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] 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 designated as "§ 504-only."[7]

More specifically, unlike the IDEA,[8] the § 504 definition is not limited to specified classifications,[9] learning,[10] or the need for special education.[11] Moreover, the ADA Amend-

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1. 20 U.S.C. §§ 1400–1419.

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 Plan*s, 191 EDUC. L. 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, *The Latest Comprehensive Comparison of the IDEA and Section 504/ADA*, 416 EDUC. L. REP. 1 (2023).

3. 29 U.S.C. § 794.

4. *Id*. § 705(9)(B) (cross referring to the definition of disability under the ADA – *infra* note 5).

5. 42 U.S.C § 12102(1)(A): "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. 67 IDELR ¶ 189, at item 36 OCR 2023).

7. These terms are merely functional, not legally official, designations. For example, OCR in its reporting of the CRDC data (*infra* note 17) refers to the second category of students as "Section 504 only."

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

ments 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 students with IEPs under the IDEA, school districts do not receive any special funding for § 504-only students under either § 504/ADA or implementing state laws.[14]

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 have regularly addressed the incidence of IDEA enrollments nationally and per state.[15] For the 2021–22 school IDEA students comprised 13.9% of the nation's total public school enrollment, ranging on a state-by-state basis from 19.5% in Maine down to 11.1% in Idaho.[16]

For § 504, the corresponding prevalence analyses effectively started with the 2009–10 version of the U.S. Department of Education's Civil Rights Data Collection (CRDC), an extensive national survey usually conducted every two years that includes the number of § 504-only students per school and per school district.[17] Previously and also pre-dating the liberalizing eligibility standards of the ADAAA,[18] Holler and Zirkel estimated a national prevalence rate of 1.2% for § 504-only students in 2005–06 based on a mailed survey and a limited response rate of 45%.[19]

between these 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). *See, e.g.*, Perry A. Zirkel, *An Adjudicative Checklist of Child Find and Eligibility under the IDEA*, 357 EDUC. L. 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. Instead, 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(c)(1)(i).

14. Utah had been a potential exception, but in 2021 the state repealed both UTAH CODE ANN. § 53F-2-512, which had authorized possible appropriations, and UTAH ADMIN. CODE r. 277-753-3, which had required reporting information for § 504-only students.

15. *E.g.*, Eesha Pendharkar, *The Number of Students in Special Education Has Doubled in the Past 45 Years,* EDUC. WK., July 31, 2023; Paige E. Pullen, Kristen E. Ashworth, & Jy Hoon Ryoo, *Prevalence Rates for Students Identified for Special Education and Their Interstate Variability: A Longitudinal Approach,* 43 LEARNING DISABILITY Q. 88 (2020). For the annual reports to Congress on the implementation of the IDEA, which include various enrollments national and state analyses, see https://www2.ed.gov/about/reports/annual/osep/index.html.

16. For comparison purposes, these percentages are based on the CRDC data and calculated in the same manner as the § 504-only rates. U.S. Department of Education OCR, *2021–22 Civil Rights Data Collection Downloadable Data File* [Dataset], https://civilrightsdata.ed.gov/assets/ocr/docs/2021-22-crdc-data.zip

17. U.S. Department of Education OCR CRDC, https://civilrightsdata.ed.gov/about/crdc. Due to the pandemic, OCR varied from this general pattern to postpone the survey one year to 2020–21 and then have another one in 2021–22.

18. *Supra* note 12 and accompanying text.

19. Rachel A. Holler & Perry A. Zirkel, *Section 504 and Public Schools: A National Survey Concerning "Sec-*

The successive analyses of the CRDC periodic survey results, which had a response rate close to 100%, revealed the following national rates of § 504-only students in relation to the total public-school population: 1.02% in 2009–10,[20] 1.48% in 2011–2012,[21] 1.81% for 2013–2014,[22] 2.29% for 2015–16,[23] 2.71% in 2017–18,[24] and 3.26% in 2020–21.[25]

The most recent four of these six successive analyses extended to the percentages for each of the 50 states and the District of Columbia.[26] The top state was New Hampshire – 5.47% in 2013–14, 5.84% in 2015–16, and 6.32% in 2017–18, but Texas moved int first place in 2020–21.[27] The remaining two highest-rate states, which varied in their ranks within the top four of them, were Louisiana and Vermont. At the opposite end, Mississippi had the lowest rate among the 50 states and the District of Columbia – .30% in 2013–14, .39% in 2015–16, and .65% in 2017–18, but New Mexico moved into this lowest position in 2020–21.[28]

Method

The purpose of this article was to update the most recent previous state rates article.[29] Specifically, the purpose was to determine the prevalence rate of § 504-only students nationally and, more specifically, among the states for the most recent CRDC survey, which was for the school year 2021–22.[30] Despite the CRDC's nearly complete response rate[31] and

tion 504-Only" Students, 92 NASSP Bull. 19, 26 (Mar. 2008).

