

# **Significant Disproportionality Technical Manual**

Criteria and calculations used for determining significant  
disproportionality in Montana

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## Significant Disproportionality Overview

IDEA section 618(d) requires states to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the local educational agencies (LEAs) concerning:

- a) the **identification** of children as children with disabilities, including the identification of children as children with disabilities and a particular impairment;
  - All Disabilities
  - Autism
  - Emotional Disturbance
  - Intellectual Disability
  - Other Health Impairment
  - Specific Learning Disability
  - Speech or Language Impairment
- b) the **placement** in particular educational settings of such children; and
  - Inside a regular class less than 40% of the day
  - Inside separate schools and residential facilities
- c) the incidence, duration, and type of **disciplinary actions**, including suspensions and expulsions.
  - Out-of-school suspensions and expulsions of 10 days or fewer
  - Out-of-school suspensions and expulsions of more than 10 days
  - In-school suspensions of 10 days or fewer
  - In-school suspensions of more than 10 days
  - Disciplinary removals in total

### Categories of Analysis

As specified by the regulations, the 14 categories for which risk ratios are calculated are as follows:

1. The identification of children ages 3 through 21 as children with disabilities (Reference Federal File for OPI submission of FS002, FS089);
2. The identification of children ages 3 through 21 as children with the following impairments (Reference Federal File for OPI submission of FS002, FS089):
  - Cognitive Delay
  - Specific learning disabilities;
  - Emotional disturbance;
  - Speech or language impairments;
  - Other health impairments; and
  - Autism
  - All disabilities
3. Placements of children with disabilities ages 6 through 21, inside a regular class less than 40 percent of the day (Reference Federal File for OPI submission of FS089);

4. Placements of children with disabilities ages 6 through 21, inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools (Reference Federal File for OPI submission of FS089);
5. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of 10 days or fewer (Reference Federal File for OPI submission of FS006, FS143);
6. For children with disabilities ages 3 through 21, out-of-school suspensions and expulsions of more than 10 days (Reference Federal File for OPI submission of FS006, FS143);
7. For children with disabilities ages 3 through 21, in-school suspensions of 10 days or fewer (Reference Federal File for OPI submission of FS006, FS143);
8. For children with disabilities ages 3 through 21, in-school suspensions of more than 10 days (Reference Federal File for OPI submission of FS006, FS143); and
9. For children with disabilities ages 3 through 21, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer (Reference Federal File for OPI submission of FS006, FS143). (34 C.F.R. §300.647(b)(3) and (4).)

#### Racial and Ethnic Groups

1. Hispanic/Latino of any race, and for individuals who are non-Hispanic/Latino only;
2. American Indian or Alaska Native;
3. Asian;
4. Black or African American;
5. Native Hawaiian or Other Pacific Islander;
6. White; and
7. Two or more races. (34 C.F.R. §300.647(b)(2).)

### Standard Significant Disproportionality Methodology

Regulations require that states use a standard methodology for calculating significant disproportionality in the identified 14 categories of risk ratio. The standard method includes a risk ratio, an alternate risk ratio, and minimum cell and n-sizes. Any cells below the minimum threshold are compared to Montana's state data and are allowed flexibility in the risk ratio threshold, in the number of years used to determine significant disproportionality, and in considering progress toward the threshold.

Montana uses a risk ratio calculation to determine whether a district has significant disproportionality, consistent with 34 C.F.R. § 300.647. The standard methodology identifies disparities across seven racial and ethnic groups within 14 categories of analysis. A district is identified when the risk ratio in any of the analyzed categories exceeds the established threshold for three consecutive years. All decisions for the OPI's methodology were made with stakeholder input.

### Minimum Sizes for Analysis

**Cell size of 10** – In an LEA, the minimum number of enrolled students experiencing a particular outcome is used as the numerator when calculating either the risk for a specific racial or ethnic group or the risk for children in all other racial or ethnic groups.

**Small cell size - Any cells below the minimum threshold are compared to Montana's state data.** In District A, out of 31 Black students with disabilities, 3 are placed in regular class less than 40% of the day. This district meets the minimum n-size to calculate the risk of Black students with disabilities being placed in regular class less than 40% of the day ( $31 \geq 30$ ), but it does not meet the minimum cell size for this calculation because  $3 < 10$ .

