement decision: (a) Is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and (b) Is made in conformity with the LRE provisions in paragraphs (B) to (E) of this rule. (2) The child's placement: (a) Is determined at least annually; (b) Is based on the child's individualized education program (IEP); and (c) Is as close as possible to the child's home; (3) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that the child would attend if nondisabled; (4) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that the child needs; and (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.	▪ Parent invitation (notified early enough, time and place scheduled at mutually agreed time and place). ▪ Documentation (i.e., communication log, correspondence, phone calls, e-mail documenting the opportunities provided to the parent to participate in meetings).There is evidence of criteria for determining the need for instruction outside the general education setting. ▪ The determination of LRE contains an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class. The statement establishes a framework for support needed for the student to make progress in the general education curriculum.

Discipline

The Individualized Education Program (IEP) provisions require the IEP team to address behavior for "a child whose behavior impedes the child's learning or that of others," and also requires the "use of positive behavioral interventions and supports and other strategies to address that behavior."

The school district should review discipline data for any trends or patterns when disaggregated by race/ethnicity and disability category. The table below contains each section of the *Ohio Operating Standards for the Education of Children with Disabilities* that the LEA may target as they examine the alignment of their district's LRE policies, procedures and practices. The table also provides examples of the types of evidence that can be investigated to determine the district's compliance with federal and state laws and regulations.

Operating Standard	Evidence
Code of Conduct	
3301-35-04 (A)(1) To ensure that student and other stakeholder needs are understood and addressed, the school district or school shall: Establish and communicate clear, high expectations for academic performance, attendance and conduct for all students regardless of gender, race, ethnicity, English proficiency or disability.	▪ Student handbook ▪ School newsletters ▪ School websites
Referral and Evaluations	
3301-51-06 (A)(1) Each school district shall adopt and implement written policies and procedures, approved by the Ohio department of education, office for exceptional children, to ensure that a referral process is employed to determine whether or not a child is a child with a disability. The school district of residence shall ensure that initial evaluations are conducted and that reevaluations are completed.	▪ District policy ▪ School policy ▪ Policy and procedures manuals for district staff

Operating Standard	Evidence
Individualized Education Program	
3301-51-07 (L)(1)(b)(i) The IEP team must: In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.	▪ District/school positive behavior support programs ▪ District/school behavior interventions available ▪ Professional development on behavior strategies
General Procedures for Disciplinary Removals	
3301-51-05 (K)(20)(b)(i) School personnel under this rule may remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under paragraph (K)(26) of this rule).	▪ Discipline records
3301-51-05 (K)(20)(b)(ii) After a child with a disability has been removed from the child's current placement for ten school days in the same school year, during any subsequent days of removal the school district must provide services to the extent required under paragraph (K)(20)(d) of this rule. 3301-51-05 (K)(20)(d(i) A child with a disability who is removed from the child's current placement pursuant to paragraphs (K)(20)(c) or (K)(20)(g) of this rule must:	
3301-51-05 (K)(20)(d)(i)(a) Continue to receive educational services, as provided in rule 3301-51-02 of the Administrative Code, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and	▪ Documentation of services provided to students
3301-51-05 (K)(20)(d)(i)(b) Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.	▪ Student special education records
3301-51-05 (K)(20)(d)(iv) After a child with a disability has been removed from the child's current placement for ten school days in the same school year, if the current removal is for not more than ten consecutive school days and is not a change of placement under this rule, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, as provided in rule 3301-51-02 of the Administrative Code, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.	▪ Student IEP ▪ Meeting invitations ▪ Meeting notes
3301-51-05 (K)(20)(d)(v) If the removal is a change of placement under this rule, the child's IEP team determines appropriate services under paragraph (K)(20)(d)(i) of this rule.	▪ Student IEP

