



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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March 15, 2023

MEMORANDUM

TO: Directors, Exceptional Children Program
Coordinators/Lead Administrators, Charter Schools
State-Operated Program Directors
Superintendents, Local School Agency

FROM: Sherry H. Thomas *SH7*

SUBJECT: Educational Equity Indicators 4, 9/10 and Significant Disproportionality

Significant Disproportionality - The December 19, 2016, Equity in IDEA regulation on significant disproportionality requires the examination of data to determine if significant disproportionality based on race and ethnicity is occurring as described under §300.646(a)(1)(2)(3). The determination must be made with respect to:

- 1) the identification of students with disabilities, including specific disability categories.
- 2) the placement of students with disabilities in particular educational settings; and
- 3) the incidence, duration, and type of disciplinary actions for students ages 3-21.

Public School Units (PSUs) identified as having significant disproportionality in any of the three areas for three consecutive years are required to reserve federal funds to provide Comprehensive Coordinated Early Intervening Services (CCEIS) to serve children in the identified subgroups. PSUs identified as having significant disproportionality in any of the three areas for less than three consecutive years are listed as “warning” (the potential to have significant disproportionality in future years).

In addition to the calculation of Significant Disproportionality, the Office of Special Education Programs (OSEP) requires state to calculate Disproportionate Representation and Significant Discrepancy.

Disproportionate Representation - Indicator 9 or 10 utilizes the same data set and calculation as Significant Disproportionality but only includes students with disabilities (SWD) ages 5 and in Kindergarten through age 21. PSUs found to have Disproportionate Representation for the first time in the 2022-23 data will be required to conduct a PSU level review of Policies, Practices and Procedures collaboratively with Office of Exceptional Children (OEC) staff. PSUs that have been identified prior to 2022-23 and have already conducted a review of Policies, Practices and Procedures will be required to report progress on the recommendations made at the initial review. These PSUs will engage in targeted monitoring of SWD records in the eligibility area in which the PSU has been identified. PSUs will be notified individually of any targeted monitoring activities required to address Disproportionate Representation.

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Significant Discrepancy – Indicator 4 utilizes a subset of the data for significant disproportionality in the calculation of SWD suspended or expelled greater than 10 days in the 2021-22 school year. Specifically, for Indicator 4a, if a PSU is found to have suspended or expelled SWD 2.5 times greater than non-disabled students, the PSU is identified as having a significant discrepancy. For Indicator 4b, if a PSU is found to have suspended or expelled SWD *by racial/ethnic subgroup* 2.5 times greater than non-disabled students, the PSU is identified as having a significant discrepancy. PSUs found to have Significant Discrepancy (Indicator 4) for the first time in the 2021-22 data, will be required to conduct a PSU level review of Policies, Practices and Procedures collaboratively with Office of Exceptional Children (OEC) staff. PSUs that have been identified prior to 2022-23 and have already conducted a review of Policies, Practices and Procedures, will be required to report progress on the recommendations made at the initial review and will engage in targeted monitoring of SWD records in the area the PSU has been identified, PSUs will be notified individually of any targeted monitoring activities required for Significant Discrepancy.

To streamline notifications for all educational equity and significant disproportionality data, the lists have been posted on the [OEC website](#). For the current reporting year data, a [dashboard](#) has been created which will allow the PSU to quickly identify all areas, if any, in which the PSU has been identified.

Universal training on PSU follow-up requirements for Significant Disproportionality, Disproportionate Representation and Significant Discrepancy will be held on April 27, 2023, from 9:00 AM to 12:00 PM. Registration for the training is required and can be accessed at: <https://ncgov.webex.com/weblink/register/r568628615ef44a88e2aad886c75b3e2f>. The training will be recorded and posted on the Office of Exceptional website.

For questions about data, please contact Kelley Blas at kelly.steen@dpi.nc.gov or 984-236-2595, Lauren Holahan at lauren.holahan@dpi.nc.gov or 984-236-2552. For questions about CCEIS, please contact Nicole Sinclair at nicole.sinclair@dpi.nc.gov or 984-236-2597 or your regional coordinator.

SHT/KB:jd

Enclosures

cc: Alexis Schauss
Dr. Matt Hoskins
Nicole Sinclair
Dr. Carol Ann Hudgens
Kelley Blas
Regional Coordinators