

Highlights of [GAO-13-137](#), a report to the Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate

Why GAO Did This Study

Concerned that certain racial and ethnic groups were overrepresented in special education, Congress in the 2004 reauthorization of IDEA required that school districts take certain actions to address this problem. Specifically, districts identified with “significant disproportionality” based on race and ethnicity must spend 15 percent of their IDEA funds to provide early intervening services to school age children who need additional academic and behavioral support. GAO was asked to review these early intervening services. GAO examined (1) the numbers and characteristics of districts that provide services and how states determine which districts are required to provide services; (2) the types of services provided; and (3) oversight by the Department of Education and states. GAO analyzed data on early intervening services for school years 2009-10 and 2010-11; reviewed 16 states’ methods for identifying districts required to provide services that included review of states that did and did not require districts to provide services; visited state educational agencies and school districts in 4 states; and interviewed Education and state officials.

What GAO Recommends

To promote consistency in determining which districts need to provide early intervening services, Education should develop a standard approach for defining significant disproportionality to be used by all states. Education proposed a revision to the recommendation, citing the need to collect more information. GAO continues to believe that the recommendation is valid as discussed in the report.

View [GAO-13-137](#). For more information, contact George A. Scott at (202) 512-7215 or scottg@gao.gov.

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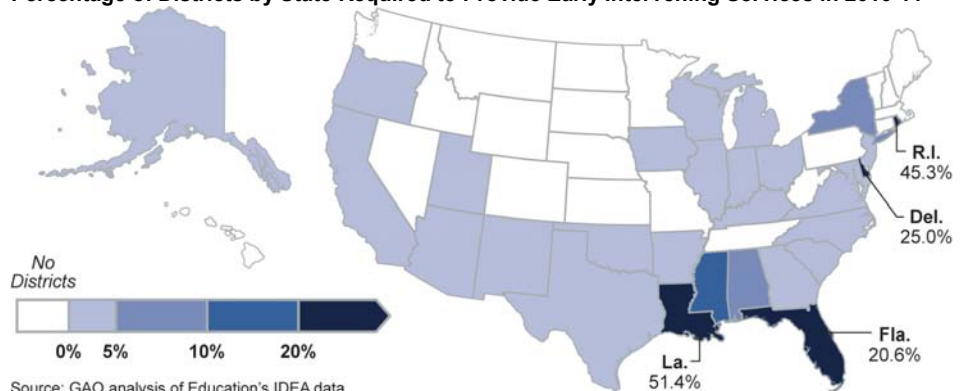
INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Standards Needed to Improve Identification of Racial and Ethnic Overrepresentation in Special Education

What GAO Found

In 2010, states required about 2 percent of all districts to use Individuals with Disabilities Education Act (IDEA) funds for early intervening services to address the overrepresentation of racial and ethnic groups in special education. Based on definitions states individually developed to measure this overrepresentation—referred to in IDEA as significant disproportionality—356 districts were required to provide services. Half of these districts were clustered in five states and 73 were in Louisiana alone. States have used flexibility provided by Education to develop their own definitions of significant disproportionality and GAO’s analysis of 16 selected states found wide variation in definitions. Further, GAO found that the way some states defined overrepresentation made it unlikely that any districts would be identified and thus required to provide early intervening services. Nebraska and Louisiana illustrate differing outcomes that can result from different state definitions. In Nebraska, one of 21 states that did not require any districts to provide services in 2010-11, racial and ethnic groups must be identified for special education at a rate three times higher than for other groups for 2 consecutive years. In contrast, racial and ethnic groups in Louisiana districts must be identified for special education at twice the rate of other students in any year. GAO’s analysis found if Nebraska had used Louisiana’s definition, Nebraska districts may have been required to provide services and, conversely, Louisiana might have identified fewer districts under Nebraska’s definition.

Percentage of Districts by State Required to Provide Early Intervening Services in 2010-11



Districts used their IDEA funds for a range of early intervening services including literacy and math tutoring as well as professional development to help educators address behavioral and emotional issues. For instance, one of the districts GAO visited provided struggling students with individualized math and reading instruction that resulted in improved performance.

Education’s oversight of racial and ethnic groups’ overrepresentation in special education is hampered by the flexibility states have to define significant disproportionality. Specifically, Education periodically reviews states’ definitions as part of its onsite monitoring under IDEA, but the department has not required a state to change its definition when it makes it unlikely that overrepresentation will be identified. States in turn are required to identify districts and ensure that these districts reserve the required amount for early intervening services.