

# Significant Disproportionality Requirements

## Background

Texas has long regarded significant disproportionality (SD) as a critical issue requiring a comprehensive solution to ensure a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for every eligible child under the Individuals with Disabilities Education Act (IDEA). Determinations for whether SD based on race/ethnicity occurs with respect to the identification of children as children with disabilities are made annually and include:

- Identification as children with particular impairments;
- Placement of children in particular educational settings; and
- Incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

Prior to the January 2017 federal regulation updates to 20 U.S.C. 1418(d) and 34 CFR §§300.646 and 300.647, the Texas Education Agency (TEA) mad

Each LEA identified as “SD Year 3” in one or more SD category is required to:

1. provide for the review and, if appropriate, revision of policies, practices, and procedures used in the area in which the LEA is identified to ensure compliance with the requirements of IDEA;
2. publicly report on the revision of any policies, practices, and procedures consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99 and Section 618(b)(1) of the IDEA; and
3. set aside 15 percent of its IDEA, Part B (sections 611 and 619) funds to provide comprehensive coordinated early intervening services (CCEIS) to address factors contributing to the SD. (See 34 C.F.R. §300.646(c) and (d))

## **2. Who can an LEA serve with funds reserved for CCEIS?**

An LEA may use funds reserved for CCEIS to serve children from age 3 through grade 12, particularly, 2 (a)-Fp.7 (i)2.4 (d)-4i.5 ( (t)-0



- **CCEIS** (Comprehensive Coordinated Early Intervening Services) defined at 34 CFR §300.646(d) requires maximum **mandatory** set aside (15%) of your IDEA-