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

21. 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).

22. Perry A. Zirkel, *State-by-State Rates of 504-Only Students in K–12 Schools*, 352 Educ. L. Rep. 9 (2018).

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

24. Perry A. Zirkel & Gina L. Gullo, *State Rates of 504-Only Students in K–12 Public Schools: The Next Update,* 385 Educ. L. Rep. 14 (2021).

25. Perry A. Zirkel & Gina L. Gullo, *State Rates of 504-Only Students in K–12 Public Schools: The Latest Update,* 417 Educ. L. Rep. 929 (2024).

26. The CRDC surveys were biennial until postponement of one year due to the pandemic during 2019–20 for the last one in the previous iterations. *Supra* note 17.

27. Zirkel & Gullo, *supra* note 25, at 934–35; Zirkel & Gullo, *supra* note 24, at 22–23; Zirkel & Huang, *supra* note 23, at 626–27; Zirkel, *supra* note 22, at 13–14.

28. *Id*. The published analysis for 2015–16 contained a typo for Kansas, which should have had a rate of .94% rather than .094%. Zirkel & Huang, *supra* note 23, at 626.

29. Zirkel & Gullo, *supra* note 25. Thus, much of the language is repeated from that article, with the differentiating focus being on the new data.

30. *Supra* note 17. CRDC released the 2021–22 public use data in January 2025. First, we accessed the enrollment.csv file from the ''downloadable data files'' for 2021–22 at https://civilrightsdata.ed.gov/assets/ocr/docs/2021-22-crdc-data.zip, which included 17,703 LEAs and 97,166 schools. Second, we extracted the total enrollment, number of § 504-only students, and number of IDEA students for each school in the 50 states and D.C. Third, we deleted entries that had negative numbers for enrollment or § 504-only students in the male or female data, based on the ''data file user's manual'' description for reserve codes. All the reserve codes indicated ''Not Applicable/Skipped,'' with 1,883 of the 21,647 schools identified through additional data as preschools. Fourth, we summed the male, female, and non-binary totals for each indicator to determine the total students. The CRDC added non-binary starting in the 2021–22 data collection but only required it for schools that already disaggregated gender in this way; therefore, we interpreted reserve codes in this category as zero's when calculating the totals. Finally, we calculated both the § 504-only incidence rate and rank for each state using Microsoft Excel. 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.

31. U.S. Department of Education Office for Civil

data quality checks,[32] the results are not devoid of errors in light of the extensive length of the survey instrument and variance among the submitting school representatives. These issues became more pronounced in the 2021–22 data collection resulting in data being available in only 77.7% of schools, which represented a major decline from the data availability rate 100.0% in 2017–18 and 99.2% in 2020–21.[33]

2021–22 Rates

First, the CRDC data reveal that the national prevalence of § 504-only students in 2021–22 was 3.93%, reflecting an increase of .67% in comparison to the 2020–21 data.[34]

Second, based on the same source, the Appendix lists the prevalence rates and the rank for each state and the District of Columbia for 2021–22 in comparison to the corresponding data for 2020–21, along with the net changes in percentage and rank. On the high end, New Hampshire (7.66%) moved back into first place, with Texas (7.61%) dropping to a close second place. Connecticut (6.95%) moved up into the third position, dropping Louisiana (6.68%) down one position to fourth place and leaving Vermont (6.69%) in fifth place. At the bottom end, Mississippi (1.59%) and New Mexico (1.80%) exchanged 50th and 51st places. In comparison to the aforementioned national change of .67% from the previous year,[35] the states with the largest increases were South Dakota (1.38%) and New Hampshire (1.07%), and the states at the other extreme were Delaware (-.75%) and North Carolina (-.24%), which were the only two states that changed downward rather than upward. The ranks of most states remained moderately stable in relation to the previous year, with only a handful, led by South Dakota, moving up more than four positions and a similar number, led by North Carolina, moving down more than four positions. However, the rates and rate changes for the states in the Appendix marked in the first column with asterisks, representing particularly high proportions of unavailable data for 2021–22, are particularly open to question.[36]

