



# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Identification Policy and Procedure Review

### Checklist Items

- School superintendent or designee selects the team members to conduct the review. The Self-Assessment team should include the school superintendent, the Director of Special Education, and others.
- Conduct an initial meeting of the Self-Assessment team to discuss timelines for the review and the process to collect the required information. Review the required district steps for the district's disproportionate determination (page 2).
- Gather applicable policies, procedures, and evidence of practices to complete the policy, procedure, and practice (PPP) review.
- Review and complete the applicable PPP items for each section (i.e., determine whether there is evidence that supports compliance or, if not a regulatory requirement, whether the item evidence is appropriate and prevents disproportionality).
- Describe how the district implements the policies and procedures reviewed. Identify discrepancies between policies and procedures and practices.
- Identify other sources of data and information that must be reviewed. Select appropriate samples to support documentation and evidence of components.
- Complete the required steps for disproportionate determinations (page 2)
- Discuss findings with the Self-Assessment team.
- Analyze the data and identify appropriate action steps to address improvement areas. Use an action plan to outline pertinent actions necessary to address disproportionality.
- Turn in required items (the PPP checklists for Disproportionality) and request any needed technical assistance from NDE. Districts shall maintain documentation of its review for a period of 7 years. This documentation is subject to additional review by NDE and, therefore, should be maintained in an easily retrievable and organized manner.

**Nebraska's Rule 51:** Regulations and Standards for Special Education Programs can be found here: <http://govdocs.nebraska.gov/epubs/E2000/R092.0051-2017.pdf>



# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Disproportionality Determination(s)

### Identification

Disproportionality Determination(s)	Required steps for Findings
<p><input type="checkbox"/> <b>Significant Disproportionality</b>            Disability category(-ies): _____            Race/Ethnicity: _____</p> <p><input type="checkbox"/> <b>Indicators 9 and 10: Disproportionate Representations: Identification</b>            Disability category(-ies): _____            Race/Ethnicity: _____</p>	<p><b>Required steps for significant disproportionality and/or disproportionate representation</b></p> <ol style="list-style-type: none"> <li>1. PPP review for <a href="#">Pre-Referral Interventions</a></li> <li>2. PPP review for <a href="#">Child/Find Identification</a></li> <li>3. PPP review for <a href="#">Evaluation</a> and <a href="#">Reevaluation</a></li> <li>4. PPP Review for <a href="#">Eligibility Determination</a></li> <li>5. Student Assistance Team (SAT) or comparable problem-solving team process</li> <li>6. Student Record Review: Child Find/Identification</li> </ol> <p><b>Additional required steps for significant disproportionality</b></p> <ol style="list-style-type: none"> <li>7. Success Gaps Toolkit</li> <li>8. Action Plan</li> </ol>



# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Pre-referral Interventions

Documentation to Support Compliance Ratings	Evidence to Consider	Documentation or Evidence not to Include
<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Written district policies and procedures for pre-referral interventions</li> <li>• Building-level procedures implementing Board policy or plan</li> <li>• Data Profile provided by state</li> <li>• Data Analysis of Student Referrals, disaggregated by building and by race/ ethnicity</li> <li>• Available resources for pre-referral interventions district-wide and by the building level</li> <li>• Student Records Review Form: Child Find/ Identification</li> </ul>	<p><b>Look for evidence that:</b></p> <ul style="list-style-type: none"> <li>• Written procedures give direction for adherence to the SAT process</li> <li>• Building-level procedures implement Board policy</li> <li>• Resources for pre-referral interventions (district-wide and building level) are available to all students</li> <li>• Building-level, research-based tiered interventions have been systematically implemented, with high-quality results</li> <li>• High-quality pre-referral interventions are made available to all students by type, degree, and frequency across all buildings and all racial and ethnic groups, particularly the disproportionate group</li> </ul>	<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Anecdotal evidence for individual children</li> <li>• Outdated policies and procedures or data</li> <li>• Informal policies and procedures that have not been formally adopted by the district</li> <li>• Personally identifiable information (PII)</li> </ul>



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**Provide a list of the evidence and documentation you will present to NDE to support the compliance rating:**

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# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Pre-Referral Interventions

**Description:** Review your district's written policies and procedures for school-wide approaches and pre-referral interventions. Determine if these provide equitable opportunities to support interventions that allow students to be successful in the general education environment. Focus in particular on the student groups that are disproportionate. Upon completion of your self-assessment in this area, NDE will examine all documentation supporting your ratings. Complete the following checklist and gather the evidence to support your answers.

