

Congress of the United States
Washington, DC 20515

January 21, 2026

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Re: Proposed revision to Section V of the Annual State Application under Part B of the IDEA to remove the Significant Disproportionality data collection portion of the information collection request (ICR). [Docket ID number ED-2025-SCC-0481]

Dear Secretary McMahon:

We write to reiterate our pressing concerns with the proposed removal of Section V of the Annual State Application (Section V) for Part B of the *Individuals with Disabilities Education Act* (IDEA). We previously submitted these comments in a letter dated October 29, 2025 in response to the related Notice of Proposed Rulemaking (NPRM) issued by the Department on August 22, 2025. The following comments are in response to the January 9, 2026 notification, which reopened the comment period for the same rulemaking in accordance with the Paperwork Reduction Act.

Despite this Administration's stated commitment to "radical transparency," the removal of Section V for part B of IDEA will functionally hinder transparency and leave students, families, teachers, administrators, policymakers, and the federal government without information regarding state's implementation of IDEA's significant disproportionality requirements.

Currently, states must provide significant disproportionality data collection information in accordance with IDEA regulations.¹ States have historically provided this information to the Department of Education (the Department) by completing and submitting the Significant Disproportionality Reporting Form (the Form).² All states completed and submitted the

¹ In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the "reasonable progress" flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA § 618(a)(3), each state must also provide the number of years of data it uses in making annual determinations of significant disproportionality.

² [OSEP Monitoring — Significant Disproportionality Reporting Under IDEA Part B | U.S. Department of Education](#)

Significant Disproportionality Reporting Form with their FY 2020 IDEA Part B application. According to the Department's proposed revision, 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.

By removing the Form from Section V of the application, the Department has created unnecessary confusion regarding how a state is to notify the Department and the public of revisions made to its significant disproportionality data collection procedures. Unsurprisingly, the rationale for this proposed removal is to lessen the burden on states when completing their application.³ However, such a rationale does not sufficiently take into consideration the revision's profound impact on students and families. We have serious concerns with eliminating the only notice states are required to make of revisions to their implementation of the IDEA's requirements on significant disproportionality. This action is a drastic departure from transparency.

This proposal is one of several initial steps the Administration has taken towards delaying equitable progress for our nation's students with disabilities. First and foremost, the Administration's plan to eliminate the Department would put disabled students at significant risk of losing basic protections afforded to them under IDEA, the *Rehabilitation Act of 1973* (the Rehab Act), and the *Americans with Disabilities Act*. Since January 20, numerous education grants have been cancelled, including most recently grants funded under IDEA Part D and the Rehab Act. Additionally, nearly half of the civil rights investigators and attorneys at the Office for Civil Rights have been fired. These civil servants ensured that students with disabilities rights were protected, particularly students from racial and ethnic communities.⁴

We have grave concerns that this proposal is in keeping with the first Trump administration's attempts to delay the implementation of the significant disproportionality regulation.⁵ To be very clear, IDEA requires states to collect and report data on significant disproportionality.⁶ And in turn, IDEA requires the Secretary to monitor states in several priority areas including "disproportionate representation of racial and ethnic groups in special education and related

³ [Federal Register :: Agency Information Collection Activities; Comment Request; Annual State Application Under Part B of the Individuals with Disabilities Act as Amended in 2004](#)

⁴ See also U.S. Gov't Accountability Off., GAO-20-22, Special Education: IDEA Dispute Resolution Activity in Selected States Varied Based on School Districts' Characteristics 20, (2019), <https://www.gao.gov/assets/gao-20-22.pdf> (highlighting the disparities in the access and success of the dispute resolution activity under IDEA based on race and ethnicity).

⁵ https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2018cv1636-31

⁶ <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1418/d>

services, to the extent the representation is the result of inappropriate identification.”⁷ Since the reauthorization over 20 years ago, racial disparities in student identification, placement, and discipline persist today as nearly 5 percent of school district nationwide have been identified with significant disproportionality in the 2020-21 school year.⁸ Any attempts to unduly delay, hinder or alter the requirements expressly authorized by Congress under IDEA would violate the law and would be a direct attack on the rights afforded to students with disabilities, particularly students of color.

We strongly urge you to reconsider this proposal and instead recommit to radical transparency for the sake of the 7.5 million students with disabilities receiving special education services and support under the IDEA.

Sincerely,



Robert C. "Bobby" Scott
Member of Congress
Ranking Member, Committee
on Education and Workforce



Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions

⁷ <https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416>

⁸ <https://www.k12dive.com/news/Schools-examine-racial-disparities-in-special-education/688716/>