

1820-0300 Annual State Application under Part B of the Individuals with Disabilities Act---
Responses to Comments —November 8, 2017

Comment: Six commenters wrote to urge the Department to not delay collection of State data regarding racial and ethnic disproportionality and to urge that all data collected is made publicly available. These commenters applauded the Department’s guidance to States which made clear that justifications must be provided for State thresholds, standards for reasonable progress, cell sizes and n-sizes chosen by the State.

Discussion: We appreciate the comments regarding implementation of the significant disproportionality rule. The proposed Part B application published in the 60-day Federal Register notice for this collection on July 11, 2017 included a section intended to collect information required by the Assistance to States for the Education of Children with Disabilities; Preschool Grants for Children with Disabilities regulations (known as the “Equity in IDEA” or “significant disproportionality” regulations) (81 FR 92376). In response to Executive Order 13777: Enforcing the Regulatory Reform Agenda and input received through comment on Evaluation of Existing Regulations published in the Federal Register on June 22, 2017 (82 FR 28431), the Department continues to analyze the significant disproportionality regulations to further examine issues such as fiscal impact on SEAs and LEAs and unintended consequences of the regulations, particularly on the identification of children with disabilities. As a result, the Part B application no longer includes the requirement to collect and report the significant disproportionality data required by those regulations. The public will be informed of the Department’s decision through a separate regulatory action. Until then, the current regulations and compliance dates remain in effect.

Changes: We have removed the significant disproportionality data collection requirements from the Annual State Application under Part B of the IDEA information collection.

Comment: One commenter wrote regarding the requirement that the State provide a rationale for choosing risk ratio thresholds and standards for reasonable progress and include the relevant data and research relied upon to make an informed choice and how the State included stakeholders in that process. The commenter noted that it is unclear whether there is any research available upon which to rely in making decisions for various thresholds. The commenter suggested that “including relevant data and research relied upon to make an informed choice” should be removed from the information collection instructions.

Discussion: The Annual State Application under Part B of the IDEA for Federal fiscal year 2018 no longer includes the requirement to collect and report significant disproportionality data.

Changes: We have removed the significant disproportionality data collection requirements from the Annual State Application under Part B of the IDEA information collection.