



# Delaware Department of Education IDEA Application FFY 2023

**Public Meetings: March 9 (Cabinet Room-DOE), March 13 (Bear Library), and  
March 22 Rehoboth Library, 2023**

**Stakeholder Meetings: February 6, 8, 9, and 14**

**March 9 (Cabinet Room-DOE), 13 (Bear Library), and 22 Rehoboth Library, 2023**

**GACEC Advisory Council: February 21, March 21 and April 18, 2023**

**Special Education Leadership: March 8, 2023**



# Assurances Related to Policies and Procedures

- FAPE for students with disabilities 3 to 21 years of age, including students who have been suspended or expelled.
- Goals of providing a full educational opportunity to students with disabilities.
- Child Find
- Individualized Education Plan - IEP
- Least Restrictive Environment - LRE
- Procedural Safeguards
- Evaluation procedures and timelines
- Confidentiality of information
- Transition of children from Part C to Part B



# Assurances Related to Policies and Procedures

- Equitable Services for Parentally-placed Private School Children
- State monitors Part B regulations
- Interagency collaboration and agreements are in place
- Reasonable notice and hearing before withdrawing assistance
- DOE establishes qualifications and personnel are adequately training to carry out responsibilities under IDEA
- Goals established for the performance of students with disabilities
- All students with disabilities are included in the state and district-wide assessments
- Funds are expended in accordance with IDEA



# Assurances Related to Policies and Procedures

- State will not reduce the amount of funds due to excess cost below previous year's funds
- Prior to changes or additions to policies, opportunity for public comment will take place
- State will not use federal funds to fund State-mandated obligations
- State establishes and maintains an advisory council....GACEC
- State examines and disaggregates data to determine significant discrepancy for students who are suspended or expelled
- State adopts Accessible Instructional Materials (AIM) and provides accessible materials and abides by their regulations



# Assurances Related to Policies and Procedures

- State establishes policies and procedures to prevent over-identification of students with disabilities by race, ethnicity or disability.
- State shall prohibit LEA from requiring a child to obtain a prescription of controlled substance as a condition of attending school
- Distribute federal funds according to a formula and maintain fiscal accounting procedures
- Provide data as requested to OSEP



# Maintenance of State Financial Support

## Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2013	\$252,526.7
SFY 2014	\$288,183.9
SFY 2015	\$294,498.9
SFY 2016	\$313,437.6
SFY 2017	\$346,860.3
SFY 2018	\$378,540.9
SFY 2019	\$400,253.7
SFY 2020	\$433,565.3
SFY 2022	\$461,139.3
SFY 2023	\$473,538.1



# Significant Disproportionality

## Citation:

- Regulation § 300.646 of the *Individuals with Disabilities Education Act* (IDEA) requires that each state that receives assistance under Part B of the IDEA must provide for the collection and examination of data to determine if disproportionality based on race and ethnicity is occurring in the state and the local education agencies (LEA) of the state with respect to:
  - the **identification** of children as children with disabilities, including identification of children with particular disabilities;
  - the **placement** of children in particular educational environments; and
  - the incidence, duration, and type of **disciplinary actions**, including suspensions/expulsions.



# Significant Disproportionality

## **Identification:**

- Significant disproportionality in “identification: is defined as students ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being:
  - Identified as a student with a disability or
  - Identified within a particular disability category

Delaware’s definition of significant disproportionality in Identification: Significant Disproportionality is determined to exist when the percentages of students within a race/ethnicity group or racial/ethnic group within a specific disability category exceeds a risk ratio 3.0 for three consecutive years. A minimum “n” size has been established of 30 or more students.





# Significant Disproportionality

## **Placement in Particular Education Settings:**

- Significant disproportionality in “placement” is defined as students ages K-21 in a particular racial/ethnic group (i.e.,) being at a considerably greater risk of being placed in one of the following Educational Environment placement categories than all other racial/ethnic groups:
  - Inside the regular classroom less than 40 percent of the school day
  - In separate schools and residential

Placements in homebound/hospital settings, correctional facilities, or placements by the parent of a student in private schools are not included in this examination. Placements inside the regular classroom for more than 41 percent of the day are not examined.

### **Delaware’s definition of significant disproportionality in Placement:**

Significant Disproportionality is determined to exist when the percentages of students within a race/ethnicity group or racial/ethnic group within an educational setting exceeds a risk ratio 2.0 for three consecutive years. A minimum “n” size has been established of 30 or more students.



# Significant Disproportionality

## **Discipline:**

- Significant disproportionality in “discipline” is defined as students with disabilities ages 3-21 in a particular racial/ethnic group being at a considerably greater risk of being subjected to disciplinary action during the school year than all other racial/ethnic groups. The discipline categories used to calculate significant disproportionality are listed below:
  - In-school suspensions of 10 days or less (ISS > 10 days)
  - In-school suspension of greater than 10 days (ISS < 10 days)
  - Out-of-school suspensions/expulsions of 10 days or less (OSS > 10 Days)
  - Out-of-school suspensions/expulsions of greater than 10 days (OSS < 10 days)
  - Total number of disciplinary removals

All discipline data is reviewed based on cumulative days during the school year.

### **Delaware’s definition of significant disproportionality in Discipline:**

Significant Disproportionality is determined to exist when the percentages of disciplinary action for students within a race/ethnicity group or racial/ethnic group when the disciplinary action exceeds a risk ratio of 3.0 for three consecutive years. A minimum “n” size has been established of 30 or more students.



