

## **REGULATION VI – DISPROPORTIONALITY**

### **A. OVERIDENTIFICATION AND DISPROPORTIONALITY (34 CFR 300.173)**

The State has in effect policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of students as students with disabilities.

### **B. SUSPENSION AND EXPULSION RATES (34 CFR 300.170)**

The State of Missouri shall examine data including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities among public agencies in the State or compared to the rates for nondisabled children within the agencies.

If the discrepancies are occurring, DESE shall review and, if appropriate, revise (or require the affected State agency or local education agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards, to ensure these policies, procedures, and practices comply with IDEA.

### **C. SIGNIFICANT DISPROPORTIONALITY 34 CFR 300.646**

The State ensures the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the public agencies with respect to:

- (1) The identification of students as students with disabilities, including the identification of students as students with disabilities in accordance with a particular impairment;
- (2) The placement in particular educational settings of these students; and,
- (3) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

In the case of a determination of significant disproportionality with respect to the identification of students as students with disabilities, or the placement in particular educational settings of these students, including disciplinary action resulting in suspension or expulsion, the State shall:

- (1) Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the IDEA.

- (2) Require any public agency identified with significant disproportionality to reserve the maximum amount of funds specified under the IDEA to provide comprehensive coordinated early intervening services to serve students in the public agency, particularly, but not exclusively, students in those groups that were significantly over identified; and,
- (3) Require the public agency to publicly report on a revision of policies, practices, and procedures described in these regulations.