



The Council of Parent Attorneys and Advocates, Inc.  
*Protecting the Legal and Civil Rights of Students with Disabilities and Their Families*

February 4, 2026

Mark Paoletta  
Acting Administrator, Office of Information and Regulatory Affairs  
U.S. Office of Management and Budget  
1725 17th Street, NW  
Washington, DC 20503

RE: OMB Control Number: 1820-0030; ICR Reference: 202508-1820-002

Submitted via *regulations.gov*

Dear Mr. Paoletta,

The Council of Parent Attorneys and Advocates (COPAA) is writing to oppose the U.S. Department of Education’s (Department) proposal to remove the Significant Disproportionality data collection from Section V of the Annual State Application under Part B of Individuals with Disabilities Education Act (IDEA).

As we noted in comments previously submitted to the Department, the proposal to stop collecting data about changes to a State’s methodology in measuring significant disproportionality will severely hamper the Department’s ability to perform its oversight function over States’ standard methodology; will result in a reduction of transparency and public participation; and will not reduce the reporting burden for States.<sup>1</sup> Nothing in the Department’s responses to the comments submitted by COPAA and others grappled with these serious concerns. The proposed removal of this information from the collection should not be approved.

#### *Lack of monitoring*

The Department acknowledges that it has an obligation “to ensure States compliance with all IDEA statutory and regulatory requirements,” including the significant disproportionality regulation.<sup>2</sup> Indeed, the significant disproportionality regulation itself provides that the methodologies adopted by States “[a]re subject to monitoring and enforcement for reasonableness by the Secretary.”<sup>3</sup> The Department previously stated that this monitoring is crucial to prevent the harms that could occur if a State adopts risk-ratios for its standard methodology that are too high or too low.<sup>4</sup>

The first Trump Administration and Biden Administration both stated that the collection of standard methodologies from the States was required “to ensure that they are properly implementing” the regulations.<sup>5</sup> The Department now asserts that it “has several robust mechanisms to monitor compliance” other than this collection.<sup>6</sup> But it does not say what the mechanisms are that will ensure it learns of a State’s change in its methodology. And the one public-facing monitoring document it uses to apprise States of what information it

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<sup>1</sup> See: COPAA comments to Santy, re: Annual State Application Under Part B of the IDEA, OMB Control No. 1820–0030, ED–2025–SCC–0481, U.S. Department of Education, (October 6, 2025) [https://downloads.regulations.gov/ED-2025-SCC-0481-0029/attachment\\_1.pdf](https://downloads.regulations.gov/ED-2025-SCC-0481-0029/attachment_1.pdf).

<sup>2</sup> Paperwork Reduction Act Submission, Annual State Application under Part B of the IDEA, OMB No. 1820-0030, ED-2025-SCC-0481, ICR Reference No. 202508-1820-002, *Responses to Public Comments Received During the 60-Day Notice*, at 3 (Answer 3) (Jan. 2026), <https://www.reginfo.gov/public/do/DownloadDocument?objectID=165281900>.

<sup>3</sup> 34 C.F.R. § 300.647(b)(1)(iii)(B).

<sup>4</sup> 81 Fed. Reg. 92,376, 92,385, 92,423 (Dec. 19, 2016).

<sup>5</sup> Paperwork Reduction Act Submission, Annual State Application under Part B of the IDEA, OMB No. 1820-0030, ED-2019-ICCD-0103, ICR Reference No. 201908-1820-001 *Supporting Statement A*, at 2 (Nov. 2019),

<https://www.reginfo.gov/public/do/DownloadDocument?objectID=94258701>; Paperwork Reduction Act Submission, Annual State Application under Part B of the IDEA, OMB No. 1820-0030, ED–2022–SCC–0125, ICR Reference No. 202210-1820-001, *Supporting Statement A*, at 1 (Dec. 2022), <https://www.reginfo.gov/public/do/DownloadDocument?objectID=125620801>.

<sup>6</sup> 2026 Responses to Public Comments at 3 (Answer 3).

may collect during monitoring visits has itself been amended to remove any questions regarding significant disproportionality.<sup>7</sup> Instead, the Department seems to be suggesting that, even without a formal reporting mechanism or regular inquiries, it will inevitably learn if there's been a change. It's not clear why the Department believes that to be true, or how quickly it believes that would occur.