Operating Standard	Evidence
Manifestation Determination	
3301-51-05 (K)(20)(e)(i) Within ten school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district, the parent, and relevant members of the child's IEP team (as determined by the parent and the school district) must review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine: (a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or (b) If the conduct in question was the direct result of the school district's failure to implement the IEP.	▪ Student special education records ▪ Meeting invitations ▪ Meeting notes
3301-51-05 (K)(20)(e)(ii) The conduct must be determined to be a manifestation of the child's disability if the school district, the parent, and relevant members of the child's IEP team determine that a condition in either paragraph (K)(20)(e)(i)(a) or (K)(20)(e)(i)(b) of this rule was met.	▪ Student special education records ▪ Meeting invitations ▪ Meeting notes
3301-51-05 (K)(20)(e)(iii) If the school district, the parent, and relevant members of the child's IEP team determine the condition described in paragraph (K)(20)(e)(i)(b) of this rule was met, the school district must take immediate steps to remedy those deficiencies.	▪ Student special education records ▪ Corrective action plan
Behavior Intervention Plan and Functional Behavioral Assessment	
3301-51-05 (K)(20)(f) Determination that behavior was a manifestation If the school district, the parent, and relevant members of the IEP team make the determination that the conduct was a manifestation of the child's disability, the IEP team must:	
3301-51-05 (K)(20)(f)(i)(a) Either: Start to conduct a functional behavioral assessment within ten days of the manifestation determination and complete the assessment as soon as practicable, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or	▪ Student special education records
3301-51-05 (K)(20)(f)(i)(b) If a behavioral intervention plan already has been developed, within ten days of the manifestation determination, review the behavioral intervention plan and the implementation of the plan, and modify it, as necessary, to address the behavior subject to disciplinary action; and	▪ Student special education records ▪ Meeting invitations ▪ Meeting notes
3301-51-05 (K)(20)(f)(ii) Except as provided in paragraph (K)(20)(g) of this rule, return the child to the placement from which the child was removed, unless the parent and the school district agree to a change of placement as part of the modification of the behavioral intervention plan.	▪ Student special education records ▪ Meeting invitations ▪ Meeting notes

Revisions of Policy, Procedures and Practices

School districts that determine that a revision of policy, procedures and practices is appropriate must publicly report all revisions in the Comprehensive Continuous Improvement Plan (CCIP).

Redirection of Funds

In the case of a determination of significant disproportionality (risk ratios of 3.5 or greater for three consecutive years with respect to the identification of children as children with disabilities, the placement in particular educational settings of these children, and disciplinary actions), in accordance with 34 CFR 300.646(b), ODE requires any LEA identified under 34 CFR 300.646(a) to reserve the maximum amount of funds under section 613(f) of the Act [34 CFR 300.226] to provide coordinated early intervening services (CEIS) to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly overidentified under 34 CFR 300.646(a).
[34 CFR 300.646(b)(2)] [20 U.S.C. 1418(d)(2)(B)]

In implementing coordinated early intervening services under 34 CFR 300.226, a school district may carry out activities that include:

- Professional development (which may be provided by entities other than the school district) for teachers and other school staff to enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
- Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.

[34 CFR 300.226(b)] [20 U.S.C. 1413(f)(2)]

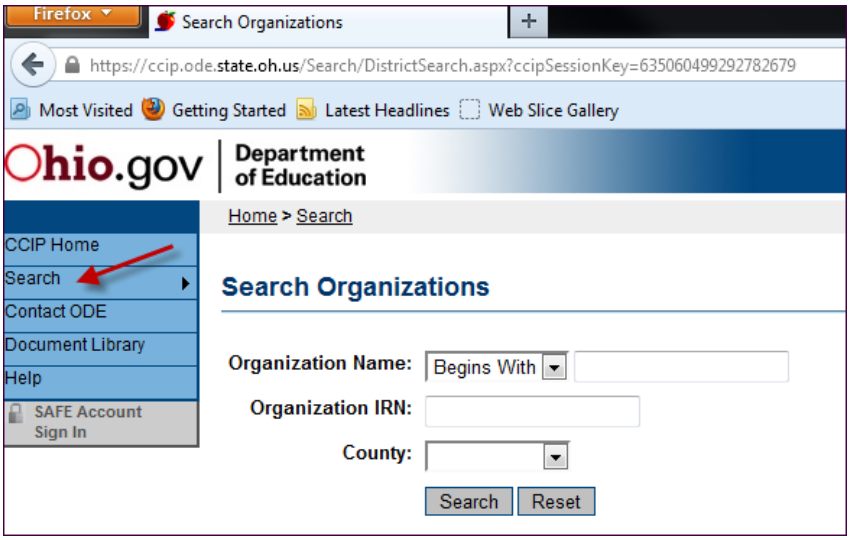
Scientifically based research has the meaning given the term in section 9101(37) of the *Elementary and Secondary Education Act* (*ESEA*) of 1965. Section 9101(37) of *ESEA*, as amended by the No Child Left Behind Act (*NCLB),* defines scientifically based research as "research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs." The statute then explains that this kind of research:

(1) Employs systematic, empirical methods that draw on observation or experiment;
(2) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
(3) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
(4) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
(5) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
(6) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. (Note: practitioner journals or education magazines are *not* the same as peer-reviewed academic journals.)