Therefore, no risk ratio can be calculated for District A for the placement of Black students with disabilities in regular education classrooms less than 40% of the day.

**N-size of 30** – In an LEA, the minimum number of enrolled students regarding identification and the minimum number of students with disabilities concerning placement and discipline are used as the denominator. This is important when calculating either the risk for a particular racial or ethnic group or the risk for children in all other racial or ethnic groups.

**Small n-size - Any cells below the minimum threshold are compared to Montana's state data.** In District B, out of 28 Black students with disabilities, 12 are placed in regular class less than 40% of the day. This district meets the minimum cell size to calculate the risk of Black students with disabilities being placed in regular class less than 40% of the day ( $12 \geq 10$ ), but it does not meet the minimum n-size for this calculation because  $28 < 30$ .

Therefore, no risk ratio can be calculated for District B for the placement of Black students with disabilities in regular class less than 40% of the day. In addition, no risk ratios can be calculated for District B for the placement of Black students with disabilities in separate schools and residential facilities or Black students in any of the discipline categories. This is because the number of Black students with disabilities in the district is the denominator of the risk calculation for Black students for each of the placement and discipline categories.

### Risk Ratio

A risk ratio is a numerical comparison, expressed as a ratio or decimal between the risks of a specific outcome for two different groups. In the significant disproportionality methodology, the risk ratio compares the risk of a specific outcome for a specific racial or ethnic group in a district **to** the risk of that same outcome for all other children in the district.

**Based on stakeholder input, Montana has established 3.0 as its risk ratio threshold for all categories of identification, placement, and discipline calculations.**

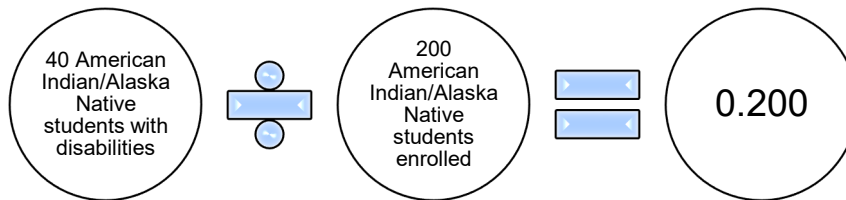
To make this comparison, the risk ratio is calculated by dividing the risk of a particular outcome for students in one racial or ethnic group within a district **by** the risk of that same outcome for students in all other racial or ethnic groups within the district (the comparison group).

- For risk ratios involving identification, the comparison group is children in all other racial or ethnic groups enrolled in a district.
- For risk ratios involving placement or discipline, the comparison group is children with disabilities in all other racial or ethnic groups enrolled in a district.  
(34 C.F.R. § 300.647(a)(6).)

**Example Risk Ratio: Identification of American Indian/Alaska Native students with disabilities**

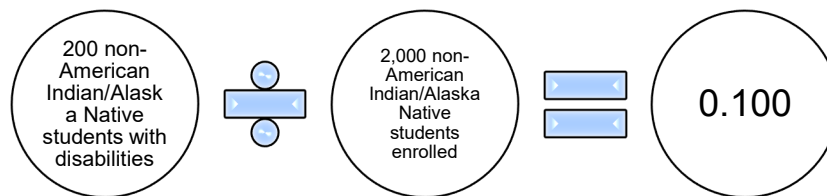
**Risk calculation for the risk group**

In this district, there are 40 American Indian/Alaska Native students identified with disabilities and 200 enrolled American Indian/Alaska Native students. Because  $40 \geq 10$  (minimum cell size) and  $200 \geq 30$  (minimum n-size), we can calculate the risk of American Indian/Alaska Native students being identified with a disability in this district.



