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I write to strongly oppose changes to the data collection requirements in the State application for significant disproportionality. The proposed changes grossly misstate the data burden savings to States. They do not outweigh the public interest in understanding when a state makes changes to their proposed methodology for identifying Local Educational Agency's (LEA's) with significant disproportionality as required under the Individuals with Disabilities Education Act (IDEA) nor does it support the Department's responsibility under current regulations for ensuring that a state's methodology for identifying significant disproportionality is reasonable.

The existing state application DOES NOT require an annual reporting of the methodology for significant disproportionality. It only requires reporting in the application if the State has changed its methodology. The current State application reads, "After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality." States already submitted their methodologies to the agency after the regulations went into effect in 2020, so no state would have to submit data unless they make a change. It is unlikely a State would change their methodologies since it requires substantial stakeholder input and burden to do so.

The Department estimates that 60 grantees will save on average 14 hours per year in their proposal without any justification or detail. It's inconceivable that every year each State is making a change to its methodology for significant disproportionality. The agency has data on the number of states that have made changes annually since the regulations were implemented in 2020, yet it does not provide that data in this justification. Furthermore, the requirement to implement the regulations according to IDEA and the implementing regulations remain. I doubt any State has done so.

Without this collection, the agency will still be required to ensure that States are in compliance with significant disproportionality regulations. This will require individual States to report through a non-uniform collection when audited in a less efficient manner. Furthermore, some States may choose to change their methodology and implement unreasonable methodologies for identifying significant disproportionality without any oversight and more students as a result will be inappropriately identified, disciplined, and placed in inappropriate settings without the remedies required under IDEA for comprehensive coordinated early intervening services.

This is a misguided attempt to eliminate a data collection rather than regulating to change a rule the agency disagrees with. The administration knows that a change to these rules would increase the burden placed upon States and instead are trying to limit sunlight this collection allowed consistent with the GAO recommendations. Eliminating this collection is antithetical to good governance.