

MEMORANDUM

TO: Directors of Special Education

FROM: Robyn Widley, State Director of Special Education
Tom Melcher, Ph.D., State Director of School Finance

DATE: April 6, 2018

SUBJECT: Coordinated Early Intervening Services (CEIS) Mandatory 15% Set-Aside of Federal Funds (34 CFR § 300.226)

The purpose of this memorandum is to provide information to local education agencies (LEAs) about the mandatory use of federal funds for CEIS for LEAs that have met Minnesota's threshold for significant disproportionality.

1. What is significant disproportionality?

Significant disproportionality is a term used to describe overrepresentation of students with Individualized Education Programs (IEPs) of a particular race or ethnicity in specific program areas, compared to the overall student population. States must collect and examine data to determine whether significant disproportionality based on the race or ethnicity of students with disabilities, ages 6-21 is occurring in the LEA with respect to any of three main categories of analysis:

- *Identification* of children as children with disabilities including identification of children with particular disabilities i.e. Intellectual Disabilities, Specific Learning Disabilities, Emotional Behavioral Disorders, Speech or Language Impairments, Other Health Disabilities and Autism Spectrum Disorder.
- *Placement* of children in particular educational environments i.e. Settings II, III, IV and above.
- *Discipline* i.e. Incidence, duration, and type of disciplinary actions, including suspensions/expulsions i.e. Students with 10 or more days of in school and out of school suspensions combined.

2. What is Minnesota's numeric threshold for computing significant disproportionality?

As recommended by the federal Office of Special Education Programs (OSEP), Minnesota uses risk ratios to identify significant disproportionality in special education, including in specific disability

categories, educational placement, and discipline. Risk ratios compare the LEA rate for each racial group in the categories of interest to the rate of all other races in the LEA and the state.

a. Minnesota's Risk Ratio Threshold

- A standard Risk Ratio (SRR) of 4.0 and a Weighted Risk Ratio (WRR) of 4.0 or
- An Alternate Risk Ratio (ARR) of 4.0

b. Minnesota's Cell size and n-size Thresholds

- Identification and placement categories of analysis - at least 20 students with individual education programs (IEPs), at least 10 students in the specific identification or placement category of analysis
- Discipline category of analysis - 10 students with IEPs and 10 students with 10 or more days of out-of-school suspension

An LEA will be identified as having significant disproportionality if it meets any of the following criteria for **three consecutive years**:

- For students with IEPs in any one federal category of race or ethnicity, a standard risk ratio **and** weighted risk ratio greater than or equal to 4.0 **or** an alternate risk ratio greater than or equal to 4.0.
- For students with IEPs in any one federal category of race or ethnicity in six specific disabilities areas, a standard risk ratio **and** a weighted risk ratio **or** an alternate risk ratio greater than or equal to 4.0.
- For students with IEPs in more restrictive settings (Level 2, Level 3, and Levels 4-8), served by the LEA, a standard risk ratio **and** a weighted risk ratio **or** an alternate risk ratio greater than or equal to 4.0.
- For students with IEPs who are suspended or expelled for more than ten days (in and out of school suspension) in the specified school years in any one federal category of race or ethnicity, a standard risk ratio **and** a weighted risk ratio **or** alternate risk ratio greater than or equal to 4.0.

3. What are the data sources that the Minnesota Department of Education (MDE) uses to calculate significant disproportionality?

December 1 Child Count Data, submitted through the Minnesota Automated Reporting Student System (MARSS), provides LEA disability and settings data. LEA discipline data is obtained through the Disciplinary Incident Reporting System (DIRS).

4. What must LEAs identified as having significant disproportionality do to comply with 34 CFR §300.646?

LEAs **must submit a CEIS application** that provides for:

- Review and, if appropriate, the revision of the policies, procedures, and practices used in the identification or placement of students with disabilities;
- Reserve the maximum amount of funds (15%) under section 613(f) of the Act to provide comprehensive Coordinated Early Intervening Services (CEIS) to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over-identified; and
- Publicly report on the revision of policies, practices and procedures for the identification or placement of students with disabilities.

CEIS Applications for State Fiscal Year (SFY) 2019 must be submitted in the State Educational Record View and Submission (SERVS) Financial by **October 6, 2018**.

For further information and questions regarding the 15% mandatory set aside for CEIS, please contact:

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