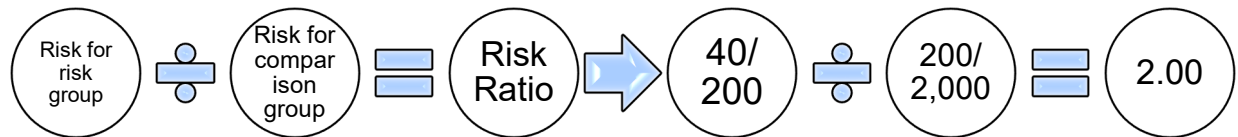
**Risk calculation for the comparison group**

In this district, there are 200 non-American Indian/Alaska Native students identified with disabilities and 2,000 enrolled non-American Indian/Alaska Native students. Because  $200 \geq 10$  (minimum cell size) and  $2,000 \geq 30$  (minimum n-size), we can use district data to calculate the risk of non-American Indian/Alaska Native students being identified with disabilities.



**Risk ratio calculation**

Because the comparison group meets the minimum cell size and n-size requirements, we can calculate a standard risk ratio for this category. The risk ratio of 2.00 indicates that American Indian/Alaska Native students are twice as likely as students from all other race/ethnicity groups to be identified with disabilities in this district.



### Alternate Risk Ratio

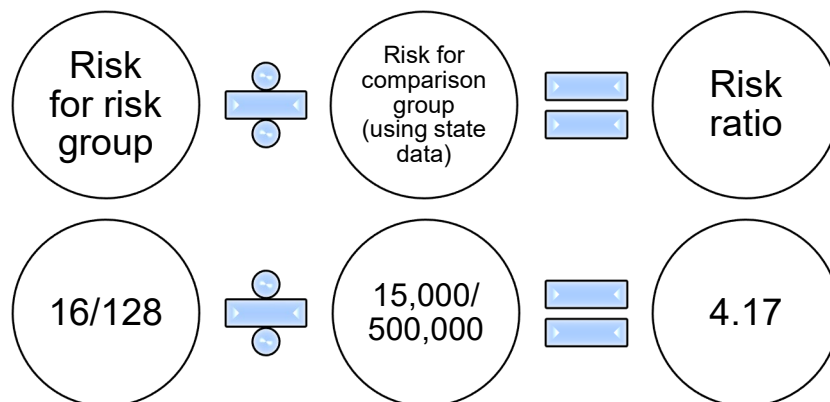
The alternate risk ratio is much like the risk ratio. The alternate risk ratio is also a numerical comparison, expressed as a ratio or decimal, between the risk of a specific outcome for a particular racial or ethnic group in an LEA and the risk of that same outcome for a comparison group—all other children in the State, instead of all other children in the LEA.

To account for the small sample size of the LEAs whose comparison data does not meet the minimum cell size (10 students) **OR** the minimum n-size (30 students), the state of Montana's numbers are used for comparison because the LEA numbers do not meet minimum size requirements.

The alternate risk ratio is calculated by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA **by** the risk of that same outcome for children in all other racial or ethnic groups in the state.

### Alternate Risk ratio calculation

The comparison group in this LEA does not meet the minimum cell size requirement, therefore the calculation is an alternate risk ratio. The risk ratio of 4.17 indicates that Native American students are over four times as likely as students from all other race/ethnicity groups to be identified with specific learning disabilities in this LEA as compared to the state.



### State Flexibility in the Standard Methodology

States are allowed flexibility in the risk ratio threshold both in the number of years used to determine significant disproportionality and when considering progress toward the threshold. Despite having a risk ratio of more than the threshold for three consecutive years, a district may not be identified with significant disproportionality if it demonstrates reasonable progress in reducing the risk ratio.

Reasonable progress is defined as a reduction in the risk ratio of 0.25 or greater per year in each of the last two consecutive years. All decisions for the OPI's methodology were made with stakeholder input.

### Multi-year Flexibility

States are required to annually examine districts for significant disproportionality. However, states are not required to identify an LEA until it has exceeded the risk ratio threshold for up to three prior consecutive years. The multi-year flexibility was designed to account for small changes in district enrollment that could cause large changes in a risk ratio.

### Reasonable Progress

Reasonable progress is intended to prevent state disruption to meaningful efforts to reduce significant disproportionality. A district has demonstrated reasonable progress when its risk ratio has exceeded the threshold for three consecutive years but has lowered by an increment set by the state for two consecutive years.

