EDUCATION LAW INTO PRACTICE

STATE RATES OF 504-ONLY STUDENTS IN K-12 PUBLIC SCHOOLS: THE NEXT UPDATE*

by

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In contrast with the focus on K-12 students who have individualized education programs (IEPs) under the Individuals with Disabilities Education Act (IDEA),[1] students who have so-called "504 plans"[2] under Section 504 of the Rehabilitation Act (§ 504)[3] receive rather limited attention. The broader definition of "disability" under both § 504[4] and its sister statute, the Americans with Disabilities Act (ADA)[5] for services[6] includes but extends beyond the corresponding definition in the IDEA, resulting in two groups of students: (1) those with IEPs, who are "double covered" by the IDEA and § 504/ADA, and (2) those with 504 plans, who are covered by "§ 504-only."[7]

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1. 20 U.S.C. §§ 1400-1419 (2018).

2. One of the differences from the IDEA is that § 504 does not prescribe a specifically designated and formatted document for the individualized "free appropriate public education" (FAPE) that is the entitlement of qualifying students. Perry A. Zirkel, *Does Section 504 Require a Section 504 Plan for Each Eligible Non-IDEA Student?* 40 J.L. & EDUC. 407 (2011); *see also* Perry A. Zirkel, *Comparison of IDEA IEPs and Section 504 Accommodation Plans*, 191 Ed. Law Rep. 563 (2004) (observing additionally the broader definition of FAPE under § 504). For a systematic analysis of the similarities and differences, see Perry A. Zirkel, *An Updated Comprehensive Comparison of the IDEA and Section 504/ADA*, 342 Ed. Law Rep. 886 (2017).

3. 29 U.S.C. § 794 (2018).

4. 29 U.S.C. § 705(9)(B) (2018) (cross referring to the definition of disability under the ADA - *infra* note 5).

5. 42 U.S.C § 12102(1)(A) (2018): "a physical or mental impairment that substantially limits one or more major life activities." For the more than 25 examples of major life activities, including eating, sleeping, bending, breathing, and bowel functions, see *id*. § 12102(2).

6. The administering agency, the U.S. Department of Education's Office for Civil Rights (OCR), has made clear that for purposes of a 504 plan, the other two alternative prongs of the definition of disability, which are based on "regarded as" or a "record of" the same other definitional elements, are not applicable. *See, e.g.*, Protecting Students with Disabilities at item 37 (OCR 2015), https://www2.ed.gov/about/offices/list/ocr/504faq.html; Senior Staff Memorandum, 19 IDELR 894 (OCR 1992).

7. These terms are merely functional, not legally official, designations. For example, OCR in its reporting of the CRDC data (*infra* note 22) refers to the second category of students as "Section 504 only."

More specifically, unlike the IDEA,[8] the § 504 definition is not limited to specified classifications,[9] learning,[10] and the need for special education.[11] Moreover, the ADA Amendments Act (ADAAA) of 2008, which went into effect on January 1, 2009, expanded the interpretation of the definitional criteria.[12] The resulting ADA regulations, which went into effect on October 11, 2016, added a few more examples of major life activities, such as interacting with others, writing, and reaching.[13] Unlike for the students with IEPs under the IDEA, school districts do not receive any special funding for § 504-only students under either § 504/ADA or—with the potential limited exception in Utah[14]—state laws.

Previous Research

The literature specific to the incidence of § 504-only students in the K-12 student population has until recently been markedly limited in comparison to that concerning the corresponding IDEA enrollments. For the IDEA, for example, empirical reports addressed the incidence of IDEA enrollments nationally[15] and in relation to specific issues, such as autism[16] and specific

8. The IDEA definition of disability is limited to a set of specified classifications and the resulting need for special education. 20 U.S.C. § 1401(3)(A). The focus on learning is not only implicit in the causal link between these special education. 20 U.S.C. § 1401(3)(A). The focus on learning is not only implicit in the causal link between these classifications and the need for special education but also more explicit in the IDEA regulations' repeated emphasis on an classifications and the need for special education but also more explicit in the IDEA regulations' repeated emphasis on an adverse effect on educational performance. 34 C.F.R. § 300.8(c) (2019). *See, e.g.*, Perry A. Zirkel, *An Adjudicative Checklist of Child Find and Eligibility under the IDEA*, 357 Ed. Law Rep. 30 (2018).