School-wide Approaches and Pre-referral Interventions Student Assistance Team: 92 Neb. Admin. Code <a href="#">§ 51-006.01B</a>		District Response
1	All policy and procedures are written in a way that ensures equitable access and interventions to all students.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	The district has written procedures for the constitution of, activities of, and reporting of its Student Assistance Teams (SATs).	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	The district provides annual high-quality, sustained professional learning activities on the written procedures described above for all members of its SATs.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4*	The district provides sustained supervision to monitor the implementation of compliant practice by its SATs.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5*	The district has evidence that all students have access to and participate (when appropriate) in researched-based pre-referral interventions.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6*	The district ensures that for a school-age student, a general education student assistance	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
7*	Policy or procedures indicates the SAT or comparable problem-solving team shall utilize and document problem-solving and intervention strategies to assist the teacher in the provision of general education.	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Compliance item.



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**District Response:** If you answered “No” to any items above, provide explanation or relevant information:

**State compliance review notes and items with potential findings of noncompliance:**



# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Child Find

Documentation to Support Compliance Ratings	Evidence to Consider	Documentation or Evidence not to Include
<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Documentation of district-written procedures for Child Find rule</li> <li>• Documentation of the district’s Multi-Tiered System of Supports (MTSS) forms and procedures</li> <li>• Documentation to support advertisement of Child Find activities and that such advertisement is equitably accessible to all families</li> <li>• Documentation of procedures for transition from NE Part C program to receiving special education services</li> <li>• Evidence of formal notices to the public supporting identification of children identified in the Child Find rule and that such notices are equitably accessible to all families</li> <li>• Written referrals</li> <li>• Documentation of building principal meetings and agreements to withdraw the referral with documentation of alternative methods to address the child’s needs</li> <li>• Data Profile provided by state</li> <li>• Data analysis of student referrals, disaggregated by race/ethnicity</li> <li>• Student Records Review Form: Child Find/Identification</li> </ul>	<p><b>Look for evidence that:</b></p> <ul style="list-style-type: none"> <li>• Written procedures give direction for adherence to each component of the Child Find rule</li> <li>• Local school MTSS records include reports of interventions, progress monitoring, and timelines</li> <li>• The appropriate school personnel are knowledgeable of the important collaboration with the Part C agency</li> <li>• Written referrals include information about reasons for the referral and interventions that include universal screeners and research-based interventions that were tried or reasons why no such attempts were made</li> <li>• Building administrators are involved to ensure that general education support services are considered</li> <li>• High-quality general education supports, services, and behavioral interventions are implemented prior to referral</li> <li>• The availability, quality, and intensity of these services do not vary by race or ethnicity.</li> <li>• The staff is knowledgeable of the different strategies to advertise Child Find activities</li> <li>• The staff can describe current Child Find activities</li> </ul>	<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Anecdotal evidence for individual children</li> <li>• Outdated policies and procedures or data</li> <li>• Informal policies and procedures that have not been formally adopted by the district</li> <li>• Personally identifiable information (PII)</li> </ul>



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# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Child Find

**Description:** Review your district's written policies and procedures for Child Find. Determine if student referrals are handled consistently district-wide. In particular, are they handled consistently for the disproportionate group? Upon completion of your self-assessment in this area, NDE will examine all documentation supporting your ratings. Complete the following checklist and gather the evidence to support your answers.

Child Find: 92 Neb. Admin. Code <a href="#">§ 51-006.01</a> ; 34 C.F.R. <a href="#">§ 300.111</a>		District Response
1*	The district has a written policy that is consistent with the state and federal Child Find Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2*	The district has written procedures for implementation of the Child Find Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	The district provides high-quality, sustained professional learning activities on the written procedures for appropriate district and school personnel to assist with the implementation of the Child Find Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4*	The district provides sustained supervision to monitor the implementation of compliant practices for the Child Find Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5	The district uses the supervision and monitoring data to identify schools and/or personnel that require technical assistance to support compliant practices in the area of Child Find, paying particular attention to the communities experiencing disproportionality in the schools.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6	The district publishes annual notice of any significant activity that is designed to identify, locate, or evaluate children using some type of media to publicly notify parents.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7*	The district provides screening and evaluation of all children with suspected disabilities, birth through age 21.	<input type="checkbox"/> Yes <input type="checkbox"/> No
8*	The district has a practical method to track which children are currently receiving special education and related services.	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Compliance item.