#### Example: Reasonable progress

Consider these districts with the following risk ratios for Native American students identified with disabilities in the past three school years, all of them over 3.0.

District Name	2020-2021	Year-to-year difference	2021-2022	Year-to-year difference	2022-2023
District A	3.90	-0.60	3.30	-0.25	3.05
District B	3.90	-0.90	3.00	0.50	3.50
District C	3.90	-0.80	3.10	-0.05	3.05

Montana defines reasonable progress as a decrease in a risk ratio of 0.25 or more for each of the two prior consecutive years.

- District A **would not be identified** with significant disproportionality for Native American students identified with disabilities. The decrease in risk ratio from school years 2020-2021 to 2021-2022 was 0.60, and the decrease in risk ratio from school years 2021-2022 to 2022-2023 was 0.25, both greater than 0.25.
- District B, however, **would be identified** with significant disproportionality. Even though the risk ratio decreased by .90 from school years 2020-2021 to 2021-2022, the risk ratio increased by 0.50 from school years 2021-2022 to 2022-2023. Because District B did not show a decrease in the risk ratio of 0.25 or more for each of the two prior consecutive years, District B did not make reasonable progress in lowering the risk ratio for Native American students identified with disabilities.
- District C **would be identified** with significant disproportionality as well. Even though the risk ratio decreased by .80 from school years 2020-2021 to 2021-2022, the risk ratio decreased by 0.05 from school years 2021-2022 to 2022-2023. Therefore, District C did not meet the reasonable progress standard of a

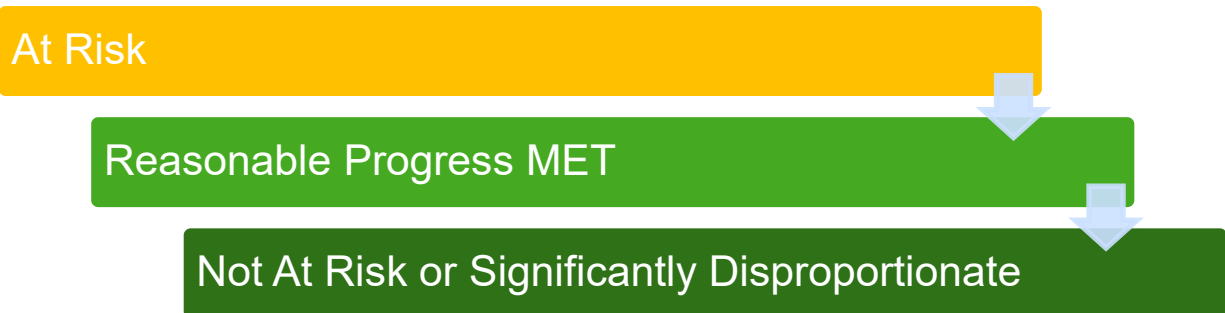


decrease in the risk ratio of 0.25 or more for each of the two prior consecutive years.

### Reasonable Progress in At-Risk LEAs

An LEA is considered At Risk when 2 consecutive years of the 3 years calculated for Significant Disproportionality are found to be above the threshold and without showing reasonable progress of .25 from year to year. An LEA is eligible for only one of two categories in the year following At Risk notification, At Risk with Reasonable Progress Met or At Risk with Reasonable Progress Not Met, making the LEA Significantly Disproportionate.

#### At Risk with Reasonable Progress Met



The LEA is found to be **At Risk** for 2 consecutive years of 3 calculated years for Significant Disproportionality. Calculations for the year following the finding show that the LEA makes reasonable progress toward determination and will no longer be found to be **At Risk** or Significantly Disproportionate.

#### At Risk With Reasonable Progress Not Met



The LEA is found to be **At Risk** for 2 consecutive years of 3 calculated years for Significant Disproportionality. Calculations for the year following the finding, the LEA makes no reasonable progress in the area of determination and is found to be Significantly Disproportionate.