# Significant Disproportionality

## **What happens if an LEA is identified with Significant Disproportionality?:**

- The DDOE requires that LEAs identified with Significant Disproportionality must:
  - Conduct a Root-Cause Analysis;
  - Review/Revise Policies, Procedures and Practices related to the identification;
  - Publicly Report Revisions of Policies, Procedures and Practices related to the identification;
  - Allocate 15% of IDEA Special Education (Part B, Section 611 & 619) funds within the upcoming Consolidated Grant Application (CGA) Process for Comprehensive Coordinated Early Intervening Services (CCEIS) to address the root cause of the determination. Students with and without Special Education Services can be support but not just Students with Disabilities only. These early intervening services can support students in ages 3-21.
  - Reporting requirement: LEA is required to track the number of students receiving CCEIS support for a two year period.



# Reasonable Progress

- State may choose to set a standard for measuring reasonable progress
  - State may choose not to identify a district if it has demonstrated reasonable progress each of the two prior consecutive years



# Reasonable Progress

- 34 C.F.R. §300.647(d)(2)
  - States are not required to identify an LEA with significant disproportionality if the LEA has demonstrated reasonable progress, as determined by the state, in lowering the risk ratio (or alternate risk ratio) for the group and category of analysis in each of the two prior consecutive years.
  - This flexibility exists so that States need not interrupt successful efforts in meaningfully reducing significant disproportionality.



# Reasonable Progress based on Stakeholder recommendation

- Using three years of data, Delaware has chosen to adopt Reasonable Progress when an LEA decreases by .25 over a 2 year period with no increase in any year
- Reasonable Progress will not be applied if an LEA is at a 5.0 threshold or higher



# FFY 2022 Funds – 611 and 619

## **611 Funds**

- FFY 2022 – \$41,355,415 (FFY21 – \$40,017,216)
- LEAs – \$36,169,073
- Administrative Costs – \$850,000
- State Set-aside 611 Funds – \$4,336,342
  - Other State Level Activities – \$783,902 (Salaries/OECs)
  - High Needs Funds – approx. \$433,634
  - Monitoring, Due Process, Complaints and Mediation -\$440,000

## **619 Funds**

- FFY 22 – 1,354,014 (FFY 2021 – \$ 1,313,306)
- LEAs - \$1,229,014
- State Set-aside 619 Funds - \$125,000



# High Needs Funds

Establish, in consultation and coordination with representatives from LEAs, a definition of a high need child with a disability that, at a minimum:

- ✓ Addresses the financial impact a high need child with a disability has on the budget of the child's LEA; and
- ✓ Ensures that the cost of the high need child with a disability is greater than 3 times the average per pupil expenditure;
- ✓ Establish eligibility criteria for the participation of an LEA that, at a minimum, take into account the number and percentage of high need children with disabilities served by an LEA;





# High Needs Funds

- ✓ Establish criteria to ensure that placements supported by the fund are consistent with the requirements of Sec. 300.114 through 300.118;
- ✓ Develop a funding mechanism that provides distributions each fiscal year to LEAs that meet the criteria developed by the State under paragraph(c)(3)(i)(B) of this section;
- ✓ Establish an annual schedule by which the SEA must make its distributions from the high cost fund each fiscal year; and



# High Needs Funds

- ✓ The costs associated with educating a high need child with a disability, as defined under paragraph (c)(3)(i)(A) of this section, are only those costs associated with providing direct special education and related services to the child that are identified in that child's IEP,
- ✓ The State must make its final State plan available to the public not less than 30 days before the beginning of the school year, including dissemination of such information on the State Web site.



# Remaining Funds

- Authorized Activities – For support and direct service in professional development, training, technical assistance, personnel preparation, PBS, activities that improve service delivery, capacity building, technology and/or assistive technology to enhance learning and to provide access to general curriculum, accommodations, research-based interventions, universal design for learning, transition, alternative programming for students expelled or in correctional facilities, etc. ...all in the name of improving results and outcomes for children with disabilities.



# Delaware Initiatives supported through IDEA

- **DE- PBS**
- **MTSS for Academics and Behavior**
- **Universal Design for Learning Professional Learning**
- **Educational Surrogate Parent Program**
- **Parent Information Center of Delaware**
- **SPEACs – Communication and Literacy**
- **Mediation**
- **IEP Facilitation**
- **New Teacher Mentoring Program**
- **Standards-based IEP Professional Learning**



# Delaware Initiatives supported through IDEA

- **Transition Initiatives**
- **PIPELine to Career Success for SWD**
- **Post School Outcomes Survey**
- **Division of Visually Impaired**
- **2 Parent Engagement Surveys**
- **Autism Peer Review Panel**
- **Administrative Complaint and Due Process**
- **Transition Conference**
- **Monitoring Part B regulations**
- **Restraint and Seclusion Reporting**
- **Educational Benefits Professional Development**



# Delaware Initiatives supported through IDEA

- **Contracted services for technical assistance and training**
- **Sponsor Community of Practice for Early Childhood special education itinerant teachers**
- **Review and revision of guidance manuals for Early Childhood Outcomes and Early Childhood special education**
- **Technical training on utilization of ASQ – online screening system**
- **National TA Conferences**



# Input on IDEA spending by stakeholders and public comments

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# Public Comments

**Questions, Comments, Suggestions to:  
[dale.matusевич@doe.k12.de.us](mailto:dale.matusевич@doe.k12.de.us)**

Public review and comment period:

- Filing currently

Three public meetings: During February, 2022

- TBD

Grant application can be found at: <https://www.doe.k12.de.us/ideagrant>