



Public Schools of North Carolina

# **Significant Disproportionality and Early Intervening Services:**

An Overview and  
Implementation in  
North Carolina

# Why is there a focus on significant disproportionality and early intervening services?



# Disproportionate Representation of Racial and Ethnic Groups in Special Education

- Longstanding National Issue –
  - Minority students comprise an increasing percentage of the school-age population.
  - African American children are identified as having mental retardation and emotional disturbances at greater rates than other students
  - More minority children are served in special education than expected from the percentage represented in the general school population.
  - Greater efforts are needed to prevent the intensification of the issue.

Source: USOSEP Director's 4-24-07 Memorandum



**What do the 2004 Individuals with Disabilities Education Improvement Act (IDEA) and its 2006 Regulations require, and how does North Carolina implement the requirements?**



# § 300.646 Disproportionality.

States must provide for the collection and examination of data to determine if significant disproportionality regarding race and ethnicity exists in special education in:

- Identification (children with disabilities and particular impairments)
- Placement (educational settings)
- Disciplinary actions



# Significant Disproportionality Analysis

- Numerical Examination of Data, solely
- Based on Over-identification
- States Define Significant Disproportionality



# Significant Disproportionality in NC

- Initial Step –
  - LEAs with  $\geq 3$  risk ratio in current year (Identification or Placement)
  - LEAs with more than twice the state average rate in racial/ethnic groups for the current year (Disciplinary action)



# Significant Disproportionality in NC

- For LEAs in the Initial Step, additional data are analyzed –
  - risk ratios, rates, and “n” sizes for previous two years; and
  - risk ratios for K – 6 grade levels



# § 300.646 Disproportionality.

LEAs identified as having significant disproportionality must—

- (1) review and, if appropriate, revise the policies, procedures, and practices used in identification or placement.
- (2) reserve 15% of VI-B funds to provide comprehensive coordinated early intervening services
- (3) publicly report on the revision, if any, of policies, practices, and procedures.



## § 300.226 Early intervening services.

- An LEA may not use more than 15% of its Part B funds to develop and implement coordinated, early intervening services.
- For students in K - 12 (a particular emphasis on K – 3) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.



## § 300.226 Early intervening services.

Activities may include —

- (1) Professional development for teachers and other school staff, so they can deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
- (2) Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.



## § 300.226 Early intervening services.

- LEAs with coordinated, early intervening services under this section must annually report to the SEA on—
  - (1) The number of children served under this section who received early intervening services; and
  - (2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.



## § 300.226 Early intervening services.

- Coordination with ESEA –  
Funds may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services.



# Federal VI-B Project Application Questions Regarding Early Intervening Services

1. Describe the district-wide implementation of EIS or permissive use of funds.
2. Describe the group of students who have been targeted for EIS.
3. Describe the data used in determining what students were targeted.
4. Describe how the LEA will track the effectiveness of the EIS (i.e., Did the student end up in special education?).
5. Describe how the funds will be expended (i.e., a portion of an individual's salary, supplies and materials, etc.).

**NOTE: Items in #5 must be included in PRC 070**



# **Federal VI-B Project Application Questions Regarding Early Intervening Services**

- 6. Number of students receiving Early Intervening Services in 2007-2008.**
- 7. Number of students who received Early Intervening Services found to be eligible for Special Education in 2007-2008.**



# IDEA Maintenance of Fiscal Effort (MOE)

- In general, Part B funds must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year. (§300.203)
- “Local funds” can be “the combination of State and local funds,” but must compare like to like.
- Exceptions -- §300.204



# MOE and Early Intervening Services

- §300.205(a)– for any fiscal year in which your VI-B allocation exceeds what you received the previous year, the level of expenditures required for MOE may be reduced by not more than 50% of the amount of the excess.
- §300.205(d) contains a “Special rule” which states that the amount of funds expended by an LEA for early intervening services shall count toward the maximum amount of expenditures that the LEA may reduce in (a).



# Appendix to Part 300 -- Maintenance of Effort and Early Intervening Services

- “LEAs that seek to reduce their local maintenance of effort in accordance with §300.205(d) and use some of their Part B funds for early intervening services must do so with caution because the local maintenance of effort reduction provision and the authority to use Part B funds for early intervening services are interconnected.”



# MOE and EIS (cont'd)

- “The decisions that an LEA makes about the amount of funds that it uses for one purpose affect the amount that it may use for the other.”



# Example 1

- In this example the amount that is 15 percent of the LEA's total grant is greater than the amount that may be used for local maintenance of effort (MOE) reduction:

Prior Year's allocation	\$900,000
Current Year's allocation	\$1,000,000
Increase	\$100,000
Maximum Available for MOE reduction	\$50,000
Maximum Available for EIS	\$150,000



## Example 1 (cont'd)

- If the LEA chooses to set aside \$150,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$150,000 for EIS means \$0 can be used for MOE).
- If the LEA chooses to set aside \$100,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$100,000 for EIS means \$0 can be used for MOE).
- If the LEA chooses to set aside \$50,000 for EIS, it may not reduce its MOE (MOE maximum \$50,000 less \$50,000 for EIS means \$0 can be used for MOE).



## Example 1 (cont'd)

- If the LEA chooses to set aside \$30,000 for EIS, it may reduce its MOE by \$20,000 (MOE maximum \$50,000 less \$30,000 for EIS means \$20,000 can be used for MOE).
- If the LEA chooses to set aside \$0 for EIS, it may reduce its MOE by \$50,000 (MOE maximum \$50,000 less \$0 for EIS means \$50,000 can be used for MOE).



## Example 2

- In this example, the amount that is 15 percent of the LEA's total grant, which is the maximum amount that the LEA may use for EIS, is less than the amount that may be used for MOE reduction:

Prior Year's allocation	\$1,000,000
Current Year's allocation	\$2,000,000
Increase	\$1,000,000
Maximum Available for MOE reduction	\$500,000
Maximum Available for EIS	\$300,000



## Example 2 (cont'd)

- If the LEA chooses to use no funds for MOE, it may set aside \$300,000 for EIS (EIS maximum \$300,000 less \$0 means \$300,000 for EIS).
- If the LEA chooses to use \$100,000 for MOE, it may set aside \$200,000 for EIS (EIS maximum \$300,000 less \$100,000 means \$200,000 for EIS).
- If the LEA chooses to use \$150,000 for MOE, it may set aside \$150,000 for EIS (EIS maximum \$300,000 less \$150,000 means \$150,000 for EIS).



## Example 2 (cont'd)

- If the LEA chooses to use \$300,000 for MOE, it may not set aside anything for EIS (EIS maximum \$300,000 less \$300,000 means \$0 for EIS).
- If the LEA chooses to use \$500,000 for MOE, it may not set aside anything for EIS (EIS maximum \$300,000 less \$500,000 means \$0 for EIS).



# One Last Thought ...

It is imperative that local Finance Officers and EC Directors work collaboratively regarding the use and monitoring of funds for Early Intervening Services!