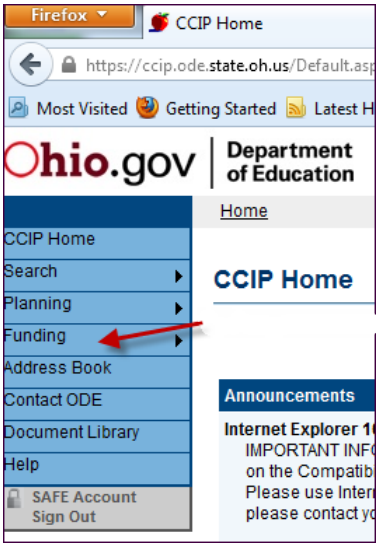
The U. S. Department of Education, Special Education & Rehabilitative Services issued *Coordinated Early Intervening Services (CEIS) Guidance* to provide information regarding the use of funds provided under Part B of IDEA by school districts to develop and implement coordinated early intervening services (CEIS) for students who are not currently identified as needing special education but who would succeed in the educational setting through early intervening services.

The CCIP for the next fiscal year is flagged for each school district determined to have significant disproportionality to require the completion of the redirection page of the special education portion of the consolidated funding application. The redirection page is found in the CCIP by the following steps:

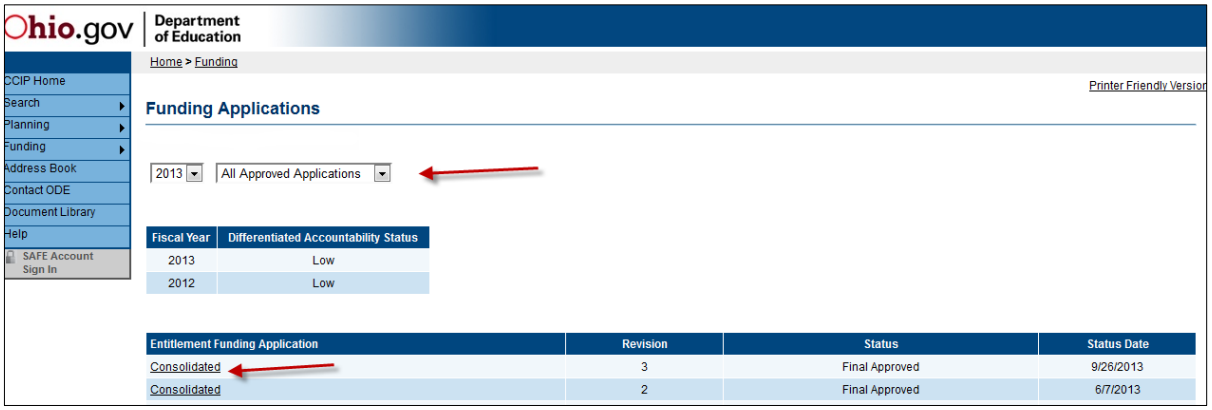
1. From the CCIP home page https://ccip.ode.state.oh.us/, select **Search** on the left menu. Search for the school district using name or the six digit Ohio Department of Education issued district/agency Information Retrieval Number (IRN).



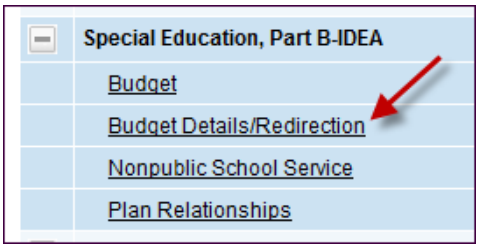
2. Select **Funding** on the left menu.