But even if it were true, the significant disproportionality regulation itself says States “must report” this data “to the Department at a time and in a manner determined by the Secretary.”<sup>8</sup> If the Department had intended the regulation to make reporting discretionary, it would have written the regulation to say a State “must report *if* the Secretary requires.” The structure of the regulation’s sentence confirms this: the reporting obligation is the main clause, while the Secretary’s authority is confined to a subordinate prepositional phrase modifying only the time and manner. While the phrase “at a time and in a manner determined by the Secretary” grants some administrative flexibility over the logistics of reporting, it does not confer authority *to eliminate the underlying reporting obligation*. The Secretary does not determine a time and manner by selecting “no time” and “no manner.”<sup>9</sup> To do so would defeat the very purpose of the regulatory reporting requirement, which was intended to ensure that the Department “accurately and uniformly” monitor compliance with the significant disproportionality regulation and avert the harm to children and families that could result from a State’s adoption of unreasonable risk ratios.<sup>10</sup>

The Department previously explained that it collected this data in the Annual State Application because “using the application package is a timely and efficient vehicle for collecting these data” and “using an existing information collection, rather than creating a new information collection, was less burdensome for States.”<sup>11</sup> If the Department has changed its mind about the efficiency of collecting the data in this collection, it should explain why. If it believes that the Annual State Application is not the appropriate collection for reporting this information to the Department, it should identify the appropriate collection. It should not simply say, as it seems to, that it will not uniformly collect the information here or elsewhere but will just count on eventually learning about any changes through unidentified mechanisms.

### *Lack of transparency*

One of the benefits of the significant disproportionality regulation was to promote transparency and allow parents and stakeholders the ability to compare the methodologies used by various States.<sup>12</sup>

The Department notes that each State’s current methodology is available at [www.ed.gov](http://www.ed.gov).<sup>13</sup> But that is true only because the Department previously collected that data through this information collection and posted it. In the

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<sup>7</sup> Compare Office of Special Education Programs, *DMS 2.0 Document Review & Request Template: Part B* (revised April 21, 2025) (no questions regarding significant disproportionality), <https://sites.ed.gov/idea/files/doc-request-template-part-b-v2.docx> with [https://web.archive.org/web/20250118014744mp\\_/https://sites.ed.gov/idea/files/doc-request-template-part-b.docx](https://web.archive.org/web/20250118014744mp_/https://sites.ed.gov/idea/files/doc-request-template-part-b.docx) at 18-21 (revised April 18, 2024) (prior version including multiple questions about significant disproportionality).

<sup>8</sup> 34 C.F.R. § 300.647(b)(7).

<sup>9</sup> See *MCI Telecommunications Corp. v. American Telephone & Telegraph Co.*, 512 U.S. 218, 225 (1994) (authority to modify requirement to file tariffs doesn’t include authority to eliminate filing requirement).

<sup>10</sup> 81 Fed. Reg. at 92,419 (“To ensure that the Department may accurately and uniformly monitor all risk ratio thresholds for reasonableness, we have added a requirement that each State report to the Department all of its risk ratio thresholds and the rationale for each.”); *id.* at 92,426 (“To ensure that the Department may accurately and uniformly monitor all cell and n-sizes for reasonableness, and to inform our policy position, we have added a requirement in § 300.647(b)(7) that each State report to the Department all of its cell and n-sizes and the rationale for each.”); see also *id.* at 92,422 (“the principal purpose of the requirement is to enable the Department’s uniform monitoring of risk ratio thresholds”).

<sup>11</sup> 2019 Supporting Statement A at 2; 2022 Supporting Statement A at 2; See also Paperwork Reduction Act Submission, Annual State Application under Part B of the IDEA, OMB No. 1820-0030, ED-2019-ICCD-0103, ICR Reference No. 201908-1820-001, *Responses to Public Comments Received During the 60-Day Notice*, at 8 (Nov. 2019) (“by attaching this data collection to the annual IDEA Part B State application, the Department already is, as suggested, using a regular, recurring collection as the mechanism for collecting States’ significant disproportionality data”), <https://www.reginfo.gov/public/do/DownloadDocument?objectID=96420401>.

