

Significant Disproportionality—Changes From Proposed Rule to Final Rule

Changes to Standard Methodology	Type of change	Citation
States must set reasonable risk ratio thresholds, minimum cell sizes, minimum n-sizes, and standards for measuring “reasonable progress” (if that flexibility is used), all with input from stakeholders, including State Advisory Panels, and subject to monitoring and enforcement for reasonableness by the Secretary.	Revision	300.647(b)(1)
Regulations provide definitions of minimum <i>cell size</i> , minimum <i>n-size</i> , and <i>comparison group</i> .	Revision	300.647(a)
Minimum cell sizes no greater than 10 and minimum n-sizes no greater than 30 are presumptively reasonable.	New	300.647(b)(1)(iv)
States must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for “reasonable progress,” and the rationales for each, to the Department in a time and manner determined by the Secretary.	New	300.647(b)(7)
States must calculate an alternate risk ratio if the comparison group in the LEA does not meet the minimum cell size or n-size.	Revision	300.647(b)(5)
States are not required to calculate a risk ratio or alternate risk ratio if the particular racial or ethnic group being analyzed does not meet the minimum cell or n-size; or in calculating the alternate risk ratio, the comparison group in the State does not meet the minimum cell size or n-size.	New	300.647(c)

Significant Disproportionality -- Changes From Proposed Rule To Final Rule

Changes to Standard Methodology, <i>cont'd.</i>	Type of change	Citation
States have flexibility not to identify significant disproportionality in an LEA that exceeds a risk ratio threshold if they make reasonable progress in lowering the applicable risk ratio or alternate risk ratio in each of the two consecutive prior years.	Revision	300.647(c)(2)
Regulations eliminate as a category of analysis children with disabilities ages 6 through 21 inside a regular class more than 40 percent of the day and less than 79 percent of the day.	Revision	300.647(b)(4)
Changes to Comprehensive CEIS	Type of change	Citation
In implementing comprehensive CEIS, an LEA must address any policy, practice, or procedure it identifies as contributing to significant disproportionality.	New	300.646(d)(1)(iii)
LEAs that serve only children with disabilities are not required to reserve IDEA Part B funds for comprehensive CEIS.	New	300.646(e)
Regulations add examples of additional factors that may contribute to significant disproportionality, including inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic achievement levels; and policies, practices, or procedures that contribute to the significant disproportionality.	Revision	300.646(d)(1)(ii)

Significant Disproportionality -- Changes From Proposed Rule To Final Rule

Rule of Construction	Type of change	Citation
<p>Added rule of construction stating that regulations do not authorize a State or an LEA to develop or implement policies, practices, or procedures, (e.g. racial or ethnic quotas) that violate any IDEA requirements, including requirements related to child find and ensuring that a free appropriate public education is available to all eligible children with disabilities.</p>	<p>New</p>	<p>300.646(f)</p>

Effective Date	Type of change	Citation
<p>The regulations take effect 30 days after the date of publication in the Federal Register. However, States are not required to comply with these regulations until July 1, 2018 or to include children ages three through five in the review of significant disproportionality with respect both to the identification of children as children with disabilities and to the identification of children as children with a particular impairment, until , July 1, 2020.</p>	<p>New</p>	