## Comprehensive Coordinated Early Intervening Services (CCEIS)

When a local educational agency (LEA) is identified as significantly disproportionate in one or more of the categories, regulations require the LEA to reserve exactly 15% of IDEA Part B Section 611 and Section 619 funds to implement CCEIS. These services may be provided to children with or without disabilities aged 3 through grade 12, specifically, but not exclusively, to children in those groups who were significantly overidentified. CCEIS activities cannot be limited to only children with disabilities.

Each local educational agency or education cooperative must have on file with the Superintendent of Public Instruction a written program narrative that describes policies and procedures used for the provision of special education and related services within the local educational agency or education cooperative. The policies, procedures, and services in the narrative shall be consistent with state policies and address the requirements of 34 CFR § 300.101-163, and 34 CFR § 300.165-174.

If an LEA participates in a special education cooperative under 20-7-451 and 20-7-457, MCA, then the cooperative must submit a single program narrative on behalf of the member LEAs as well as the LEAs policies and procedures.

### LEA Notification

- *At-Risk*

If an LEA exceeds the threshold for two consecutive years, the LEA may receive a notification that they have exceeded the threshold in one or more categories and are at risk for future identification for significant disproportionality.

LEAs found to be at risk may consider setting aside up to 15% of their IDEA Part B Section 611 and Section 619 funds or any combination to implement voluntary CEIS. 34 CFR § 300.226 These services may be provided to children without a disability in kindergarten through grade 12.

LEAs found to be at risk must submit their Policies, Procedures and Practices for review.

- *Significant Disproportionality*

LEAs that have exceeded the state threshold for three consecutive years receive a notification that the LEA has significant disproportionality in one or more categories.

LEAs found to be Significantly Disproportionate must submit their Policies, Procedures and Practices for review.

- *Reasonable Progress*

A decrease of .25 each year for two consecutive years will result in the removal of Significant Disproportionality status and the LEA will be notified of the change.

## Root Cause Analysis

Root cause analysis is a problem-solving method for uncovering the core or “root” cause(s) of a problem to identify appropriate solutions. Root cause analysis requires in-depth conversations and reflection involving current policies, procedures, and practices. It provides the rationale for identifying contributing factors resulting in significant disproportionality. Additionally, it provides a foundation for addressing existing issues and developing strategies to resolve or prevent the problem(s) from reoccurring.

Any LEA that is found to be significantly disproportionate is required to conduct a root cause analysis to identify and address the contributing factor(s) as it pertains to race and ethnicity in the following areas:

- Identification of children as children with disabilities.
- Placement in particular educational settings of these children.
- Incidence, duration, and type of disciplinary removals from placement including suspensions and expulsions.

Any updates to the policies, procedures and practices must be publicly reported by the LEA and provided to the OPI under Sec. 300.646 — Disproportionality.

## Root Cause Analysis in Practice

Significant Disproportionality encompasses special education; however, these problems cannot be meaningfully addressed without ownership by and collaboration with general education partners, building administration, and district leaders.

An effective Root Cause Analysis (RCA) involves a systematic approach to identifying the underlying cause(s) of problems rather than just addressing symptoms. This approach is meant to prevent recurrence and improve processes. This includes defining the problem, gathering data, identifying causal factors, and developing effective actionable solutions.

Here's a more detailed breakdown of RCA in practice:

### 1. Define the Problem:

- Clearly articulate the issue: A well-defined problem statement is crucial for focusing the analysis.
- Gather relevant information: Collect data, records, and evidence related to the problem.
- Understand the impact: Assess the problem's effects on the organization or process.

### 2. Gather Data:

- Collect data systematically: Gather all relevant information about the problem, including when, where, and how it occurred.
- Document findings: Maintain a record of all data and observations.
- Use various data sources: Review reports, daily documentation, and other relevant information.

**3. Identify Causal Factors:**

- Brainstorm potential causes:
  - Use techniques such as "5 Whys" or fishbone to explore potential root causes.
  - Analyze the sequence of events:
    - Reconstruct the events leading to the problem to identify contributing factors.
- Consider different perspectives:
  - Involve stakeholders and experts to gain a comprehensive understanding of the problem.