Interpretation and Conclusions

The national prevalence rate of 3.93% for 2021–22 reveals an accelerating increase, especially because the interval was only one year since the previous survey. More specifically, compared to the one-year increase of .67% in 2021–22, the increases for the previous two-year intervals were .46%, .33%, .48%, .42%, and, then after three years, .55%.[37]

Rights, 2021–22 Civil Rights Data Collection Data File User's Manual: Release 1.0, at 7 (2025), https://civilrightsdata.ed.gov/assets/downloads/2021-22%20User's%20Manual.pdf (stating that ''OCR achieved 99.9% reporting and certification from required data submitters for the 2021–22 CRDC, which included 17,704 LEAs and 98,010 schools.'').

32. *Id*. at 7–10 (reporting the limited but notable extent of unavailable data due to submission and other errors).

33. Data availability rates are calculated based on the number of schools with § 504-only data ''available'' in relation to the total number of schools in the 50 US states and D.C. (with Puerto Rico. excluded) listed in the CRDC dataset. ''Available'' here means that the CRDC dataset includes reported values rather than reserve codes for both total enrollment and § 504-only student enrollment and total school enrollment. The data availability rates were 75,519 (77.7%) of 97,166 schools in 2021–22; 95,920 (99.2%) of 96,734 schools in 2020–21; and 96,522 (99.99+%) of 96,533 schools in 2017–18.

34. See *infra* Appendix.

35. The overall proportion of unavailable data in 2021–22 for the 50 states and D.C. together was 22.3%, which is the simply the difference between 100% and the national data availability rate of 77.7%. *Supra* note 33.

36. Reflecting the overall limitations of the current data (*supra* note 33 and accompanying text), these designated states had the highest levels of unavailable data, which is the obverse of the state's data availability rate.

37. *Supra* text accompanying notes 21–25 and 34.

However, the distinctly lower proportion of available data for the last year leaves these latest national rates open to question.[38]

This limitation of unavailable data is likely due to a combination of global and CRDC factors. The effects of the pandemic, for which the length and severity of effects varied from jurisdiction to jurisdiction, may explain the widespread variance in data availability among states.[39] Potential CRDC drivers of the steep decline in data availability specific to the 2021–22 collection period include the introduction of several new data elements which lengthened the survey,[40] the addition of data validation checks during data entry,[41] and data collection delay of one year.[42] As a result, the states designated with one or more asterisks in the Appendix merit particular caution in the interpretation of their § 504-only rates and resulting ranking. The extent that this limitation is resolved in the 2023–24 CRDC survey may help confirm or correct the results for 2021–22.[43]

Nevertheless, it is probable that the inflationary trend in the national and states rates of § 504-only students, for which the ADAAA was a contributing factor in the immediate years after the effective date of 2009, has not stopped, regardless of the seeming accelerating trend. The explanation appears to be more a matter of culture than compliance. More specifically, the continuing societal trend of inflation in various aspects of life, including fiscal matters, college football bowl games, and grade point averages. The explanation at this point is not legal, because the legislation, regulations, and case law have not had any expansion with regard to the criteria for eligibility since the ADAAA, with the minor exception the ADAAA regulations.[44] Moreover, the same inflationary longitudinal trend, although not as pronounced, is evident for the rates of IDEA-eligible students.[45]

The state-by-state rates for § 504-only students vary rather widely from less than 2% in five states led by New Mexico to a level approaching 8% in New Hampshire and Texas. The approximate 4:1 ratio between these polar percentages far exceeds the corresponding less than 2:1 ratio of CRDC rates under the IDEA.[46] Yet, within the ample variation, the relationship between the § 504-only and the IDEA rates at the state level is far from consistent. For example, in 2021–22, Texas and Louisiana respectively ranked #2 and #3 for § 504-only percentage and #49 and #40 for IDEA percentage; yet, Massachusetts, Maine, New Hampshire, and Vermont ranked in the top ten for both § 504-only and IDEA

38. *Supra* note 33.

39. However, it was not likely a major contributing factor to the overall decline in available data because the collection was subsequent to the pandemic years and the 2020–21 school year, which included the onset of the pandemic, did not have this dramatic difference.

40. See the 2021–22 CRDC School Survey Form (https://civilrightsdata.ed.gov/assets/downloads/2021-22-crdc-school-form.pdf) and 202122 CRDC District Survey Form (https://civilrightsdata.ed.gov/assets/downloads/2021-22-crdc-lea-form.pdf) for specific additions which include additional gender disaggregation for students identifying as non-binary, student discipline data disaggregation for § 504-only students, and several new early childhood education elements.