9. The relevant § 504/ADA definition extends to any physical or mental impairment. See *supra* notes 4-5.

10. Similarly, the § 504/ADA definition extends to a long, illustrative list of major life activities, extending well beyond academic areas. *Id*.

11. However, as an ultimate limiting factor, the third qualifying criterion, linking the impairment with the major life activity, is the requisite degree and duration of "substantially." *Id*.

12. More specifically, the ADAAA added more examples to the list of major life activities, including subsets of learning, such as reading, and liberalized the determination of the "substantially" prong. *E.g.*, Perry A. Zirkel, *The ADAA and Its Effect on Section 504 Students*, 22 J. SPECIAL EDUC. LEADERSHIP 3 (2009).

13. 28 C.F.R. § 35.108 (2019).

14. UTAH CODE ANN. § 53F-2-512 (West 2020) (funding authorization); UTAH ADMIN. CODE r. 277-753-3 (2017) (reporting requirement). The state legislature has not appropriated any funding for this purpose, and the state board of education has not adopted any reimbursement rules thus far. E-mail from Holly Bell, Equity and Advocacy Specialist for the Utah State Board of Education, to Perry A. Zirkel (Dec. 21, 2020, 11:57 EST) (on file with author).

15. *E.g.*, Christina Samuels, *Spec. Ed. Enrollments Rise*, EDUC. WK., Jan. 25, 2017, p. 6. For the annual reports to Congress on the implementation of the IDEA, which include various enrollments analyses, see https://www2.ed.gov/about/reports/annual/osep/index.html.

16. *E.g.*, Katelyn Boswell, Benjamin Zablotsky & Christopher Smith, *Predictors of Autism Enrollment in Public School Systems*, 81 EXCEPTIONAL CHILD. 96 (2014).

learning disabilities,[17] racial/ethnic disproportionality,[18] and charter schools.[19] The IDEA research has also extended to inter-state prevalence rates, although more often per classification than overall.[20] For the 2017-18 school year, special education students comprised 13.21% of the nation's total public school enrollment, ranging among the states from 9.10% in Texas to 17.8% in Maine.[21]

For § 504, the corresponding prevalence analyses effectively started with the 2009-10 initiation of the U.S. Department of Education's Civil Rights Data Collection (CRDC), an extensive national survey every two years that includes the number of § 504-only students per school.[22] Previously and also pre-dating the liberalizing eligibility standards of the ADAAA,[23] Holler and Zirkel estimated a national prevalence rate of 1.2% for § 504-only students in 2005-06 based on a mailed survey and calculated in relation to the overall student population.[24] A limitation was that the response rate was 45%.[25]

The successive analyses of the CRDC biennial survey results[26] revealed the following national rates of § 504-only students in relation to the total

17. *E.g.*, Perry A. Zirkel, *The Trend in SLD Enrollments and the Role of RTI*, 46 J. LEARNING DISABILITIES 473 (2013).

18. *E.g.*, Paul L. Morgan et al., *Are U.S. Schools Discriminating When Suspending Students with Disabilities?: A Best-Evidence Synthesis*, 86 EXCEPTIONAL CHILD 7 (2019); Paul L. Morgan et al., *Replicated Evidence of Racial and Ethnic Disparities in Disability Identification in U.S. Schools*, 46 EDUC. RESEARCHER 305 (2017); Amanda L. Sullivan & Aydin Bal, *Disproportionality in Special Education: Effects of Individual and School Variables in Disability Risk*, 79 EXCEPTIONAL CHILD. 475 (2013).

19. *E.g.*, Kaitlin Anderson, *Evidence on Charter School Practices Related to Student Enrollment and Retention*, 11 J. SCH. CHOICE 527 (2017); Marcus A. Winters, *Understanding the Gap in Special Education Enrollments between Charter and Traditional Schools: Evidence from Denver, Colorado*, 44 EDUC. RESEARCHER 224 (2015).

20. *E.g.*, Daniel P. Hallahan, Clayton E. Keller, Elizabeth A. Martinez, E. Stephen Byrd, Jennifer A. Gelman & Xitao Fan, *Prevalence Rates of Learning Disabilities and Other Special Education Categories: A Longitudinal Comparison*, 73 EXCEPTIONAL CHILD. 136 (2007).