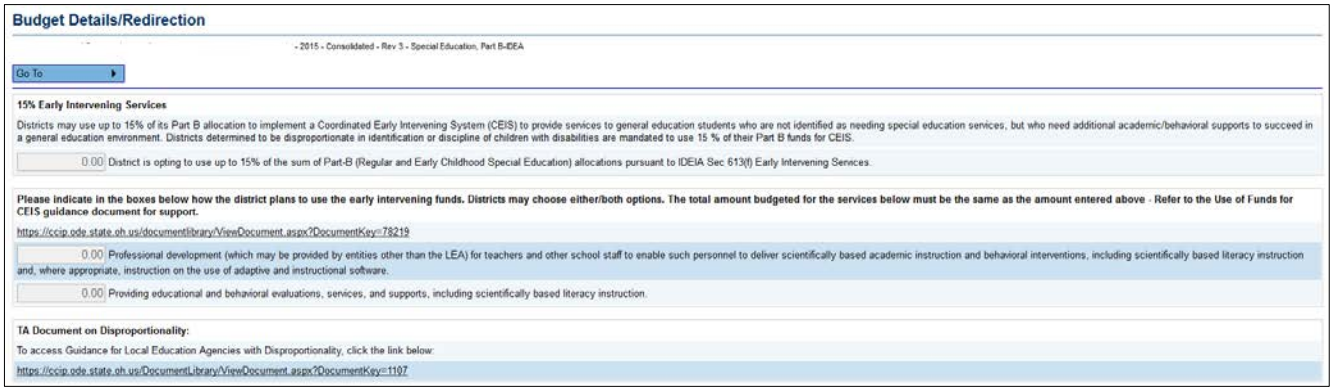
3. Select **appropriate year** and **status of the application** to find the required consolidated funding application. Select **Consolidated** to enter the application.



4. On the Sections page, select **Budget Details/Redirection** within the Special Education section.



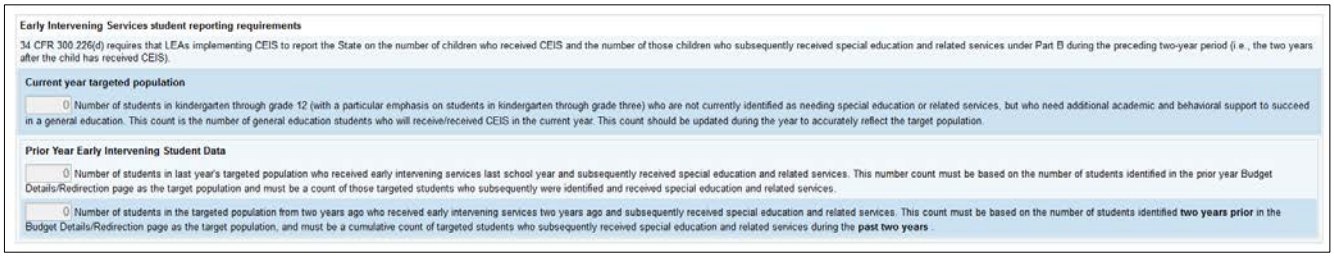
The school district must indicate the distribution of the special education funds into one or both of the activity categories as defined in 34 CFR 300.226. Edits are built into the page that requires the sum of the categories to equal 15 percent of the total available Part B funds both Special Education and Early Childhood Special Education. Failure to complete the page accurately will prevent the approval of the consolidated funding application in the CCIP.



Each school district that develops and maintains early intervening services under 34 CFR 300.226 must annually report to ODE in the CCIP on:

- The number of children served under 34 CFR 300.226 who received early intervening services; and
- The number of children served under 34 CFR 300.226 who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.

[34 CFR 300.226(d)] [20 U.S.C. 1413(f)(4)]



Early Intervening Services student reporting requirements

34 CFR 300.226(d) requires that LEAs implementing CEIS to report the State on the number of children who received CEIS and the number of those children who subsequently received special education and related services under Part B during the preceding two-year period (i.e., the two years after the child has received CEIS).

Current year targeted population

0 Number of students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education. This count is the number of general education students who will receive/received CEIS in the current year. This count should be updated during the year to accurately reflect the target population.

Prior Year Early Intervening Student Data

0 Number of students in last year's targeted population who received early intervening services last school year and subsequently received special education and related services. This number count must be based on the number of students identified in the prior year Budget Details/Redirection page as the target population and must be a count of those targeted students who subsequently were identified and received special education and related services.

0 Number of students in the targeted population from two years ago who received early intervening services two years ago and subsequently received special education and related services. This count must be based on the number of students identified **two years prior** in the Budget Details/Redirection page as the target population, and must be a cumulative count of targeted students who subsequently received special education and related services during the **past two years** .