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Child Find: 92 Neb. Admin. Code <a href="#">§ 51-006.01</a> ; 34 C.F.R. <a href="#">§ 300.111</a>		District Response
9*	The district provides student referrals that are accompanied by documentation of scientific, research, or evidence-based academic and/ or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or state-approved, grade-level standards within a reasonable time frame.	<input type="checkbox"/> Yes <input type="checkbox"/> No
10*	All district Child Find activities are equitably available to all children regardless of race, ethnicity, language, location, transience, income level, and access to medical care.	<input type="checkbox"/> Yes <input type="checkbox"/> No

**District Response:** If you answered “**No**” to any items above, provide explanation or relevant information:

**State compliance review notes and items with potential findings of noncompliance:**

\*Compliance item.



# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Evaluation and Reevaluation

Documentation to Support Compliance Ratings	Evidence to Consider	Documentation or Evidence not to Include
<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Student Records Review Form: Child Find/ Identification</li> <li>• Individualized Education Program (IEP) documentation (reevaluation)</li> <li>• Policies and procedures to support this Rule</li> <li>• Data Profile provided by state</li> <li>• Data Analysis of Student Referrals</li> </ul>	<p><b>Look for evidence that:</b></p> <ul style="list-style-type: none"> <li>• Written procedures give direction for adherence to each component of the Evaluation and Reevaluation Rule</li> <li>• Students receive a comprehensive evaluation</li> <li>• The comprehensive evaluation provides information necessary to determine the disability and need for special education services and supports</li> <li>• Assessments and other evaluation materials are in the student’s native language or other mode of communication</li> <li>• Assessments and other evaluation materials are administered for purposes for which the assessments or measures are valid and reliable</li> <li>• Multiple measures are used to determine if a student is a student with a disability</li> <li>• Evaluation and assessment information is shared with families using parent-friendly terminology to ensure that families understand the results of the evaluation/assessment so they can participate fully as a member of the IEP team for decision-making</li> </ul>	<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Anecdotal evidence for individual children</li> <li>• Outdated policies and procedures or data</li> <li>• Informal policies and procedures that have not been formally adopted by the district</li> <li>• Personally identifiable information (PII)</li> </ul>



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# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Evaluation and Reevaluation

**Description:** Review your district’s written policies and procedures for Evaluation and Reevaluation. Determine whether students of all racial and ethnic groups, and particularly students in the disproportionate group, have received appropriate evaluations. The evaluations must include a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student that may assist in determining whether the student is a student with a disability. Upon completion of your self-assessment in this area, NDE will examine all documentation supporting your ratings. Complete the following checklist and gather the evidence to support your answers.

Evaluation and Reevaluation: 92 Neb. Admin. Code <a href="#">§ 51-006.02</a> ; <a href="#">§ 51-006.05</a> ; 34 C.F.R. <a href="#">§§ 300.301, .303, .304, .305</a>		District Response
1*	The district has a written policy that is consistent with the state and federal Evaluation and Reevaluation Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2*	The district has written procedures for implementation of the evaluation and reevaluation Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	The district provides high quality, sustained professional learning activities on the written procedures for appropriate district and school personnel to assist with the implementation of the evaluation and reevaluation Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4*	The district provides sustained supervision to monitor the implementation of compliant practices for the evaluation and reevaluation Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5*	The district provides a reevaluation of each child with a disability at least once every 3 years, unless the parent and the district agree that a reevaluation is unnecessary.	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Evaluation and Reevaluation: 92 Neb. Admin. Code <a href="#">§ 51-006.02</a> ; <a href="#">§ 51-006.05</a> ; 34 C.F.R. <a href="#">§§ 300.301, .303, .304, .305</a>		District Response
6*	The district uses a variety of assessment tools and strategies to gather relevant academic, functional, and developmental information about the child, including information provided by the parents, and information related to enabling the child to be involved in and progress in the general education curriculum that may assist in determining: (i) Whether the child is a child with a disability, and (ii) The content of the child's individualized education program.	<input type="checkbox"/> Yes <input type="checkbox"/> No
7*	The district uses more than one measure to determine whether a child has a disability and the appropriate educational program for the child.	<input type="checkbox"/> Yes <input type="checkbox"/> No
8*	The district uses technically sound instruments to assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.	<input type="checkbox"/> Yes <input type="checkbox"/> No
9*	The district selects assessments and other evaluation materials based on the following criteria: A. Are selected and administered so as not to be discriminatory on a racial or cultural basis; B. Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer; C. Have been validated for the specific purpose for which they are used; and D. Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Compliance item.