21. For comparison purposes, these percentages are based on the CRDC data, *infra* note 22. Other sources are based on a different age range and/or a different population parameter for the denominator. *E.g.*, Maya Risa-Kositsky, *Special Education, Definition, Statistics and Trends*, EDUC. WK. (Dec. 19, 2019) https://www.edweek.org/teaching-learning/special-education-definition-statistics-and-trends/2019/12 (governmental data based on ages 3-21); U.S. Department of Education, 41st Annual Report to Congress on Implementation of the Individuals with Disabilities Education Act, Parts B and C - Exhibit 63 (2019), https://www2.ed.gov/about/reports/annual/osep/2019/parts-b-c/index.html (ages 6-21 but in relation to the resident, rather than school, population).

22. These data are from an initial release (October 15, 2020) public use file available in the 2017-18 zip file, which is downloadable from https://www2.ed.gov/about/offices/list/ocr/docs/2017-18-crdc-data.zip. A secondary release of the data, pending district-submitted and data-quality outreach corrections, is scheduled for release in Spring 2021. E-mails from Susanna Oo, Associate Analyst, CRDC Partner Support Center, to Gina L. Gullo (Nov. 23, 2020, 4:59 PM EST and Dec. 2, 2020, 5:27 PM EST) (on file with author).

23. *Supra* note 12 and accompanying text.

24. Rachel A. Holler & Perry A. Zirkel, *Section 504 and Public Schools: A National Survey Concerning "Section 504-Only" Students*, 92 NASSP BULL. 19 (Mar. 2008).

25. *Id*. at 26.

26. Being governmental surveys, the response rate for each successive CRDC has been very close to 100%.

public-school population: 1.02% in 2009-10,[27] 1.48% in 2011-2012,[28] 1.81% for 2013-2014,[29] and 2.29% for 2015-16.[30]

The most recent two of these four successive biennial analyses extended to the percentages for each of the 50 states and the District of Columbia. The top three states for both the 2013-14 and 2015-16 surveys were, respectively, as follows: 1. New Hampshire - 5.47% and 5.84%; 2. Louisiana - 4.99% and 5.34%; and 3. Vermont - 4.41% and 4.97%. At the opposite end, two of the bottom three were the same for 2013-14 and 2015-16. More specifically, Utah replaced New Mexico as 48th, but the next two states remained at the same bottom two ranks for the successive periods, respectively: 49. Wisconsin - 0.48% and 0.83%; and 50. Mississippi - 0.30% and 0.65%.[31]

Method

The purpose of this article is to analyze the prevalence rate of § 504-only students nationally and, more specifically, among the states for the most recent CRDC biennial survey, which was for the school year 2017-18.[32] Additionally, this analysis includes comparisons between the 2017-18[33] and 2015-16[34] CRDC biennial surveys. Despite our additional efforts[35] and the CRDC's 99.9% response rate,[36] the use of these data was not devoid of potential errors in the analysis due to (a) the survey instrument's extensive length,[37] (b) the limited data quality checks,[38] and (c) a short data correction window.[39] The CRDC reportedly continues to improve data quality.[40]

27. Perry A. Zirkel & John M. Weathers, *Section 504-Only Students: National Incidence Data*, 26 J. Disability Pol'y Stud. 184 (2015).

28. Perry A. Zirkel & John M. Weathers, *K-12 Students Eligible Solely under Section 504: Updated National Incidence Data*, 27 J. Disability Pol'y Stud. 67 (2016).

29. Perry A. Zirkel, *State-by-State Rates of 504-Only Students in K-12 Schools*, 352 Ed. Law Rep. 9 (2018).

30. Perry A. Zirkel & Tiedan Huang, *State Rates of 504-Only Students in K-12 Public Schools: An Update*, 354 Ed. Law Rep. 621 (2018).

31. Zirkel, *supra* note 29, at 13–14; Zirkel & Huang, *supra* note 30, at 626–27. The published analysis for 2015–16 contained a typo for Kansas, which should have had a percentage of 0.94% rather than .094%. Zirkel & Huang, *supra* note 30, at 626.

