

**Comparison of State Data Requirements in Section 618 of IDEA '97 and the
Conference Bill of The Individuals with Disabilities Education Improvement Act of 2004
(April 2005)**

IDEA '97	IDEA Improvement Act of 2004
IN GENERAL. – Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary – [(a)] on—	IN GENERAL. – Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public on the following: [(a)]
<ul style="list-style-type: none"> the number of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education [(a)(1)(A)(i)]; 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories: Receiving a free appropriate public education [(a)(1)(A)(i)];
<ul style="list-style-type: none"> the number of children with disabilities, by race and ethnicity, who are receiving early intervention services [(a)(1)(A)(ii)]; 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, gender, and ethnicity, who are receiving early intervention services [(a)(1)(B)];
<ul style="list-style-type: none"> the number of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education [(a)(1)(A)(iii)]; the number of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities [(a)(1)(A)(iv)]; 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories: Participating in regular education [(a)(1)(A)(ii)]; The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories: In separate classes, separate schools or facilities, or public or private residential facilities [(a)(1)(A)(iii)];
<ul style="list-style-type: none"> the number of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services [(a)(1)(A)(v)]; 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories: For each year of age from age 14 through 21, stopped receiving special education and related services because of program completion (including graduation with a regular secondary school diploma), or other reasons, and the reasons why those children stopped receiving special education and related services [(a)(1)(A)(iv)];

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<ul style="list-style-type: none"> the number of children with disabilities, by race and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons [(a)(1)(A)(vi)]; and 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, gender, and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons [(a)(1)(C)];
<ul style="list-style-type: none"> the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A) (ii) and (B) of section 615 (k) (1), are removed to an interim alternative educational setting [(a)(1)(A)(vii)(I)]; the acts or items precipitating those removals [(a)(1)(A)(vii)(II)]; and the number of children with disabilities who are subject to long-term suspensions or expulsions [(a)(1)(A)(vii)(III)]; and 	<ul style="list-style-type: none"> The number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category, who are in each of the following separate categories: Removed to an interim alternative educational setting under section 615(k)(1) [(a)(1)(A)(v)(I)]; The acts or items precipitating those removals [(a)(1)(A)(v)(II)];¹ The number of children with disabilities who are subject to long-term suspensions or expulsions [(a)(1)(A)(v)(III)]; The incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of 1 day or more [(a)(1)(D)]; The number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled [(a)(1)(E)];
<ul style="list-style-type: none"> on the number of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in section 632), and who are receiving early intervention services under part C [(a)(1)(B)]; and 	<ul style="list-style-type: none"> The number and percentage of infants and toddlers, by race, and ethnicity, who are at risk of having substantial developmental delays (as defined in section 632), and who are receiving early intervention services under part C [(a)(2)];

¹ Note that under Section 615 (k)(1)(G)(iii), a third act for precipitating these removals was added; it is “has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.”

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<ul style="list-style-type: none"> on any other information that may be required by the Secretary [(a)(2)]. 	<ul style="list-style-type: none"> Any other information that may be required by the Secretary (a)(3).
<p>No comparable current Section 618 data requirement. Note <u>some</u> of these data are currently collected on the Part B and C Annual Performance Reports.</p>	<ul style="list-style-type: none"> The number of due process complaints filed under section 615 and the number of hearings conducted. [(a)(1)(F)] The number of hearings requested under section 615(k) and the number of changes in placements ordered as a result of those hearings. [(a)(1)(G)] The number of mediations held and the number of settlement agreements reached through such mediations. [(a)(1)(H)]
<p>Sampling—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling [(b)].</p>	<p>Sampling.—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling. [(b)(2)]</p>
	<p>DATA REPORTING.—(1)PROTECTION OF IDENTIFIABLE DATA—The data described in subsection (a) shall be publicly reported by each State in a manner that does not result in the disclosure of data identifiable to individual children. [(b)(1)]</p> <p>TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to States to ensure compliance with the data collection and reporting requirements under this title.(c)</p>
<p>Disproportionality.— In general.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—[(c)(1)]</p> <ul style="list-style-type: none"> the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) [(c)(1)(A)]; and 	<p>DISPROPORTIONALITY. —(1) IN GENERAL. Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to—[(d)(1)]</p> <ul style="list-style-type: none"> the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) [(d)(1)(A)];

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<ul style="list-style-type: none"> the placement in particular educational settings of such children [(c)(1)(B)]. 	<ul style="list-style-type: none"> the placement in particular educational settings of such children [(d)(1)(B)]; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions [(d)(1)(C)].
<p>Review and revision of policies, practices, and procedures. – In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act [(c)(2)].</p>	<p>(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or Secretary of the Interior, as the case may be, shall—</p> <p>(A) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this title [(d)(2)(A)];</p> <p>(B) require any local educational agency identified under paragraph (1) to reserve the maximum amount of funds under section 613(f) to provide comprehensive coordinated early intervening services to serve children in the local education agency, particularly children in those groups that were significantly overidentified under paragraph (1); and</p> <p>(C) require the local educational agency to publicly report on the revision of policies, practices, and procedures described under subparagraph (A).</p>