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October 21, 2025

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U.S. Department of Education

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Washington, DC 20202-1200

RE: Annual State Application Under Part B of the Individuals with Disabilities Education
Act, ED-2025-SCC-0481, OMB Control No. 1820-0030

Submitted via [regulations.gov](https://www.regulations.gov)

Introduction

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the undersigned organizations, we appreciate the opportunity to comment on the Department of Education (the Department)'s proposed revision to the IDEA Part B State Application, published in the *Federal Register* on August 22, 2025 (Docket No.: ED-2025-SCC-0481). We wish to comment specifically on the proposed removal of "Significant Disproportionality" data collection from Section V of the Annual State Application under Part B of the Individuals with Disabilities Education Act (IDEA). The removal of this requirement, or any component of significant disproportionality measurement, data collection, and reporting under IDEA, would undermine the Department's ability to ensure that all students with disabilities, without regard to race, are correctly identified, placed in appropriate educational settings, and not subject to inappropriate student discipline.

This issue is of particular interest to the civil and human rights community given our long struggle to ensure educational opportunity, full inclusion, and appropriate supports and services for children with disabilities, children of color, English learners, and Native American, low-income, and LGBTQIA+ students. We recognize that students are often members of multiple communities and may experience unlawful and unjust discrimination within the intersections of these identities. We are committed to the robust enforcement of our nation's civil rights and education laws and the freedom from discrimination and access to educational opportunity that they provide.

Part B of the IDEA authorizes grant programs that provide federal funding to states and local educational agencies (LEAs) to provide a free, appropriate public education for eligible

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children with disabilities. A series of conditions attached to receipt of these grant funds aim to provide certain educational and procedural guarantees for children with disabilities and their families. These include safeguards pertaining to the identification, evaluation, and placement of students in special education services that are intended to protect the rights of parents and children with disabilities.¹

More specifically, IDEA section 618(d) requires States to measure, collect and analyze data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) within the State with respect to:

- a) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;
- b) the placement in particular educational settings of such children; and
- c) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.²

Identifying any significant disproportionality by race and ethnicity in the implementation of IDEA is critical to ensuring equal access to educational opportunity. 19 percent of American Indian/Alaska Native students, 17 percent of Black students, 16 percent of white students and students of two or more races, 15 percent of Hispanic students, 12 percent of Pacific Islander students, and 8 percent of Asian students receive services under IDEA, compared to 15 percent of students overall.³ These data also do not fully account for the under-identification of students who require services under the IDEA, which is a particular problem for communities that face language and other barriers in seeking to access special education services. As parents, students, educators, and advocates working to eliminate discriminatory practices that undermine equal educational opportunity, we know all too well that students of color are disproportionately misidentified for certain categories of special education, under-identified when services are needed, placed in restrictive learning environments at higher rates than their white peers with disabilities (where outcomes for students of color are significantly worse than those of other students), and more often subjected to punitive discipline practices including suspension and expulsion.⁴

We wholeheartedly support the measurement, collection, reporting, and examination of data on significant disproportionality, as it is an essential State obligation as required by IDEA. Moreover, we recognize that these data – as assessed against a State-defined methodology and collected by States – should inform district-required action to address systemic barriers to students' success. We have previously [supported enforcement efforts on significant disproportionality](#) and the implementation of [Equity in IDEA regulations](#).

¹ The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions. August 20, 2024. <https://www.congress.gov/crs-product/R41833>

² Idea Part B Regulations: Significant Disproportionality (Equity In Idea) Essential Questions and Answers. U.S. Department of Education. March 2017. <https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf>

³ National Center for Education Statistics. (2024). Students With Disabilities. *Condition of Education*. U.S. Department of Education, Institute of Education Sciences. <https://nces.ed.gov/programs/coe/indicator/cgg>.

⁴ We encourage the collection of disaggregated race and ethnicity data, since there are often significant differences between subgroups within larger race and ethnicity categories.

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Reporting on how states determine and subsequently collect and analyze significant disproportionality data ensures transparency and promotes fairness in educational opportunity for all students, and we urge the Department to retain this reporting requirement. Removing it would weaken states' and the Department's own ability to ensure compliance with IDEA and to use reliable information for program oversight, fiscal integrity, and risk management.

