



DESERT / MOUNTAIN
CHARTER SELPA

Chapter 18: Overidentification and Disproportionality

SECTION A: INDIVIDUALS WITH DISABILITIES EDUCATION ACT
(IDEA) REQUIREMENT

SECTION B: COLLECTION AND EXAMINATION OF DATA REGARDING
DISPROPORTIONALITY

Introduction

It shall be the policy of the Desert/Mountain Charter Special Education Local Plan Area (SELPA) and its member Local Education Agencies (LEAs) to prevent inappropriate disproportionate representation by race and ethnicity of children with disabilities.

Section A – IDEA Requirement

Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in section 300.8.

The Charter LEAs shall, with Charter SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of children with disabilities). The Charter SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE).
- Provide up-to-date training and information provided to the Charter SELPA by the CDE.
- Continue to inform member LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The state has in effect, consistent with the purposes of the Individuals with Education Act (IDEA) and with § 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in IDEA § 602(3).

Section B – Collection and Examination of Data Regarding Disproportionality

Each state that receives assistance under IDEA, shall 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 LEAs in the state with respect to (*Title 34 of the Code of Federal Regulations Part 300 and IDEA § 618(d)(1)*):

- The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment as described in IDEA § 602(3);
- The placement in particular educational settings of such children; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

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 such children, the state, or the secretary of the interior, shall (*IDEA § 618(d)(2)*):

- Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of IDEA;
- Require any Charter LEA identified under IDEA § 618(d)(1), to reserve the maximum amount of funds under IDEA § 613(f), to provide comprehensive coordinated early intervening services to serve children in the Charter LEA, particularly children in those groups that were significantly overidentified under IDEA § 618(d)(1); and
- Require the Charter LEA to publicly report on the revision of policies, procedures, and practices described under IDEA § 618(d)(1)(A).