

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

Information Collection Request (ICR)

(OMB Control Number 1820-0030)

Responses to Public Comments Received During the 60-Day Notice

On August 22, 2025, the U.S. Department of Education (the Department) published for public comment, for a period of 60 days, revisions to an Information Collection Request (ICR) associated with the Annual State Application Under Part B of the Individuals with Disabilities Education Act (IDEA) (1820-0030) required for States to receive IDEA funding. Information Collection 1820-0030 is being revised to remove the Significant Disproportionality reporting form from Section V.B. of the Annual State Application under Part B of the IDEA because State obligations related to determining Significant Disproportionality exist elsewhere and have no relation to the receipt of IDEA funding. Proposed changes to the Annual Application also align the collection to include only information required by the statutory and regulatory application requirements of Part B of the IDEA.

The remaining sections of the Annual State Application under Part B of IDEA are being extended so that States can provide assurances that they either have or do not have in effect policies and procedures to meet the eligibility requirements of Part B of the Act as found in the IDEA. Information Collection 1820-0030 corresponds with 34 CFR 300.100-176; 300.199; 300.640-645; and 300.705. These sections include the requirement that the Secretary and local educational agencies located in the State be notified of any State-imposed rule, regulation, or policy that is not required by this title and Federal regulations.

The Department received ninety-five (95) unique comments. Responses to comments are below, with thematically similar comments grouped together.

1. Several commenters expressed concerns about the proposed revision lessening legal obligations for States under the Individuals with Disabilities Education Act (IDEA), including threatening civil rights protections for children with disabilities, and a moral or ethical responsibility to marginalized groups.

The proposed revision to the ICR does not in any way alter or diminish protections for individuals served under IDEA, data collection requirements, or States' responsibilities under section 618(d) and 34 CFR §300.646 of the Individuals with Disabilities Education Act (IDEA). 20 U.S.C. § 1418(d) requires each State to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the identification, placement, or disciplinary removal of children with disabilities. Additionally, in determining whether significant disproportionality is occurring under 618(d) and 34 CFR §300.646, the State must use a standard methodology outlined in 34 CFR § 300.647 and report its methodology (i.e.,

risk ratio thresholds, minimum cell sizes, minimum n sizes, standards for measuring reasonable progress, and rationales for each) to the Department at a time and manner determined by the Secretary. These statutory and regulatory obligations exist and remain unimpacted even with this change to the grant application. Also, an assurance has been added to the Part B grant application template to address the requirements that were formerly in the General Education Provisions Act section 427 (GEPA section 427) form. 20 U.S.C. § 1228(a) requires each State to ensure equal access to education for students, teachers, and other program beneficiaries. Although the Department is not renewing the GEPA section 427 form, it will continue to ensure compliance through its established monitoring framework pursuant to IDEA sections 616 and 618 (20 U.S.C. §§ 1416-1418). Neither the Part B application nor the proposed change to the Part B application alters these obligations.

2. Some commenters expressed concerns about reducing State-level accountability, federal-state partnerships, and federal oversight of implementation of IDEA.

IDEA requires States to collect and maintain information or data and in some cases report information or data to other public agencies or to the public, which includes significant disproportionality and setting standards for significant disproportionality with advice from stakeholders. These statutory and regulatory obligations exist and remain unimpacted even with this change to the grant application. The Part B application is a required annual submission by States to receive a grant under Section(s) 611 and/or 619 of IDEA. However, nothing in the IDEA's statutory language nor the laws' implementing regulations require States to report their standard methodology through the annual Part B grant application to receive IDEA funding. The Significant Disproportionality Reporting Form is not a required component of State eligibility for Part B funding; in fact, this form is the only component of the application not related to eligibility, or current or potential future funding.

3. Some commenters expressed concerns that this would reduce data transparency and accuracy, public awareness of State policies, national comparability and consistency across States, and impair the ability of interested parties to access information about State implementation of IDEA.

Each State's significant disproportionality methodology is publicly available, and interested parties can access through ed.gov. Additionally, the Department has determined that this reporting was rarely used to make changes: Out of sixty (60) reporting States who receive IDEA funds, fifty-seven (57) have not updated their methodology since the first collection in 2020, the remaining three (3) States updated their methodology only once in 2022. If a State does choose to change its methodology under 34 CFR § 300.647, it is required by 34 CFR § 300.647(b)(1)(iii)(A) to engage the advice of stakeholders including State Advisory Panels in that process.

OSEP has several robust mechanisms to monitor State compliance with IDEA, which are not affected by the proposed change. The Department will continue to ensure State compliance with all IDEA statutory and regulatory requirements.

4. One commenter expressed that this change may affect State laws of IDEA implementation.

The proposed streamlining of the IDEA Part B grant application form does not change existing statutory or regulatory requirements related to IDEA. Further, it does not in any way impact State laws or how States must comply with IDEA.

5. A few commenters stated that this change would not reduce burden on States and has the potential to increase burden.

The proposed streamlining of the IDEA Part B grant application removes Section V.B., which is not a required component of State eligibility for Part B funding and does not change existing statutory or regulatory requirements related to IDEA. The Department calculated a burden reduction of 1,500 burden hours, from 2,340 hours to 840 hours as a result of the removal of the Section V.B. form.