<sup>12</sup> 81 Fed. Reg. at 92,390 (“This increased transparency allows States, LEAs, and stakeholders alike to monitor significant disproportionality and reinforces the review and revision of risk ratio thresholds, cell sizes, and n-sizes as an iterative public process within each State.”); *id.* at 92,394 (“We agree that these regulations will help to improve comparability of significant disproportionality determinations across States, increase transparency in how States make determinations of LEAs with significant disproportionality, improve public comprehension of a finding of significant disproportionality (or lack thereof), and address concerns raised by the GAO.”); *id.* at 92,396 (“While States will have flexibility ..., we believe the standard methodology provides comparability that is key to promoting transparency in the States’ implementation of IDEA section 618(d), and, in turn, meaningful discussion with stakeholders and State Advisory Panels regarding the State’s progress in addressing significant disproportionality.”).

<sup>13</sup> 2026 Responses to Public Comments at 2 (Answer 3).

absence of continuing the collection, the Department will not be able to update the data on its webpages regarding changes in state methodologies. The Department also notes that if a State chooses to change its methodology, the regulations require that changes must be based on advice from stakeholders, including State Advisory Panels.<sup>14</sup> But the fact that stakeholders must be consulted prior to any decision does not ensure that the State will report its actual final decision to the public. Nor does the Department say that the State is obliged to do so under the IDEA. Ultimately, the Department, in an extraordinarily long sentence, appears to equivocate about whether States must make their methodologies public in the absence of this information collection.<sup>15</sup> The Department should not burden the public with such opaque uncertainty.

*Lack of any other justification*

The Department continues to rely exclusively on burden as the reason to stop collecting data about changes to States' methodology in measuring significant disproportionality. The original burden estimate of 1,500 hours was adopted for the initial reporting by States, where the decisions on the methodology and the justifications were fresh and required significant work.<sup>16</sup>

But, as the Department repeatedly told the States, States that did not change their methodology did not need to fill out the form again; only States that opt to change their methodology have been required to report.<sup>17</sup> The Department describes that option as "rarely used," in that only 3 states have changed their methodology since the initial collection in 2020.<sup>18</sup> Thus, for almost all States in almost all years, the annual burden after the initial 2020 reporting has been, and would remain, 0 hours.<sup>19</sup> Since it is likely that, at most, only one State a year has to report a change to its standard methodology, the appropriate estimated burden of retaining the collection should be 25 hours total. That would still allow the Department to claim a burden reduction of 1,475 hours, while retaining an important data item that States are seemingly not otherwise required to report to the Department or the public.

The Department's proposal to stop collecting data regarding a State's methodology in measuring significant disproportionality is an unlawful abdication of its statutory and regulatory duty to monitor compliance with the IDEA, is a blow to transparency, and is not justified based on burden. Therefore, we urge you to require the Department to continue to collect the Significant Disproportionality data under IDEA section 618(d) and 34 CFR 300.646 and 300.647 through Section V of the Annual State Application under Part B of IDEA.

Sincerely,



Denise S. Marshall  
CEO

COPAA is a national nonprofit of over 3700+ parents, attorneys, advocates, and related professionals; over 90% of members identify as having a disability or are parents or family members of individuals with disabilities. Working to protect student civil rights and secure excellence in education, COPAA serves as a national voice for the 9.5 million children with disabilities. The mission of COPAA is grounded in the belief that every child deserves the right to a quality education that prepares them for meaningful employment, higher education, and full participation in their community.

[www.copaa.org](http://www.copaa.org)

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<sup>14</sup> 2026 Responses to Public Comments at 2 (Answer 3) (citing 34 C.F.R. § 300.647(b)(1)(iii)(A)).

<sup>15</sup> 2026 Responses to Public Comments at 2 (Answer 2) ("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.").

<sup>16</sup> 2019 Supporting Statement A at 8.

<sup>17</sup> 2019 Supporting Statement A at 2 ("After the States' initial submission of these data, States would only be required to report data if they change the information provided."); 2022 Supporting Statement A at 2 ("Since the initial submission, States are only required to report data if they change the information that was previously provided to the Department.").

<sup>18</sup> 2026 Responses to Public Comments at 2 (Answer 3).

<sup>19</sup> 2019 Supporting Statement A at 9 ("This additional cost of reporting is only necessary in a State's initial submission and any year in which a State changes its significant disproportionality definition."); 2022 Supporting Statement A at 8 ("This additional cost of reporting is only necessary in any year in which a State or entity changes its significant disproportionality definition.").