



# PUBLIC SCHOOLS OF NORTH CAROLINA


DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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May 23, 2017

## MEMORANDUM

**TO:** Exceptional Children Program Directors  
Charter School Administrators  
State-Operated Program Directors

**FROM:** William J. Hussey, Director   
Exceptional Children Division

**SUBJECT:** **Warning Lists for Significant Disproportionality**

The Individuals with Disabilities Education Improvement Act 2004 (IDEA) 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.

Local educational agencies (LEAs) were notified in a recent memorandum of those LEAs identified as having significant disproportionality in each of the three areas examined and the requirement to reserve federal funds to provide comprehensive coordinated early intervening services to serve children in the identified LEAs. The memorandum also indicated that notification of LEAs receiving a warning (the potential to have significant disproportionality in future years), in any of the three areas examined, would be sent separately.

Enclosed are: 1) **the lists of LEAs that are receiving a warning for the potential to have significant disproportionality in future years, in any of the three areas examined**; 2) the process steps/criteria used for making determinations regarding significant disproportionality (identification, placement and discipline); 3) an example of the calculation for determining a risk ratio (used for identification and placement); and 4) an example of the calculation for determining twice the state average rate (used for discipline). LEAs without significant disproportionality, may choose to use an amount up to 15 percent of the total LEA IDEA federal funds for 2017-18 (611 funds and 619 funds) to provide coordinated early intervening services (CEIS). If an LEA chooses to provide CEIS, the amount elected will be reallocated from PRC 60 to PRC 70.

While LEAs may provide coordinated early intervening services to children K-12, the regulations strongly encourage these services be provided to children K-3. LEAs that choose to provide CEIS must maintain documentation of the number of children who receive CEIS during SY 2017-18 and subsequently receive special education and related services in SY 2017-18, 2018-19 or 2019-20.

In our collaborative effort to address the potential to have significant disproportionality in future years, the Division supports your efforts to address the academic and behavioral needs of at-risk students. If further clarification is needed, please contact Sherry Thomas at [Sherry.Thomas@dpi.nc.gov](mailto:Sherry.Thomas@dpi.nc.gov) or 919-807-3992, Nancy Johnson at [ntjohnso@uncc.edu](mailto:ntjohnso@uncc.edu) or 704-576-2760, or your regional consultant.

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Enclosures

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**EXCEPTIONAL CHILDREN DIVISION**

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