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# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Eligibility Determination

Documentation to Support Compliance Ratings	Evidence to Consider	Documentation or Evidence not to Include
<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Student Records Review Form: Child Find/ Identification</li> <li>• Policies and procedures to support the Eligibility Determination Rule</li> <li>• Data Profile provided by state</li> <li>• Data Analysis of Student Referrals, disaggregated by race/ethnicity</li> </ul>	<p><b>Look for evidence that:</b></p> <ul style="list-style-type: none"> <li>• Written procedures give direction for adherence to each component of the Eligibility Determination Rule</li> <li>• Attempts have been made to provide remedial instruction or other general education support alternatives to special education (name specific research-based activities/programs/ strategies used)</li> <li>• Eligibility decisions are based on evaluation data demonstrating that students require special education as defined in regulation and not due to lack of appropriate general education instruction or supports as evidenced in random sampling of eligibility reports</li> <li>• Student evaluations are used in developing recommendations in the individualized education programs (IEPS) as evidenced in random sampling of evaluation reports and IEPs for specific students</li> <li>• Eligibility determination information is shared with families using parent-friendly terminology to ensure that families understand the results of the process so they can participate fully as a member of the IEP team for decision-making</li> </ul>	<p><b>Look at:</b></p> <ul style="list-style-type: none"> <li>• Anecdotal evidence for individual children</li> <li>• Outdated policies and procedures or data</li> <li>• Informal policies and procedures that have not been formally adopted by the district</li> <li>• Personally identifiable information (PII)</li> </ul>





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# Office of Special Education Policies, Procedures, and Practices Checklists for Disproportionality

## Focus Area | Eligibility Determination

**Description:** Review your district's written policies and procedures for Eligibility Determination. Determine to what extent students in the disproportionate group are provided appropriate instruction and resources to promote learning prior to referral and that the special education recommendations are based on the students' evaluations. Upon completion of your self-assessment in this area, NDE will examine all documentation supporting your ratings. Complete the following checklist and gather the evidence to support your answers.

Eligibility Determination: 92 Neb. Admin. Code: <a href="#">§ 006.02C14a</a> ; <a href="#">§ 51-006.03</a> ; <a href="#">34 C.F.R. § 300.306</a>		District Response
1*	The district has a written policy that is consistent with the state and federal Eligibility Determination Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2*	The district has written procedures for implementation of the Eligibility Determination Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	The district provides high-quality, sustained professional learning activities on the written procedures for appropriate district and school personnel to assist with the implementation of the Eligibility Determination Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4*	The district provides sustained supervision to monitor the implementation of compliant practices for the Eligibility Determination Rule.	<input type="checkbox"/> Yes <input type="checkbox"/> No
5*	The district ensures IEPs are developed for children with a determination made of having a disability that (a) has an adverse effect on educational performance (academic, functional, and/or developmental) and (b) requires special education and related services.	<input type="checkbox"/> Yes <input type="checkbox"/> No
6*	The district ensures that an eligibility report, which documents the area of disability, is completed and placed in each child's education record. The eligibility report must provide statements for each component of the eligibility and be comprehensive enough to serve as the evaluation report when necessary.	<input type="checkbox"/> Yes <input type="checkbox"/> No

\*Compliance item.



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Eligibility Determination: 92 Neb. Admin. Code: <a href="#">§ 006.02C14a</a> ; <a href="#">§ 51-006.03</a> ; <a href="#">34 C.F.R. § 300.306</a>		District Response
7*	The district ensures upon completion of the administration of assessments and other measures that the Multidisciplinary Evaluation Team (a group of qualified professionals and the parents of the child) determine whether the child is a child with a disability and the educational needs of the child.	<input type="checkbox"/> Yes <input type="checkbox"/> No
8*	The district ensures appropriate consideration of the exclusionary factor for reading (a child is not to be determined to be a child with a disability if the primary factor for that determination is a lack of appropriate instruction in reading, including the essential components of reading instruction as defined in section 1208(3) of ESEA).	<input type="checkbox"/> Yes <input type="checkbox"/> No
9*	The district ensures appropriate consideration of the exclusionary factor for math (a child must not be determined to be a child with a disability if the primary factor for that determination is a lack of appropriate instruction in math).	<input type="checkbox"/> Yes <input type="checkbox"/> No
10*	The district ensures appropriate consideration of the exclusionary factor for Limited English proficiency (LEP) (a child must not be determined to be a child with a disability if the primary factor for that determination is LEP).	<input type="checkbox"/> Yes <input type="checkbox"/> No
11*	The district ensures: (a) evaluation data draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations as well as the information about the child's physical condition, social or cultural background, and adaptive behavior, and (b) that information obtained from all these sources is documented and carefully considered.	<input type="checkbox"/> Yes <input type="checkbox"/> No

**\*Compliance item.**



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## General Notes

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