32. The primary source was the initial release the CRDC public-use data. See *supra* note 22. Specifically, we merged school-level data to the state level. We then calculated both the § 504-only incidence rate and rank statistics for each state using SPSS. The national § 504-only incidence rate is based on summing, not averaging, the respective total enrollments and § 504-only enrollments for all of the states and D.C.

33. *Id*.

34. Zirkel & Huang, *supra* note 30. The now current CRDC public-use data for 2015-16 reflect the secondary, updated release. As a result, all of the 2015-16 rates decreased an average of 0.15%, with a minimum decrease of 0.02% (Mississippi) and a maximum decrease of 0.48% (Minnesota). Due to the limited average change and the value of a parallel comparison with the current 2017-18 data, which are at the first-release stage, we retained the previously reported 2015-16 results for the Appendix. The minor exception was the Kansas correction. *See supra* note 31.

35. We contacted districts and schools with anomalous percentage rates to enhance data accuracy. These updates did not alter the national § 504-only incidence rate but changed the percentage rates in Alabama (-0.02%), Kansas (0.10%), Nebraska (-0.38%), New York (-0.01%), North Carolina (-0.02%), and Texas (-0.02%).

36. Julia Bloom-Weltman & Clover Quigley, CRDC 2017-18 Technical Documentation 5 (2020), https://ocrdata.ed.gov/assets/downloads/Data Notes 2017-18 CRDC.pdf.

37. The survey forms completed at the school- and district-levels include hundreds of indicators. For the respective school and district forms, see https://www2.ed.gov/about/offices/list/ocr/docs/2017-18-crdc-

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2017-18 Rates

First, the CRDC data[41] reveal that the national prevalence of § 504-only students in 2017-18 was 2.71%, reflecting an increase of 0.41% in comparison to the 2015-16 data.

Second, based on the same source, the Appendix lists the prevalence rates and the rank for each state and the District of Columbia for 2017-18 in comparison to the corresponding data for 2015-16, along with the net changes in percentage and rank. On the high end, New Hampshire (6.32%) retained its first-place position, but Texas (6.00%) moved up to second from fourth in 2015-16, with Louisiana (5.64%) and Vermont (5.48%) moving down to third and fourth in their respective prevalence rate rankings.[42] At the bottom end, after the aforementioned correction for Kansas,[43] Mississippi (0.65%) remained in last place, but New Mexico (1.00%) moved down to 50th place as a result of being the only state with a net reduction in its state percentage, and Wisconsin (1.08%) moved up slightly to 49th place. The average change for the 51 jurisdictions was 0.39%, with the largest increase being for Maine (1.06%) and-aside from New Mexico's net reduction-the smallest being for Delaware (0%). The ranks of most states remained relatively stable, with only a handful, led by Georgia, moving up more than three positions and only slightly more, led by New Mexico, moving down more than three positions.

Interpretation and Conclusions

The national prevalence rate of 2.71% for 2017-18[44] reveals a continuing gradual increase from the earlier biennial CRDC rates. Specifically, starting with 1.02% rate in the baseline year of 2009-10,[45] which was the first year under the liberalizing standards of the ADAAA,[46] the increases for the successive two-year analyses were 0.46%, 0.33%, 0.48%, and, here, 0.42%.[47]

school-form.pdf and https://www2.ed.gov/about/offices/list/ocr/docs/2017-18-crdc-lea-form.pdf. This extensive length and the variety of coded variables may increase reporting errors.

38. The CRDC conducts limited data quality checks of anomalous and missing data. E-mail from Susanna Oo, Associate Analyst, CRDC Partner Support Center, to Gina L. Gullo (Nov. 23, 2020, 4:59 PM EST) (on file with author). For example, the data quality checks for the 2017-18 survey were limited to discipline, offenses, harassment/bullying, and restraint/seclusion data indicators, not § 504 or overall enrollment). See Bloom-Weltman & Quigley, *supra* note 36, at 6.

39. CRDC allows schools one year from the last day of data collection to request data corrections. For the 2017-18 survey, the data collection closed on June 19, 2019 (*id*. at 7), and the initial data release for public use was on October 15, 2020. Thus, without advance notice of the data report, most schools did not have the opportunity to check the released data against their records prior to the close of the collection period. E-mail from Susanna Oo, Associate Analyst, CRDC Partner Support Center, to Gina L. Gullo (Dec. 2, 2020, 5:27 PM EST) (on file with author).

