

The disproportionate representation of children based on race and ethnicity in special education is a longstanding national issue. Disproportionate representation in special education occurs when children of a particular race/ethnicity are either overrepresented or underrepresented in special education when compared to the education population as a whole. South Carolina has been addressing these complex issues for a number of years through the compliance agreement with the Office for Civil Rights. The changes in the Individuals with Disabilities Education Improvement Act (IDEA) require all states to put forth greater efforts, undertake a more extensive examination of the issues, and implement more extensive remedies when findings of significant disproportionality occur.

States are required to examine data related to disproportionate representation in a variety of methods. IDEA requires states to develop a state performance plan (SPP) which provides for the collection and examination of data to determine if disproportionate representation of racial and ethnic groups in special education and in specific disability categories that is the result of inappropriate identification is occurring. South Carolina addresses this issue through Indicators 9 and 10 of the SPP. The determination of disproportionate representation due to inappropriate identification is made based on a review of a district's use of evaluation and eligibility criteria. The folder reviews are triggered when a district's weighted risk ratio based on the child count data is within the "at risk" category (currently defined as above 2.8).

IDEA also requires states to address disproportionate representation of children based on race and ethnicity by providing for the collection and analysis of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the districts with respect to the following four categories:

- The identification of children as children with disabilities;
- The identification of children with disabilities in accordance with a particular impairment;
- The placement in particular educational settings of these children; or
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Unlike the determination of disproportionate representation due to inappropriate identification, the determination of significant disproportionality is based **solely** on a numerical analysis of the data related to identification, placement, and discipline and cannot include consideration of the state's or districts' policies, procedures, or practices. The determination must be made in all four categories annually. Each state has the discretion to define what constitutes significant disproportionality for its districts as long as the definition is based on an analysis of numerical information and does not include consideration of policies, procedures, or practices.

When a state identifies districts with significant disproportionality in one or more of the four categories, three actions are triggered. The state must provide for the review and revision, if appropriate, of policies, procedures, and practices used in the identification, placement, or disciplining of children with disabilities, to ensure that the policies, procedures, and practices comply with the requirements of IDEA. The state must require the district to publicly report on the revision of policies, procedures, and practices. The state must also require the district to reserve 15% of its IDEA funds to be used for coordinated early intervening services (CEIS).

To determine the trigger for CEIS, South Carolina used data from the current and previous years to examine weighted risk ratio distributions calculated on data from Tables 1, 3, and 5. Based on the analysis of data, South Carolina has chosen to define significant disproportionality as a weighted risk ratio above 4.0; the relevant population size is above 25. The table below should prove useful in understanding the breakdown of weighted risk ratios:

<b>Weighted Risk Ratio Range</b>	<b>Category</b>
2.0 – 2.8	May be at risk for developing disproportionate representation
2.9 – above	Disproportionate Representation
4.1 - above	Significant Disproportionality

For the category of identification, South Carolina examines data for the identification of children as children with disabilities and the identification of children as children with particular disabilities (the

high incidence categories of learning disabilities, mental disabilities, emotional disabilities, speech-language impairments, other health impairments, and autism). A determination of significant disproportionality is made when a district has a weighted risk ratio above 4.0.

For the category of placement, South Carolina examines data for three placement categories: children who received special education and related services in the regular class no more than 79% of the day and no less than 40% of the day; children who received special education and related services in the regular class for less than 40% of the day; and children who received special education and related services in separate schools and residential facilities. A determination of significant disproportionality is made when a district has a weighted risk ratio above 4.0.

For discipline, South Carolina examines data for incidence, duration, and type of disciplinary action. "Incidence" refers to the number of times children with disabilities were subject to disciplinary actions. "Duration" refers to the length of the disciplinary action (10 days or less and more than 10 days). "Type" refers to in-school and out-of-school actions. A determination of significant disproportionality is made when a district has a weighted risk ratio above 4.0 for incidence **and** either type (out-of-school suspensions more than 10 days) and/or duration (total disciplinary removals more than 10 days).

Using data reported in Tables 1, 3, and 5 for FFY 07, South Carolina has made determinations for the identification of children as children with disabilities, the identification of children as children with particular disabilities (high incidence disabilities), the placement of children with disabilities in particular education settings, and the incidence, duration, and type of disciplinary actions. When a district met the criteria for **any** of these areas, the district is determined to have significant disproportionality.

The determination of significant disproportionality requires the district to submit a plan for the provision of CEIS. The funds for these services may come either from the district's 2008-09 or 2009-10 IDEA grant. Please refer to the enclosed guidance concerning use of the

funds. Plans must be submitted to the OEC through the district's regional representative by May 1, 2009.

The determination also requires the review and revision, if appropriate, of the district's policies, procedures, and practices related to identification, placement, and/or discipline and to publically report on any revisions. This review must take place for the category in which the district was determined to have significant disproportionality. The district will be provided with a rubric developed by the National Center for Culturally Responsive Educational Systems (NCCRESt) to assist in this review. Any revisions made to policies, procedures, or practices must be reported on publically. The district will be required to describe to the OEC how the public reporting of the revisions occurred.