**4. Identify Root Causes:**

- Go beyond symptoms: Focus on the underlying issues that led to the problem.
- Use tools and techniques: Employ methods such as the fishbone diagram or diagnostic tree to identify root causes.
- Ask "why" repeatedly: Continue to drill down to the core causes until the underlying issues are identified.

**5. Develop Action Plan:**

- Propose solutions: Develop strategies to address the identified root causes. Are the solutions actionable by the LEA to effect change?
- Prioritize actions: Focus on the most impactful solutions first.
- Implement and monitor changes: Put solutions into place and track their effectiveness.

**6. Implement and Monitor Changes:**

- Implement solutions: Put the recommended changes into action.
- Monitor outcomes: Track the effectiveness of the changes and make adjustments as needed.
- Document findings: Maintain records of the analysis and actions taken.

**Best Practices:**

- Involve stakeholders: Engage individuals who are knowledgeable about the problem and process.
- Use a structured approach: Follow a systematic process to ensure thoroughness and consistency.
- Focus on prevention: Aim to prevent future occurrences of the problem by addressing the root causes.
- Document everything: Keep detailed records of the analysis and actions taken.
- Communicate findings: Share the results of the analysis with relevant stakeholders.
- Use technology: Consider using software or tools to streamline the RCA process.

### IDEA Fiscal Requirements

Under 34 CFR § 300.646(d), LEAs identified with significant disproportionality for the identification, placement, or discipline of students with disabilities are required to reserve exactly 15% of IDEA Part B Section 611 and 619 funds to implement mandatory CCEIS. LEAs identified with significant disproportionality and required to set aside CCEIS funds must submit a budget and CCEIS narrative of planned activities to the OPI through the IDEA Part B Consolidated Application. The CCEIS budget and CCEIS narrative of planned activities must address factors that contribute to significant disproportionality. The funds set aside must meet these requirements:

- cannot be used in place of existing state and/or local funds;
- must be used for CCEIS that address the factors contributing to significant disproportionality;
- may be used for children with and children without disabilities, ages 3 through 21; and
- may not be limited exclusively to children with disabilities.

CCEIS are set aside from IDEA funds and available for the same performance period as IDEA funds. LEAs have 27 months to obligate funding and an additional 120 days to liquidate all obligations. LEAs who are required to set aside CCEIS funds are prohibited from using those funds for any other purpose. When CCEIS are required, those funds must remain reserved until the end of the period of availability and LEAs are required to spend these funds within the period of availability.

### Use of Funds and Allowable Activities

IDEA requires the use of funds to implement CCEIS (34 CFR § 300.646). CCEIS are implemented to directly address factors and any policy, practice or procedure that is contributing to significant disproportionality. CCEIS are also appropriate for children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment. They are also appropriate for children who are currently identified as needing special education or related services (funds can be used primarily, but not exclusively for the group). CCEIS may help ensure that students at risk are referred for special education or related services only when necessary. For example, this can help prevent the inappropriate overidentification of particular subgroups of children with disabilities.

Under 34 CFR § 300.646(d), in implementing CCEIS, LEAs may carry out activities that include the following:

- Professional development and educational and behavioral evaluations, services, and support.
- Activities that address factors and policy, practice, or procedure contributing to significant disproportionality.

Throughout this process, the LEA must identify and address the factors contributing to significant disproportionality, including policies, practices, and procedures.

See [Appendix B](#) for additional information

### CCEIS Plan Development, Review, and Approval

IDEA requires the special education fiscal team to require any LEA identified as having significant disproportionality to reserve the maximum amount (15%) of funds to provide CCEIS. 34 C.F.R. §300.646 The OPI special education fiscal manager works with the OPI IDEA data manager to get a list of LEAs that have been identified with significant disproportionality and are required to set aside CCEIS funds. When an LEA with significant disproportionality is identified, they are required to set aside 15% of their Part B 611 and 619 funds in the grant application. An LEA may not reduce the amount it uses for this calculation by any other amount required by the IDEA, and the SEA does not deduct funds for other items, such as equitable services for parentally placed private school students with disabilities, before calculating the 15%.