40. In addition to other documented improvements, the CRDC plans to implement procedures for quality control during the submission process for the next reporting cycle, which will be 2019-20. *Id*.

41. *See supra* note 32 and accompanying text.

42. Of these four states, the net percentage increase for Texas (1.06) was more than double that for the other three states and for the national average (0.42). *See infra* Appendix.

43. *See supra* note 31.

44. *See supra* text accompanying note 41.

45. *See supra* text accompanying note 27.

46. *See supra* note 12 and accompanying text.

47. *See supra* text accompanying notes 28–30.

The failure of the inflationary trend to slow or stop more than a decade after the effective date of the ADAAA is surprising, suggesting an explanation that is more a matter of culture than compliance. Although the process of systemic change in response to new or revised laws includes uneven dissemination of information and adjustments in policy and practice,[48] the intervening period since the ADAAA would appear to be more than ample for resolving these factors. Instead, the likely contributing factor that is a matter of culture is the current national society's trend in education toward grade inflation, legalized entitlements, and-as most specifically illustrated in the accompanying field of higher education-increased stretching of the rules to accommodate students.[49] Indeed, the recent scandal with regard to elitist abuses in college admissions directly illustrated and potentially affected such practices that favor false positives rather than false negatives.[50] Yet the overall national trend, which also is only partially reflected in the corresponding longitudinal trend in the percentage of students with IDEA IEPs,[51] continues to be in the inflationary direction. As the "change in rate" column of the Appendix shows, all but two states (VT-no change and NM-decrease of 0.32%) contributed to this national trend.

The state-by-state rates for § 504-only students vary rather widely from 0.65% in Mississippi to 6.32% in New Hampshire. The ratio between these two percentages of approximately 1:10 is far higher than the corresponding

48. Zirkel, *supra* note 29, at 10 (citing e.g., JOHN G. GRUMM & STEPHEN L. WASBY, THE ANALYSIS OF POLICY IMPACT (1981); STEPHEN L. PERCY, DISABILITY, CIVIL RIGHTS, AND PUBLIC POLICY: THE POLITICS OF IMPLEMENTATION (1989)).

49. Douglas Belkin, *Colleges Bend the Rules for More Students, Give Them Extra Help*, WALL ST. J., May 24, 2018, https://www.wsj.com/articles/colleges-bend-the-rules-for-more-students-give-them-extra-help-1527154200. For example, this article reported that from 2011 to 2016, the proportion of students with special accommodations increased by an average of 71% at the public flagship universities and that 93 of the 100 of the four-year, not-for-profit colleges with the highest percentage of students with disabilities are private institutions. *Id*. The article identified wealth as a contributing factor. *Id*. For the corresponding K-12 context, see, e.g., Douglas Belkin & Tawnells D. Hobbs, *More Students Getting Special Help in Grades K-12*, WALL ST. J., July 3, 2018, https://www.wsj.com/articles/more-students-are-getting-special-help-in-grades-k-12-1530646260; *cf*. Kevin Quealy & Eliza Shapiro, *Some Students Get Extra Time for New York's Elite High School Entrance Exam: 42% Are White*, N.Y. TIMES (June 17, 2019), https://www.nytimes.com/interactive/2019/06/17/upshot/nyc-schools-shsat-504.html (revealing issues of wealth, race, and privilege).

50. *E.g.*, Christina A. Samuels, *Students with Disabilities Fear Blowback from College Admissions Scandal*, EDUC. WK. (Mar. 13, 2019), https://www.edweek.org/teaching-learning/students-with-disabilities-fear-blowback-from-college-admissions-scandal/2019/03 (reporting that part of the parents' fraud was obtaining testing accommodations via § 504 for the SAT and ACT to manipulate the recorded results of their children).

