



February 9, 2026

Ross Santay
Chief Data Officer, Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave SW, LBJ, Room 4A119
Washington, D.C. 20202

Re: ED-2025-SCC-0481

Mr. Santay,

The American Association of People with Disabilities (AAPD) is writing to reiterate its concern with the proposal to remove Significant Disproportionality data collection under the Individuals with Disabilities Education Act (IDEA). This letter is in addition to the letter from the Leadership Conference on Civil and Human Rights that AAPD signed in October of 2025.¹

AAPD works to increase the political and economic power of people with disabilities. As a national disability-led and cross-disability rights organization, AAPD advocates for full civil rights for over 70 million Americans with disabilities. We do this by promoting equal opportunity, economic power, independent living, and political participation.

The Department has proposed to remove Significant Disproportionality data collection from Section V of the Annual State Application under Part B of the IDEA. The removal of this requirement – or any component of significant disproportionality measurement, data collection, and reporting under IDEA – would undermine the Department’s ability to ensure that all students with disabilities are correctly identified, placed in appropriate educational settings, and not subject to inappropriate student discipline.

Congress intentionally made addressing racial disproportionality in special education a priority when it last amended IDEA. Section 618(d) requires states to collect data to determine if significant disproportionality based on race and ethnicity is occurring with respect to:

- 1) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;
- 2) the placement in particular educational settings of such children; and

¹ <https://www.regulations.gov/comment/ED-2025-SCC-0481-0094>

- 3) the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

By proposing to eliminate Section V of the State Application, the Department is doing precisely what Congress cautioned against -- closing its eyes to the disproportionate representation of racial and ethnic groups in special education, segregated educational settings, and disciplinary actions. See Pub. L. 108-446 § 601(c)(10)-(12). This proposal, combined with the Secretary's decision to stop funding the Technical Assistance Center on Data Collection creates even further conflict with IDEA's requirement for the Secretary to prioritize state methodology and district practices regarding racial discrimination in special education.

The Department cites a goal of reducing burden on states but provides no quantifiable evidence of the actual burden associated with submitting information on their Significant Disproportionality methodology. The Department currently only requires states to report changes to their Significant Disproportionality methodology, so there is no burden to states not making any changes. Moreover, the using this date to ensure that the Department meets its responsibility to ensure that students with disabilities receive the services they are entitled to outweighs the minimal reporting burden to states.

Reporting on how states determine and subsequently collect and analyze significant disproportionality data ensures transparency and promotes fairness in educational opportunity for all students, and we urge the Department to retain this reporting requirement. Removing it would weaken states' and the Department's own ability to ensure compliance with IDEA and to use reliable information for program oversight, fiscal integrity, and risk management.

For these reasons, we respectfully urge the Department to retain Section V of the Annual State Application requiring states to report their Significant Disproportionality methodology under IDEA. In doing so, the Department will protect and maintain compliance with statutory and legal mandates, support effective grant oversight, and uphold a key purpose of IDEA.

Thank you for the opportunity to comment. For more information contact Michael Lewis, Vice President of Policy at mlewis@aapd.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Lewis". The signature is written in a cursive, flowing style.

Michael Lewis
Vice President of Policy
American Association of People with Disabilities