

**TULARE COUNTY/DISTRICT SELPA POLICY # 9400**

**SPECIAL EDUCATION –  
SERVICES –MISC.–**

**Adopted: 12/05/07**

**Revised: 5/13/2020**

## **Overidentification and Disproportionality**

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It shall be the policy of the Tulare County SELPA and all member school districts to prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities, as well as the overidentification of students in special education..

The SELPA shall assist the State to collect data and examine the data collected to determine whether significant disproportionality based on race and ethnicity is occurring within the SELPA with respect to the following:

- A. The identification of individuals with exceptional needs, including the identification of children as individuals with exceptional needs in accordance with a particular impairment described in 20 U.S.C. section 1401;
- B. The placement in particular educational settings of such children; and
- C. The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

### **PROCEDURES:**

The Tulare County SELPA will monitor student trends with the intent of averting inappropriate, disproportionate representation by race and ethnicity of students with disabilities.

The individual school districts shall:

Collect and analyze student trend data pertinent to the disproportionate calculation as reported through California Longitudinal Pupil Achievement Data System (CALPADS) to the California Department of Education (CDE) through the Application Programming Interface (API). Such data shall include, but is not limited to, the following:

- the number and percentage of children with disabilities, identified by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following categories:
  - Receiving a FAPE;
  - Participating in regular education;
  - Are in separate classes, separate schools or facilities, or public or private residential facilities;
  - For students between the ages of 14 and 21, inclusive, who have stopped receiving special education because of program completion (such as

graduation with a regular high school diploma), or other reason, and the reasons why those children stopped receiving special education and related services.

- All students who were removed to an interim alternative educational setting for disciplinary purposes, the acts or items precipitating those removals, the number of individuals with exceptional needs who are subject to long-term suspension or expulsions.
- The number and percentage of individuals with exceptional needs, by race, gender, and ethnicity, who are receiving early intervention services;
- The number and percentage of individuals with exceptional needs, by race, gender, and ethnicity, who from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons;
- The incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of individuals with exceptional needs, including suspensions of 1 day or more;
- The number and percentage of individuals with exceptional needs who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled;
- The number of due process complaints filed under Title 20 U.S.C. section 1415 and the number of due process hearings conducted.
- The number of expedited due process hearings requested under Title 20 U.S.C. section 1415 and the number of changes in placements ordered as a result of those due process hearings;
- The number of mediations held and the number of settlement agreements reached through such mediation; and
- The number and percentage of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays, and who are receiving early intervention services.

In the case of a determination of significant disproportionality with respect to the identification of children and individuals with exceptional needs, or the placement in particular educational settings of such students, the SELPA shall assist the State to do all of the following:

- A. Provide for the review and, if appropriate, revision of policies, procedures, and practices used in such identification or placements to ensure that such policies, procedures and practices comply with the requirements of the law.
- B. Require all member school districts to reserve the maximum amount of funds set aside under 20 U.S.C. 1413 (f) to provide comprehensive coordinated early intervention services to service student sin the District, particularly students in those groups that were significantly overidentified; and
- C. Require the member school districts to publicly report on the revision of policies, practices, and procedures.

## **Preventing Overidentification**

- Ensure that prior to a District generated referral for an evaluation to determine eligibility for special education and related services, all general education program options and services have been considered and where appropriate, utilized.
- In accordance with California Education Code Sections 56320(a) and 56324(a) all evaluation materials and procedures are selected and administered by qualified staff who have been trained in cultural and ethnic factors appropriate to the student being assessed.
- As Individualized Education Program (IEP) teams review evaluation results to determine eligibility for special education and related services, they utilize all state and federally developed criteria for each handicapping condition[s], and consider the effect of cultural, ethnic, language, environmental, and socio-economic factors in determining the student's needs for special education and related services and the determination of least restrictive environment. Such factors may include the child's learning style, preferences for mode of instruction, level of English proficiency, and behavioral issues.

Reference:

EC 56205

Title 34 C.F.R. 300.647

20 USC 1412

20 U.S.C. 1418