51. *E.g.*, National Center for Education Statistics (NCES), Students with Disabilities (May 2020), https://nces.ed.gov/programs/coe/indicator_cgg.asp (reporting that, starting in 2000-01, the percentages of special education students ages 3-21 gradually increased for the first four years, then gradually decreased for the next seven years, and then gradually increased again for the most recent seven years ending in 2018-19, with the overall net result being an increase from 13% to 14%). However, per the limitation *supra* note 21, the NCES report does not provide this longitudinal trend for students in the 6-21 CRDC age range.

ratio of 1:2 between the lowest and highest rates under the IDEA.[52] The reasons for this variance are complex and not clearly known. The likely contributing factors include litigiousness, socioeconomic status, and various interrelated situational features such as parent and district responses to high-stakes, timed testing, and the corresponding push-pull pressures with regard to IDEA identification.[53]

A latent factor that flexes the upper limit in the inter-state range and increases the intra-state variance is the interpretation of "§ 504-only." The CRDC instructions define "Section 504 only" as "students with a disability, who receive related aids and services solely under Section 504 . . . and not under the . . . IDEA."[54] Yet, in the wake of the ADAAA's provision that eligibility is without mitigating measures and during remission, some students are eligible under § 504 but—due to mitigating measures or remission—do not need accommodations or services.[55] The recognition of this "technically eligible" category is limited,[56] which indeterminately widens the variance of interpretation both in practice and in reporting.

In any event, the wide variance among the states suggests likely under- and over-identification, which respectively raise issues of "civil rights violations for which school districts are ethically responsible and legally vulnerable, and . . . questions of resource equity and efficiency."[57] At the state level, interacting with the foregoing factors may be state laws that represent advocacy for a particular diagnostic category, or "impairment" in § 504 definitional terminology, but its effect is also contributing rather than controlling. For example, Texas, which has moved into second place, and Louisiana, which is in third place, each have strong dyslexia identification and intervention laws that might lead to a § 504 plan; yet, the other leading states of New Hampshire and Vermont do not have such forceful laws, and last-place Mississippi does.[58]

52. *Supra* text accompanying note 21. Yet, due in part to the successively increased percentages for § 504-only students while the IDEA ratio remained relatively the same, the § 504-only ratio decreased from 1:18 in 2013-14 and 1:15 in 2015-16. Zirkel, *supra* note 29, at 12; Zirkel & Huang, *supra* note 30, at 625.

53. Zirkel & Huang, *supra* note 30, at 626.

54. U.S. Department of Education Office for Civil Rights, CRDC 2017-18 Public-Use Data File User's Manual 148 (2020), https://ocrdata.ed.gov/assets/downloads/2017-18 CRDC Public-Use Data File Manual.pdf; *see also id*. at 18 ("students with disabilities served under Section 504").

55. *See, e.g.*, Dear Colleague Letter, 68 IDELR ¶ 52 (OCR 2016) ("If the student has a disability, but does not need any special education or related aids or services from the school district, e.g., the student is taking medication that adequately treats the student's ADHD, the school district is not required to provide aids or services").

56. *See, e.g.*, University of South Florida,Section 504 On-Line Introductory Course, Module 4 (2015), https://sss.usf.edu/resources/topic/section504/504course/Module4/Determinations.html.

57. E.g., Perry A. Zirkel, *Avoiding Under- and Over-Identification of 504-Only Students:Pitfalls and Handholds*, 359 Ed. Law Rep.715, 716 (2018).

58. *E.g.*, Perry A. Zirkel, *Legal Developments for Students with Dyslexia*, 43 LEARNING DISABILITY Q. 127, 130, 134 (2020). Illustratingthe interaction with other potentially contributing factors, Texas and Louisiana haverelatively low overall prevalence rates

The other and wider levels of variance are intra- rather than inter-state. Per the sequence for the predecessor article,[59] the successive sequels will be examinations of the § 504-only prevalence rates at the district and school levels, respectively. These more fine-grained follow-up analyses pinpoint more closely the locations most likely associated with such under- and over-identification.

under the IDEA according to the 2017-18 CRDC, yet New Hampshire and Vermont have relativelyhigh IDEA rates, and Mississippi's rate under the IDEA is in the mid-range. *See supra* note 22.

59. Perry A. Zirkel, *School District Rates of 504-Only Students*, 356 Ed. Law Rep. 11 (2018); Perry A. Zirkel, *Public School Rates of 504-Only Students*, 356 Ed. Law Rep. 1 (2018).