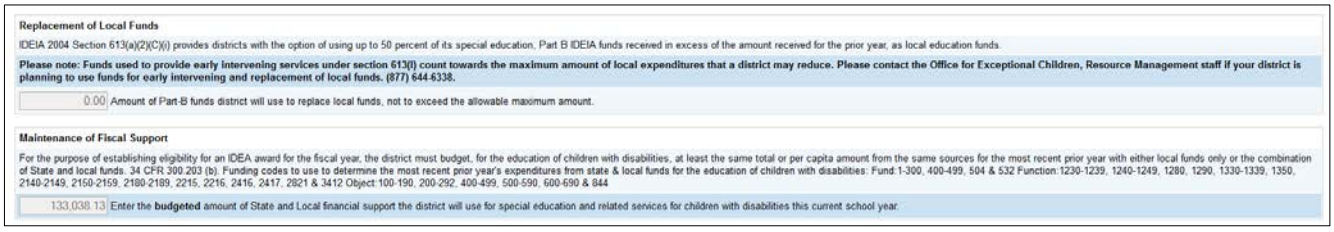
The number of children that met the LEA's criteria of being in need of additional support and received CEIS includes:

- Students who participated in CEIS services and support initiatives;
- Students who are served by personnel who participated in professional development activities supported with CEIS funds; and
- Students who received educational or behavioral evaluations, supported with CEIS funds, to determine the supports necessary for success in a general education environment.

School districts are not to include students who were not in need of additional support or were receiving special education services. Students should be counted as receiving CEIS in the year of or the year immediately following the initiative. Students who participate in an initiative for more than one year should be counted each year they participate. Students who received evaluations that were intended for use in determining eligibility for special education and related services are not included.

The number of children who received CEIS and subsequently receive special education and related services under Part B are those students that were reported as receiving CEIS during the preceding two-year period (i.e., identified eligible for special education within the two years after the child received CEIS). School districts must develop a system to track all students benefiting from CEIS for a period of two years after participation in a CEIS initiative and maintain these records for audit and monitoring.

School districts that seek to reduce their local maintenance of effort in accordance with 34 CFR 300.205(d) and use some of their Part B funds for early intervening services under 34 CFR 300.226 must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for early intervening services are interconnected. The decisions that a school district makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other.



Replacement of Local Funds

IDEIA 2004 Section 613(a)(2)(C)(i) provides districts with the option of using up to 50 percent of its special education, Part B IDEIA funds received in excess of the amount received for the prior year, as local education funds.

Please note: Funds used to provide early Intervening services under section 613(f) count towards the maximum amount of local expenditures that a district may reduce. Please contact the Office for Exceptional Children, Resource Management staff if your district is planning to use funds for early intervening and replacement of local funds. (877) 644-6338.

0.00 Amount of Part-B funds district will use to replace local funds, not to exceed the allowable maximum amount.

Maintenance of Fiscal Support

For the purpose of establishing eligibility for an IDEA award for the fiscal year, the district must budget, for the education of children with disabilities, at least the same total or per capita amount from the same sources for the most recent prior year with either local funds only or the combination of State and local funds. 34 CFR 300.203 (b). Funding codes to use to determine the most recent prior year's expenditures from state & local funds for the education of children with disabilities: Fund:1-300, 400-499, 504 & 532 Function:1230-1239, 1240-1249, 1280, 1290, 1330-1339, 1350, 2140-2149, 2150-2159, 2180-2189, 2215, 2216, 2416, 2417, 2821 & 3412 Object:100-190, 200-292, 400-499, 500-590, 600-690 & 844

133,038.13 Enter the **budgeted** amount of State and Local financial support the district will use for special education and related services for children with disabilities this current school year.

A school district may not use more than 15 percent of the amount the school district receives under Part B of the Act for any fiscal year, less any amount reduced by the school district pursuant to 34 CFR 300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. [34 CFR 300.226(a)] [20 U.S.C. 1413(f)(1)]

Funds made available to carry out 34 CFR 300.226 may be used to carry out early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under 34 CFR 300.226. [34 CFR 300.226(e)] [20 U.S.C. 1413(f)(5)]

ODE Monitoring

REQUIREMENT

States to monitor their School Districts to examine disproportionality

The State must monitor the LEAs located in the State, using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas, [including] disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.
[34 CFR 300.600(d)(3)] [20 U.S.C. 1416(a)(3)(C)]

