

## Division of Special Education/Early Intervention Services

### IDEA Sec. 618 Program Information and Data Collection

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act are effective July 1, 2005 with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents, prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE) that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses changes in the provisions regarding Sec. 618 program information and data collection that take effect on July 1, 2005. It does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

#### 1. Are there required changes relative to the collection and reporting of program information as a result of the reauthorization of IDEA 2004?

In addition to the previously collected and reported number of students with disabilities in each data collection category, IDEA 2004 requires MSDE to also report the percentage of students with disabilities in each data collection category disaggregated by:

- Race/ethnicity;
- Limited English proficiency (LEP) status;
- Gender; and
- Disability.

The percentage is calculated by MSDE. Limited English Proficiency (LEP) is also referred to as English as a Second Language (ESL). LEP students have a primary or home language other than English and have been assessed as having limited or no ability to understand, speak, read, or write English.

The revised 2005 Maryland Public School Suspensions Data Collection system collects data by race, ethnicity and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. The only changes required to the Maryland Public School Suspensions Data Collection system are the addition of the demographic category Limited English Proficiency for the 2005-2006 school year.

[Sec. 618(a)]

**2. What data is collected and analyzed to identify significant disproportionate representation by race or ethnicity?**

IDEA 2004 requires MSDE to collect and examine data to determine if significant disproportionate representation, based on race or ethnicity, is occurring within Maryland. Data will be collected with respect to the following areas:

- 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);
- The placement in a particular educational setting of such children; and
- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

[Sec. 618(d)(1)]

**3. What actions will be required of a local school system if there is a determination of significant disproportionality with respect to the identification, placement, and discipline of minority students with disabilities?**

A local school system identified as being significantly disproportionate with regards to identification, placement, and discipline of minority students with disabilities will be required to:

- Review and revise, as appropriate, their policies, procedures, and practices in identification or placement;
- Reserve the maximum amount of funds under section 613(f) (15%) to provide comprehensive coordinated early intervening services to serve children in the local educational agency, particularly children in those groups that were significantly overidentified; and
- Publicly report on the revision of policies, practices, and procedures.

A local school system participating in the provision of early intervening services in accordance with Sec. 613(f) is required to annually report to MSDE the number of students:

- Served by early intervening services; and
- Who subsequently receive special education and related services under IDEA during the preceding 2 year period.

[Secs. 618(d)(2); 613(f)(4)]

**4. What data must be reported to MSDE relative to Early Intervening Services?**

A local school system participating in the provision of early intervening services in accordance with Sec. 613(f) is required to annually report to MSDE the number of students:

served by early intervening services and the number of students who subsequently receive special education and related services under IDEA during the preceding 2 year period.

[Secs. 618(d)(2); 613(f)(4)]

**5. What data must be reported to MSDE relative to Parentally Placed Private School Students with Disabilities?**

Each local school system shall maintain in its records and provide to MSDE the number of children:

- Evaluated in accordance with Sec. 612(a)(10);
- Determined to be children with disabilities; and
- Served in accordance with Sec. 612(a)(10).

[Sec. 612(a)(10)((A)(i)(V)]

**6. What data must be collected and reported by MSDE to the U.S. Department of Education related to mediation and due process hearing requests?**

MSDE must report, annually, the following data to the Secretary of Education and the public:

- Number of due process hearing requests;

- Number of due process hearings conducted;
- Number of hearings requested under 615(k) (i.e., hearings requested to resolve disagreements regarding the interim alternative educational setting or the manifestation determination, or when the public agency believes maintaining the current placement of the student is substantially likely to result in injury to the student or others);
- Number of changes in placement ordered as a result of the hearings requested under 615(k);
- Number of mediations held; and
- Number of mediation agreements reached. [Sec. 618(a)(1)(F) – (H)].

Additionally, as part of the State’s general supervisory responsibilities, MSDE must collect and analyze data related to the use of resolution sessions as described in Sec. 615(f)(1)(B).

[Sec. 616(a)(3)(B); 618(a)(F-H)].

**7. How is personally identifiable student level data protected when reporting data to the public?**

MSDE protects identifiable student level data through the application of data suppression rules. MSDE will suppress any data field that has fewer than 5 students in a data field, if the data presentation could be considered identifiable. Therefore, MSDE school level data reports may not equal all students in given categories.

[Sec. 618(b)(1)]

**8. Does MSDE use sampling to obtain the data described in IDEA 2004?**

No, MSDE does not use sampling or extrapolation to obtain that data described in IDEA 2004 Sec. 618.

[Sec. 618(b)(2)]

For more information, call 410-767-0063

MARYLAND STATE DEPARTMENT OF EDUCATION  
 Nancy S. Grasmick, State Superintendent of Schools  
 Carol Ann Baglin, Assistant State Superintendent  
 Division of Special Education/Early Intervention Services

200 West Baltimore Street  
Baltimore, MD 21201

The Maryland State Department of Education does not discriminate on the basis of race, color, sex, age, national origin, religion, or disability in matters affecting employment or in providing access to programs. For inquiries related to departmental policy, please contact the Equity Assurance and Compliance Branch, Voice (410) 767-0433, TTY/TDD (410) 333-3045, or Fax (410) 767-0431. In accordance with the Americans with Disabilities Act (ADA) this document is available in alternative formats, upon request. Contact the Division of Special Education/Early Intervention Services, Maryland State Department of Education at Voice (410) 767-0858, Fax (410) 333-8165, or TDD (410) 333-0731.

This document was developed and produced by the Division of Special Education/Early Intervention Services, IDEA Part B Grant #HO27A040035A funded by the U.S. Department of Education, Office of Special Education and Rehabilitative Services. The views expressed herein do not necessarily reflect the views of the U.S. Department of Education or any other Federal agency and should not be regarded as such. The Division of Special Education/Early Intervention Services receives funding from the Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education. This information is copyright free. Readers are encouraged to copy and share it but please credit the Division of Special Education/Early Intervention Services, Maryland State Department of Education.