Appendix: State-by-State Rate and Rank for Percentage of § 504-Only Students in 2017–2018 as Compared with 2015–2016

STATE	2015–16		2017–2018		CHANGE IN RATE	CHANGE IN RANK (+ = up)
	RATE	RANK	RATE	RANK		
Alabama	1.16%	46	1.48%*	44	+0.32%	+2
Alaska	1.35%	40	1.49%	43	+0.14%	-3
Arizona	1.24%	43	1.51%	42	+0.27%	+1
Arkansas	3.78%	8	4.02%	8	+0.24%	0
California	1.18%	45	1.37%	47	+0.19%	-2
Colorado	1.82%	23 (tie)	2.32%	23	+0.50%	0
Connecticut	4.61%	5	5.30%	5	+0.69%	0
Delaware	3.06%	10	3.06%	14	0.00%	-4
District of Columbia	1.45%	37	2.04%	31	+0.59%	+6
Florida	2.93%	12	3.40%	10	+0.47%	+2
Georgia	1.62%	31	2.51%	19	+0.89%	+12
Hawaii	1.86%	22	2.26%	26	+0.40%	-4
Idaho	2.55%	15	3.13%	12	+0.58%	+3
Illinois	2.56%	14	3.12%	13	+0.56%	+1
Indiana	1.77%	27	2.23%	27	+0.46%	0
Iowa	1.61%	32	1.89%	34	+0.28%	-2
Kansas	0.94%**	49	1.40%*	46	+0.46%	+3
Kentucky	1.92%	21	2.11%	29	+0.19%	-8
Louisiana	5.35%	2	5.64%	3	+0.29%	-1
Maine	3.80%	7	4.88%	6	+1.08%	+1
Maryland	3.07%	9	3.20%	11	+0.13%	-2
Massachusetts	4.19%	6	4.53%*	7	+0.34%	-1
Michigan	1.31%	42	1.64%	39	+0.33%	+3
Minnesota	1.57%	35 (tie)	1.88%	35	+0.31%	0
Mississippi	0.39%	51	0.65%	51	+0.26%	0
Missouri	1.63%	30	1.99%	32	+0.36%	-2
Montana	1.64%	29	2.35%	22	+0.71%	+7
Nebraska	1.00%	47	1.18%*	48	+0.18%	+1
Nevada	1.39%	38	1.56%	41	+0.17%	+3
New Hampshire	5.84%	1	6.32%	1	+0.48%	0
New Jersey	2.52%	16	2.82%	16	+0.30%	0
New Mexico	1.32%	41	1.00%	50	-0.32%	-9
New York	2.15%	18	2.36%*	21	+0.21%	-3
North Carolina	1.60%	33	1.68%*	38	+0.08%	-5
North Dakota	2.07%	19	2.30%	24	+0.23%	-5
Ohio	2.19%	17	2.77%	17	+0.58%	0
Oklahoma	1.19%	44	1.46%	45	+0.27%	-1
Oregon	1.81%	25	2.52%	18	+0.71%	+7
Pennsylvania	2.02%	20	2.40%	20	+0.38%	0
Rhode Island	2.95%	11	3.69%	9	+0.74%	+2
South Carolina	1.82%	23 (tie)	2.28%	25	+0.46%	-2
South Dakota	1.58%	34	1.84%	36	+0.26%	-2
Tennessee	1.38%	39	1.68%	37	+0.30%	+2
Texas	4.94%	4	6.00%*	2	+1.06%	+2
Utah	0.99%	48	1.56%	40	+0.57%	+8

STATE	2015–16		2017–2018		CHANGE IN RATE	CHANGE IN RANK (+ = up)
	RATE	RANK	RATE	RANK		
Vermont	4.97%	3	5.48%	4	+0.51%	-1
Virginia	1.57%	35 (tie)	2.07%	30	+0.50%	+5
Washington	2.64%	13	2.92%	15	+0.28%	-2
West Virginia	1.71%	28	1.92%	33	+0.21%	-5
Wisconsin	0.83%	50	1.08%	49	+0.25%	+1
Wyoming	1.78%	26	2.19%	28	+0.41%	+2
United States	**2.29%**		**2.71%**		**0.42%**	

* Correction of CRDC data. *See supra* note 35.
** Correction of typographical error. *See supra* note 31.