41. *Supra* note 31, at 9.

42. *Supra* note 31, at 7 (data collection opened in December 2023 for the 2021–22 CRDC as opposed to prior years when data collection opened in December of the same year, *e.g.,* December 2021 for the 2021–21 CRDC).

43. Several potential contributors to the current data limitations extend into the 2023–24 collection with many data elements new but optional in 2021–22 becoming mandatory in this survey. See U.S. Department for Civil Rights. 2023–24 Civil Rights Data Collection: General Overview, Changes, and List of Data Elements. v.1 (2023). https://www.ed.gov/media/document/2023-24-crdc-qa-108046.pdf

44. *Supra* note 13 and accompanying text.

45. *Supra* note and accompanying text 16.

46. *Id.*

percentages.[47] The likely intervening and contributing factors are complex, including litigiousness, socioeconomic status, and various interrelated situational features such as parent and district responses to high stakes tests. Moreover, the relatively high § 504-only rates for Texas, Louisiana, and Arkansas suggest that strong state laws for identification of and interventions for students with dyslexia may play a particular role depending prevailing implementation practices in relation to § 504 plans or IEPs.[48]

Finally, it is likely that the increased mental health and behavioral issues that arose in the immediate wake of the pandemic may have contributed to the continuing upward trajectory of the national § 504 rates. However, contrary to some predictions,[49] the incidence thus far of ''long COVID'' in K–12 public school students does not appear to have reached a notable level so as to affect the rate of § 504-only students.

In any event, despite the overall increase in the national percentage of § 504-only students, the wide variance among the states suggests likely under- as well as over-identification, which both raise issues of ''civil rights violations for which school districts are ethically responsible and legally vulnerable, and . . . questions of resource equity and efficiency.''[50] The relatively hidden under-identification will be more obvious in the follow-up analyses for the § 504 rates at the district and school levels.[51] The relatively flexible eligibility criteria under § 504, the lack of federal (and state) funding, the relatively limited public awareness, and the difficulties of litigation all contribute to potential problems for under-resourced and under-informed families.[52] The recent organizational changes concerning the Department of Education, including the major reductions in the staffing of its Office for Civil Rights, will likely result in enforcement problems for these and other families.

The other and wider levels of variance are intra- rather than inter-state. Per the sequence for the predecessor articles based on the 2020–21 CRDC data,[53] the successive sequels for the 2021–22 CRDC data 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.

47. *Id.*

48. *See, e.g.,* Perry A. Zirkel, *Identification and Intervention of Students with Dyslexia: The Latest Update*, 411 Educ. L. Rep. 903 (2023); Perry A. Zirkel, *Legal Developments for Students with Dyslexia*, 43 Learning Disability Q. 127 (2020). Conversely, recent changes in Texas' dyslexia law, which went into effect during the 2023–24 school year, may result in some of § 504-only students based on dyslexia to the IDEA category, thus possibly contributing to Texas moving down from first to second place in § 504-only percentage. *See, e.g.*, Texas Education Agency, FAQs: Dyslexia Evaluation, Identification, & Instruction—House Bill (HB) 3928 (Nov. 15, 2023), https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/house-bill-hb-3928. For the resulting changes in the implementing regulations, including the latest edition of the dyslexia handbook, see https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders

49. *See, e.g.,* U.S. Department of Education, Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families (OSERS/OCR, July 26, 2021), https://sites.ed.gov/idea/files/ocr-factsheet-504-20210726.pdf (positing possible IDEA or § 504 eligibility for P–12 students with long COVID).

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

51. *Infra* text accompanying note 47.

52. *See generally* Maria M. Lewis & Raquel Muñiz, Section 504 Plans: Examining Inequitable Access and Misuse (June 2023), https://nepc.colorado.edu/publication/504-plan. For the difficulties in litigation, see Claire Raj, *The Lost Promise of Disability Rights*, 119 Mich. L. Rev. 933 (2021).

53. Perry A. Zirkel & Gina L. Gullo, *Public School Rates of § 504-Only Students: The Latest Update*, 420 Educ. L. Rep. 1 (2024); Perry A. Zirkel & Gina L. Gullo, *School District Rates of § 504 Only Students in K–12 Public Schools: The Latest Update*, 418 Educ. L. Rep. 606 (2024).

