

10/21/2025

Ross Santy
Chief Data Officer, Office of Planning
Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave SW, LBJ, Room 4A119
Washington, DC 20202-1200

**RE: Annual State Application Under Part B of the Individuals with Disabilities Act as Amended
in 2004**

Dear Mr. Santy,

The Center for Racial and Disability Justice (CRDJ) is a Disabled People's Organization (DPO) housed at the Northwestern Pritzker School of Law. We are dedicated to advancing research, policy, and legal strategies that confront the intertwined forces of racism and ableism in systems that disproportionately harm disabled people. We write to comment on the U.S. Department of Education's [proposed revision](#) to the Annual State Application under Part B of the Individuals with Disabilities Education Act (IDEA), OMB Control No. 1820-0030, which removes the requirement to collect and examine data on "significant disproportionality" in identification, placement, and discipline of disabled students by race and ethnicity.

We are commenting because this proposed change would:

- Erode core civil rights protections under IDEA
- Allow practices that contribute to race- and disability-based disparities to go unchecked
- Disproportionately harm disabled students of color and those facing multiple, intersecting forms of marginalization
- Undermine accountability, enforcement, and community advocacy efforts

BACKGROUND

The Individuals with Disabilities Education Act (IDEA) is not only an education funding statute, but also a cornerstone civil rights law designed to ensure that children with disabilities receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) without discrimination. To implement IDEA, each state must submit an Annual State Application under Part B, providing assurances that they maintain required policies, procedures, and data systems necessary to uphold the law.

In its current information collection, states are required to annually collect and examine data to determine whether “significant disproportionality” based on race and ethnicity exists in:

1. The identification of children as students with disabilities.
2. The placement of such students in particular educational settings, including restrictive or segregated environments.
3. The discipline of students with disabilities, including suspensions and expulsions.

Under [20 U.S.C. §1418\(d\)](#) and 34 C.F.R. §§[300.646–300.647](#), states must identify local educational agencies (LEAs) with significant disproportionality and take corrective action, including revising policies and directing use of IDEA funds toward Comprehensive Coordinated Early Intervening Services (CCEIS).

In the current proposal, the U.S. Department of Education seeks to revise the existing Annual State Application under Part B by removing the requirement to collect and review data on significant disproportionality. The agency states that this removal is intended to reduce administrative burden on state respondents and simplify the application process.

We strongly oppose the removal of the significant disproportionality data requirement because it is not a peripheral reporting item—it is a congressionally mandated civil rights monitoring mechanism intended to uncover and address inequities in disability identification, placement, and discipline. The requirement has been central to ensuring that states identify discriminatory patterns, take corrective action, and reinvest resources in addressing the disproportionate harm faced by students who are both disabled and members of racial or ethnic minority groups.

Without this data element, school districts would no longer be required to trigger meaningful review, corrective policy revision, or allocation of IDEA funds toward addressing systemic discrimination. For disabled students of color, who are already disproportionately misidentified, segregated, suspended, expelled, or denied appropriate services, the elimination of this requirement would remove a critical federal safeguard against the compounding harms of ableism and racism.

This proposed change does not merely risk unintended consequences—it fundamentally fails to achieve its stated purpose. Removing the significant disproportionality requirement would not meaningfully reduce administrative burden, as states are already required under 20 U.S.C. § 1418(d) to collect and examine this data. Instead, it would strip IDEA of one of its only enforceable civil rights safeguards designed to uncover and correct patterns of racialized and disability-based discrimination. In practice, this revision would allow discriminatory identification, placement, and discipline practices to continue unchecked, especially against disabled students of color, English learners with disabilities, and other multiply marginalized students. Rather than streamlining IDEA implementation, this change dismantles oversight, weakens accountability, and actively undermines the law’s purpose. It is not a neutral shift in paperwork, it is a direct rollback of protections for students who already experience disproportionate harm.