- ODE will notify the school district identified with significant disproportionality by race/ethnicity in identification, placement and discipline.
- ODE will require the school district with significant disproportionality to redirect 15 percent Part B-IDEA funds to early intervening services in the annual CCIP consolidated funding application.
- ODE will require the school district to report the number of children receiving early intervening services; and the number of children who received early intervening services during the preceding two year period and subsequently received special education and related services under Part B of the Act; in the annual CCIP consolidated funding application.
- ODE will require all school districts identified with significant disproportionality in placement to review their policies, procedures and practices.
- ODE will require all school districts identified with significant disproportionality in identification or discipline to review their policies, procedures and practices by completing the *Disproportionality Self-Review*.
- ODE will require the school district that determines that a revision of policy, procedures and practices is appropriate to publicly report all revisions in the CCIP.
- ODE will require all school districts identified with significant disproportionality in identification or discipline to submit the results of the *Disproportionality Self-Review* and a sample of student records to ODE.
- ODE will review student records and the *Disproportionality Self-Review* results to determine if the significant disproportionality in the school district is the result of inappropriate identification of students with disabilities or discipline practices.
- ODE will report any findings of disproportionate representation in the Annual Performance Report (APR).

Strategies to Address Disproportionality

- Establish school district procedures to assure accurate data collection and reporting in EMIS of students by race/ethnicity, disability category, educational placement, disciplinary incidents and attendance. Inaccurate data reporting may have a significant impact on the calculation of a school district's risk ratios.
- School district staff development to provide high quality general education instruction including the use of scientifically based interventions for at-risk students, data collection and interpretation, diverse instructional and positive behavior management strategies.
- School district staff development to build an environment that demonstrates a collaborative responsibility for all children enabling them to develop and learn to their fullest potential.
- Increase school district staff outreach to parents and community members to promote involvement in education and intervention programs especially from those racial/ethnic groups that had disproportionate representation.

Links to Helpful Resources

http://education.ohio.gov/Topics/Special-Education/Federal-Resources
The U.S. Department of Education, and the Office of Special Education Programs (OSEP) is dedicated to improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts. This page of the ODE website is dedicated to specific Federal and State resources providing a list of helpful websites, documents and related resources on federal requirements as they relate to special education.

http://www.nccrest.org
This national technical assistance center, funded by the United States Department of Education's Office of Special Education Programs (OSEP), focuses on the importance of culturally responsive educational systems.

http://www.pbis.org
This national technical assistance center, funded by the United States Department of Education's Office of Special Education Program (OSEP), focuses on tiered school-wide behavior planning.

http://www.rti4success.org/
The National Center on Response to Intervention, developed with a grant from the U.S. Department of Education's Office of Special Education Programs, supports the implementation of Response to Intervention (RTI) on a national level. RTI holds promise that disproportionality in special education may be effectively addressed by integrating proven models for RTI with Early Intervening Services (EIS) for racial/ethnic students who are not progressing in the general education curriculum.

http://www.ocali.org/
The Ohio Center for Autism and Low Incidence (OCALI) is a project established and funded by ODE's Office for Exceptional Children. OCALI focuses on professional development and technical assistance surrounding autism, traumatic brain injury and assistive technology, one of the elements included in the definition of "early intervening services."

http://idea.ed.gov/explore/home
The U. S. Department of Education, Office of Special Education Programs' (OSEP's) IDEA website provides resources related to IDEA and its implementing regulations. The site contains searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g., the No Child Left Behind Act (NCLB), the Family Education Rights and Privacy Act (FERPA), etc.), video clips on selected topics, topic briefs on selected regulations (e.g. Disproportionality, Early Intervening Services), links to OSEP's Technical Assistance and Dissemination (TA&D) Network and a Q&A Corner where you can submit questions, and a variety of other information sources.

Addressing the Root Causes of Disciplinary Disparities: An Educator's Action Planning Guide: This new resource from the National Center on Safe Supportive Learning Environments provides a practical method for schools and districts to develop an action plan to address the roots causes of discipline disparities. The guide includes a Disciplinary Disparities Risk Assessment Tool to aid in data gathering and analysis; templates to help plan and facilitate communication among stakeholders; and real-world examples from schools and districts already experiencing success.

Rethink School Discipline: Resource Guide for Superintendent Action: This guide offers a set of seven potential action items to help school leaders implement safe, supportive school climates and discipline by engaging stakeholders; assessing the results and history of existing school climate and discipline systems and practices; implementing reform; and monitoring progress. Also included are links to federal guidance and resources.