STATE RATES OF "§ 504-ONLY" STUDENTS IN K–12 PUBLIC SCHOOLS

Appendix: State-by-State Rate and Rank for Percentage of § 504-Only Students in 2021–22 as Compared with 2020–21

STATE	2020–21		2021–22		CHANGE IN RATE	CHANGE IN RANK (+ = up)
	RATE	RANK	RATE	RANK		
Alabama	1.77%	43 (tie)	2.43%	42	+0.66%	+1
Alaska*	1.59%	46 (tie)	2.16%	45	+0.57%	+1
Arizona	1.86%	42	2.41%	43	+0.55%	-1
Arkansas	5.63%	6	6.51%	6	+0.88%	0
California	1.71%	45	2.10%	46	+0.39%	-1
Colorado	3.18%	18	3.66%	18 (tie)	+0.48%	0
Connecticut	6.09%	4	6.95%	3	+0.86%	+1
Delaware	4.83%	9	4.08%	14	-0.75%	-5
Dist. of Columbia	2.54%	28	2.92%	33	+0.38%	-5
Florida	4.34%	10	5.21%	8	+0.87%	+2
Georgia	3.49%	15	3.84%	15	+0.35%	0
Hawaii	2.35%	32 (tie)	2.88%	35	+0.53%	-3
Idaho	3.86%	13	4.43%	11	+0.57%	+2
Illinois	3.65%	14	4.29%	12	+0.64%	+2
Indiana	2.59%	27	3.21%	29	+0.62%	-2
Iowa***	1.96%	41	2.80%	37	+0.84%	+4
Kansas*	1.77%	43 (tie)	2.45%	41	+0.68%	+2
Kentucky	2.41%	29 (tie)	3.12%	31	+0.71%	-2
Louisiana	6.22%	3	6.69%	4	+0.47%	-1
Maine	5.17%	7	5.47%	7	+0.30%	0
Maryland	3.87%	12	4.28%	13	+0.41%	-1
Massachusetts	4.89%	8	5.00%	9	+0.11%	-1
Michigan	2.27%	34	2.93%	32	+0.66%	+2
Minnesota	2.20%	35	2.89%	34	+0.69%	+1
Mississippi*	1.20%	50	1.59%	51	+0.39%	-1
Missouri	2.37%	31	3.36%	25	+0.99%	+6
Montana*	2.85%	22	3.64%	20	+0.79%	+2
Nebraska*	1.51%	48	2.22%	44	+0.71%	+4
Nevada	1.59%	46 (tie)	1.80%	49 (tie)	+0.21%	-3
New Hampshire	6.69%	2	7.76%	1	+1.07%	+1
New Jersey	3.07%	20	3.62%	22	+0.55%	-2
New Mexico**	1.12%	51	1.80%	49 (tie)	+0.68%	+1
New York	2.63%	25	3.62%	21	+0.99%	+4
North Carolina	2.12%	37 (tie)	1.88%	48	-0.24%	-11
North Dakota	2.70%	24	3.30%	26	+0.60%	-2
Ohio	3.42%	16	3.81%	16	+0.39%	0

STATE	2020–21		2021–22		CHANGE IN RATE	CHANGE IN RANK (+ = up)
	RATE	RANK	RATE	RANK		
Oklahoma	1.97%	40	2.73%	39	+0.76%	+1
Oregon	3.16%	19	3.41%	24	+0.27%	-5
Pennsylvania	2.82%	23	3.23%	27 (tie)	+0.41%	-4
Rhode Island	4.13%	11	4.45%	10	+0.32%	+1
South Carolina	2.93%	21	3.66%	18 (tie)	+0.73%	+2
South Dakota**	2.41%	29 (tie)	3.79%	17	+1.38%	+12
Tennessee	2.12%	37 (tie)	2.74%	38	+0.62%	-1
Texas	6.88%	1	7.61%	2	+0.73%	-1
Utah	2.09%	39	2.61%	40	+0.52%	-1
Vermont	5.85%	5	6.68%	5	+0.83%	0
Virginia	2.60%	26	3.16%	30	+0.56%	-4
Washington	3.30%	17	3.54%	23	+0.24%	-6
West Virginia	2.35%	32 (tie)	2.81%	36	+0.46%	-4
Wisconsin	1.43%	49	1.94%	47	+0.51%	+2
Wyoming	2.18%	36	3.23%	27 (tie)	+1.05%	+9
United States	**3.26%**		**3.93%**		**+0.67%**	

* States with data unavailable from between 40% and 50% of schools.
**States with data unavailable from between 51% and 60% of schools.
*** State with data unavailable from 70% of schools.