EROSION OF CORE CIVIL RIGHTS PROTECTIONS UNDER IDEA

The requirement to collect and analyze data on significant disproportionality is not a mere reporting exercise—it is one of the few mechanisms within IDEA that triggers legally enforceable civil rights interventions when discriminatory patterns emerge. Removing this requirement weakens a key statutory protection that ensures states act when disparities in identification, placement, or discipline rise to harmful levels.

Without this mandated review, states and local educational agencies would be asked to meet procedural compliance requirements while allowing discriminatory outcomes to persist unaddressed. This leaves IDEA’s civil rights guarantees largely symbolic rather than enforceable. The proposed change would therefore not streamline implementation but instead reduce IDEA’s ability to function as a tool for equity, transparency, and legal accountability.

FACILITATING EDUCATIONAL PRACTICES THAT CONTRIBUTE TO DISPARITIES

Significant disproportionality data is essential for identifying when students are being over- or under-identified for disability services due to biased assumptions about behavior, intelligence, language, or culture. Eliminating this requirement creates conditions in which race- and disability-based disparities in misidentification, misplacement, and disciplinary targeting can continue undetected, especially in districts with existing inequities.

When disparities are no longer systematically monitored, discriminatory practices are less likely to be flagged, reviewed, or corrected. This proposal effectively removes a structural check on biased decision-making in schools, increasing the risk that subjective judgments rooted in racism and ableism will guide identification and discipline decisions without review or consequence.

EXACERBATING HARM TO MULTIPLY MARGINALIZED DISABLED STUDENTS

Students who live at the intersections of disability, race, class, language, gender, and immigration status already face compounded inequities in educational settings. Black, Latine, Indigenous, and multilingual disabled students are disproportionately classified under stigmatizing disability categories, placed in restrictive environments, and disciplined at higher rates. When disproportionality tracking is removed, these intersectional harms are rendered invisible and unaddressed.

Without disaggregated data requirements, the experiences of the most targeted students become statistically erased. This disproportionately harms students who are already made vulnerable by intersecting systems of oppression and undermines equity-driven efforts rooted in disability justice, racial justice, and culturally responsive education.

UNDERMINING ACCOUNTABILITY, ENFORCEMENT & COMMUNITY ADVOCACY

The significant disproportionality requirement not only compels state-level monitoring but also provides families, advocates, attorneys, and community organizations with crucial data to

challenge inequity and demand intervention. Eliminating this reporting pathway denies affected communities access to the evidence needed to file complaints, pursue legal remedies, or hold states and districts accountable for discriminatory outcomes.

By weakening enforcement mechanisms and suppressing transparency, this proposal limits the ability of communities to advocate for equitable allocation of IDEA resources, challenge harmful policies, or require corrective action. Rather than increasing efficiency, it shifts power away from civil rights enforcement and community oversight, making discrimination harder to prove and easier to ignore.

CONCLUSION

The proposed elimination of significant disproportionality reporting would reverberate far beyond a single application form. It would weaken one of the few mechanisms that exposes how racism and ableism combine to deny disabled students their right to an equitable education. When students are misidentified, over-disciplined, or segregated without scrutiny, they lose not just services but opportunities, futures, and trust in educational systems that are supposed to protect them.

The disability community has fought too hard, for too long, to secure legal protections that make systemic harm visible and actionable. Removing the requirement to track disproportionality does not create efficiency, it creates invisibility. It tells marginalized students and their families that their experiences do not warrant measurement, review, or redress. This would mark a serious retreat from IDEA's foundational commitment to ensuring that children with disabilities are not isolated, penalized, or deprived of their rights due to discriminatory practices.

For these reasons, we strongly urge the Department to withdraw this proposed revision in its entirety. Instead of dismantling a critical accountability safeguard, the Department should reaffirm and strengthen states' obligations to monitor disproportionality, address inequities, and ensure that IDEA continues to function as a civil rights law with meaningful enforcement power. Protecting disabled students, particularly those who experience multiple and intersecting forms of marginalization, requires more transparency and accountability, not less.

The future of equity in education depends on our collective refusal to allow injustice to be hidden by design. If you have any questions, please feel free to contact Dr. Kate Caldwell at kcaldwell@law.northwestern.edu.

Sincerely,

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& Policy

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