Discussion

1. The Significant Disproportionality requirement is a statutory safeguard.

Congress expressly addressed Significant Disproportionality in IDEA § 618(d) to ensure states monitor whether children are appropriately and fairly identified, placed, and disciplined under IDEA. The Department's role includes ensuring that state policies are consistent with statutory requirements. Eliminating the requirement for states to report their Significant Disproportionality methodology would impede the Department's ability to demonstrate that it is faithfully executing the law. It would also constitute an unjustified reversal of the determination of the first Trump and the Biden Administrations which established that collecting and reviewing State practices was necessary to ensure that States are properly implementing the *Equity in IDEA* regulations.

2. Transparency around how states measure significant disproportionality supports fiscal stewardship and program integrity.

The Significant Disproportionality indicators are not merely about demographic analysis; they are essential for tracking potential misuse of IDEA funds.

- States that fail to properly identify significant disproportionality may misallocate resources that are required to be reserved for Coordinated Early Intervening Services (CEIS).
- The lack of transparency in state methodology for assessing significant disproportionality would hinder the Department's capacity to assess fiscal compliance or identify states at higher risk for negative audit findings.

In short, transparency around state methodology for determining significant disproportionality protects federal financial interests and reduces downstream enforcement costs.

3. The proposed "burden reduction" justification lacks evidence.

The *Federal Register* Notice cites a goal of reducing burden on states but provides no quantifiable evidence of the actual burden associated with submitting information on their Significant Disproportionality methodology. The Department currently only requires states to report changes to their Significant Disproportionality methodology, so there is no burden to states not making any changes. The Department also described the initial reporting burden for the standard Significant Disproportionality methodology as "minimal."⁵ Without empirical burden estimates or consultation with states, the Department cannot demonstrate that elimination is the least disruptive alternative. Moreover, the

⁵ 81 Fed. Reg. at 92,389 ("The Department is sensitive to the reporting burdens upon States but believes that the additional reporting requirements created by this regulation will be minimal ...").

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Department's responsibility to ensure that students with disabilities receive the services they are entitled to outweighs the minimal reporting burden to states.

4. Retaining the requirement to report Significant Disproportionality methodology under Section V of the application aligns with effective administration and accurate program evaluation.

IDEA Part B is a \$14 billion annual federal investment. The Department's credibility depends on demonstrating that federal funds are used efficiently, lawfully, and effectively. Reliable data on identification, placement, and discipline patterns are necessary for:

- assessing whether states' monitoring systems are functioning as intended;
- identifying emerging compliance risks early; and
- guiding targeted technical assistance or enforcement where warranted.

Discontinuing the Significant Disproportionality methodology reporting requirement would impair the Department's ability to evaluate its own programs and defend funding decisions before Congress, the OIG, and GAO.

Recommendation

For these reasons, we respectfully urge the Department to retain Section V of the Annual State Application requiring states to report their Significant Disproportionality methodology under IDEA. In doing so, the Department will protect and maintain compliance with statutory and legal mandates, support effective grant oversight, and uphold a key purpose of IDEA.

Conclusion

We appreciate this opportunity to provide comments and call on the Department to retain the Significant Disproportionality reporting requirement in Section V of the Annual State Application under Part B of IDEA. Doing so will promote transparency for families of students with disabilities and other stakeholders on how states determine Significant Disproportionality. It will also protect the Department's ability to ensure compliance with IDEA and responsibly steward federal funding for IDEA Part B programs.

For any questions, please contact Meeta Anand, senior program director of census and data equity at The Leadership Conference on Civil and Human Rights, at anand@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Association of People with Disabilities
American Association of University Women (AAUW)
American Association on Health and Disability
American Civil Liberties Union (ACLU)

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Arab American Institute (AAI)
Asian Americans Advancing Justice-AAJC
Center for Racial & Disability Justice
Clearinghouse on Women's Issues
Coalition on Human Needs
Council of Parent Attorneys and Advocates (COPAA)
Disability Rights Education and Defense Fund (DREDF)
Equal Justice Society
Feminist Majority Foundation
GLSEN
Japanese American Citizens League
Johns Hopkins Disability Health Research Center
Lakeshore Foundation
League of United Latin American Citizens (LULAC)
League of United Latin American Citizens (LULAC)
MALDEF (Mexican American Legal Defense and Educational Fund)
NALEO Educational Fund
National Black Child Development Institute (NBCDI)
National Center for Learning Disabilities
National Down Syndrome Congress
National Urban League
National Women's Law Center
NBJC
The Arc of the United States
The Center for Learner Equity