When LEAs apply for the IDEA Part B grant, there is a tab in the budget dropdown that calculates the required 15% of funds for CCEIS that must be reserved. LEAs must also submit the following:

- the number of students without disabilities who received CCEIS during the current school year
- the number of students with disabilities who received CCEIS during the current school year
- the number of students who received CCEIS in the past 2 school years who also received special education during the current school year
- define the target population that will benefit from the CCEIS funds; and
- describe the proposed CCEIS activities.

### **Below are the steps for the OPI review of CCEIS plans and budgets:**

1. The OPI special education fiscal team reviews submitted CCEIS plans to ensure that planned activities are aligned with CCEIS requirements, including activities to address the factors contributing to the significant disproportionality.
2. The OPI will review the submitted program narrative, including the policies, procedures, and practices.
  - a. The OPI will verify that the LEA has publicly reported on any revision of policies, procedures, and practices.
3. The OPI special education fiscal team reviews the CCEIS budget to ensure activities are allowable and aligned with the CCEIS plans.
4. The OPI special education fiscal team approves or returns the CCEIS plan to LEAs for corrections if necessary.
5. The OPI special education fiscal team approves the CCEIS plan and budget as part of the IDEA Part B Consolidated Application approval process.

### CCEIS Monitoring and Cash Requests

Each LEA required to reserve funds for CCEIS is monitored through the review of LEA cash requests and a supplemental CCEIS expenditures report. LEAs that are required

to reserve funds for CCEIS must provide a supplemental CCEIS expenditure report when submitting cash requests for IDEA Part B funds. Cash requests without a supplemental report will not be approved.

The supplemental CCEIS expenditures report must include the following:

- the year-to-date amount spent and
- a comparison of the amount budgeted in the CCEIS plan to the amount spent to date.

### LEA CCEIS Reporting

LEAs that are required to set aside CCEIS funds must track and report to students that funds are utilized this report includes the following information:

- the number of students without disabilities who received CCEIS during the current school year
- the number of students with disabilities who received CCEIS during the current school year
- the number of students who received CCEIS in the past 2 school years who also received special education during the current school year

### CCEIS and LEA MOE Reduction Interaction

An LEA that is required to use Part B 611 and 619 funds to implement CCEIS due to significant disproportionality may not reduce its MOE amount through the 50% reduction provision. 34 CFR § 300.205

### CCEIS Federal Reporting

The OPI IDEA Fiscal Team must report the amount of Part B Section 611 and Section 619 funds that each LEA set aside for CCEIS and the number of children who received those services. LEAs are responsible for tracking and reporting this information to the OPI IDEA Fiscal Team. For each LEA that was required to reserve and use funds for CCEIS, states must also report the reason for which the LEA was identified with significant disproportionality.

## Appendix A: Timeline and Due Dates for LEAs and SEA Staff

Date	Activity	Responsible Staff
<b>August 15</b>	Calculation of data for SD Lists	IDEA Data Manager
<b>October 15</b>	Notification to LEAs <ul style="list-style-type: none"> <li>• SD LEAs</li> <li>• LEAs with Reasonable Progress Met</li> <li>• At Risk LEAs</li> </ul>	IDEA Data Manager IDEA Fiscal Manager
<b>January 15</b>	Completion of the PPP and root cause analysis for significant disproportionality determination from LEAs	LEAs Identified with SD
<b>January 15 - March 15</b>	Review of PPP and Root Cause	OPI SD Team
<b>March 30</b>	LEA notification of identified noncompliance related to PPP review (if any)	IDEA Monitoring Team Supervisor
<b>March 30</b>	CCEIS Plan Submission from LEAs	LEAs Identified with SD
<b>April 30</b>	CCEIS Plan Approval from SEA	OPI IDEA Fiscal Team
<b>May 15</b>	Ensuring 15% is allocated in EGrants for identified LEAs	OPI IDEA Fiscal Team
<b>June 30</b>	Submission of LEA CCEIS tracker	LEAs Identified with SD
<b>Ongoing</b>	Submission of CCEIS Expenditures Reports with reimbursement requests	LEA staff