

# **612.16 Over-Identification and Disproportionally**

Friday, August 11, 2023

## **OVER-IDENTIFICATION AND DISPROPORTIONALITY**

The district has a goal of preventing the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment as described in 92 NAC 51-003.10.

“Child with a disability” means a child who has been verified as per 92 NAC 51-006 as a child with autism, a behavior disorder, deaf-blindness, a developmental delay, a hearing impairment including deafness, a mental handicap, multiple impairment, an orthopedic impairment, another health impairment, a specific learning disability, a speech-language impairment, a traumatic brain injury or a visual impairment including blindness, who because of this impairment needs special education and related services. If, under 92 NAC 51-003.63, it is determined, through an appropriate evaluation under 92 NAC 51-006, that a child has one of the disabilities identified above, but only needs a related service and not special education, the child is not a child with a disability under this

Chapter. If the related service required by the child is considered special education rather than a related service, the child would be determined to be a child with a disability.

School districts must ensure no single measure or assessment is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

School districts must ensure assessments and other evaluation materials used to assess a child are selected and administered so as not to be discriminatory on a racial or cultural basis, and 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. The district’s special education

provisions will be equally available to all children.

NDE document “Supporting Document to Checklist of Required Special Education Policies, Procedures and practices for Part B of the IDEA” shall serve as an administrative procedure to this policy. The entire document can be found at <http://www.education.ne.gov/sped/regulations.html>.

Approved July 14, 2014  
Revised October 9, 2023

Reviewed \_\_\_\_\_