



**VIA:** Federal Register Submission Portal

**TO:** Diana Yu, Monitoring and State Improvement Planning Division Director, Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

**FROM:** Caitlin Holbrook, Law Clerk at Disability Rights DC at University Legal Services

**DATE:** April 10, 2026

**RE: Comment to Proposed Rule Change to State and Local Educational Agency Record and Reporting Requirements under Part B of the Individuals With Disabilities Education Act (“IDEA”), Docket No. ED-2025-SCC-0976.**

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Disability Rights DC at University Legal Services writes this comment to request that the U.S. Department of Education continue to collect data from Local Education Agencies (LEAs) and State Educational Agencies (SEAs) under Part B of the Individuals with Disabilities Education Act (“IDEA”), particularly the collection of data on disciplinary actions against students with disabilities. 20 U.S.C. § 1418(d)(1)(c)(2004). In particular, we request that this data collection include the use of restraint and seclusion used on students with disabilities.

Disability Rights DC is the protection and advocacy program for people with disabilities in the District of Columbia. Based on federal law, each state has an independent protection and advocacy program that investigates instances of abuse and neglect, as well as advocates for, informs, and provides legal representation for people with disabilities. 42 U.S.C. § 15041, *et seq.* (2000). Disability Rights DC comments as an advocate for children who have a right to a free and appropriate education (“FAPE”) in the District of Columbia.

The U.S. Department of Education should continue to require reporting and collection of annual data regarding students with disabilities in each State in

compliance with Section 1418 of Part B of the IDEA. 20 U.S.C. § 1418. Students with disabilities remain disproportionately segregated from general education classrooms and their non-disabled peers at high rates, and schools disproportionately punish children with disabilities. Requiring states to report on statistics related to this segregation and disciplinary conduct is critical to holding States and the schools accountable to families and to providing advocates with information needed to support change. In 2025, only 20 states and/or jurisdictions were found to meet Part B requirements.<sup>1</sup> The District of Columbia was one of only two jurisdictions to be determined to need federal intervention to reach the requirements of Part B of the IDEA.<sup>2</sup> In March, 2026, the Office of Civil Rights found that D.C. Public Schools discriminated against students with disabilities broadly by denying them FAPE.<sup>3</sup> Change is needed, and adequate reporting is essential for advocates - including Disability Rights DC - and the U.S. government, to understand systemic failures of our current systems and areas where intervention is most needed; hopefully, supporting systems change.

Data collection based on race, gender, and ethnicity is imperative to track disparate uses of disciplinary actions and segregation of students. Students of color with disabilities are disproportionately denied their full access to FAPE through being overly and disparately segregated into special education classrooms and/or through the overuse of disciplinary actions such as suspensions, restraint, and seclusion.<sup>4</sup> Research shows that Black students with disabilities are more likely to be identified with intellectual or behavioral disabilities and are more likely, than

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<sup>1</sup> U.S. DEPT' OF ED., *2025 Determination Letters on State Implementation of IDEA*. Topic Areas: Monitoring and Enforcement, Part B, Part C SPP/APR, OFF. SPECIAL ED. PROGRAMS (OSEP), 3-4 (June 20, 2025), available at: <https://sites.ed.gov/idea/idea-files/225-determination-letters-on-state-implementation-of-idea/>.

<sup>2</sup> *Id.* at 3.

<sup>3</sup> U.S. DEPT' OF ED., *U.S. Department of Education's Office for Civil Rights Concludes D.C. Public Schools Discriminates Against Students With Disabilities*. Press Release. OFF. HUMAN RTS. (Mar. 18, 2026), available at: <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-concludes-dc-public-schools-discriminates-against-students-disabilities>.

<sup>4</sup> NATL' CTR. FOR LEARNING DISABILITIES, *Significant Disproportionality in Special Education: Current Trends and Actions for Impact*, MassUrban.org, 2 (Aug. 2022), available at: <https://www.massurban.org/wp-content/uploads/2022/08/Disproportionality-Trends-and-Actions-2020-NCLD.pdf>.

any other group, to receive disciplinary removal.<sup>5</sup> Black boys are disciplined and segregated at the highest rates.<sup>6</sup> Given the importance of recognizing and understanding the reasons for this disparity as well as the importance of the IDEA to address the needs of these groups, U.S. Department of Education must continue to require states to report this data, and the Department of Education must collect and publish it.

It is essential that the data collection under Part B of the IDEA require states to produce data on restraint and seclusion of students with disabilities. It has been reported that, while just 13 percent of all U.S. students are served under the IDEA, these children account for 78 percent of all students subjected to restraint or seclusion.<sup>7</sup> The Department of Education has found that the use of restraint and seclusion has the potential for interfering with students' access to FAPE.<sup>8</sup> While the IDEA does not explicitly prohibit the use of restraint and seclusion in schools, it promotes positive behavioral interventions and supports to address behavior that may impede learning.<sup>9</sup> If children display behaviors that impede theirs or others' learning and an LEA does not address behavioral responses appropriately, it can result in a denial of FAPE for those students and others.<sup>10</sup> Schools should develop the child's IEP to better meet the child's needs, and IEP teams can consider a behavioral assessment and positive behavioral interventions that would be most helpful to the individual child.<sup>11</sup>

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<sup>5</sup> Brenda Álvarez, *Disproportionately in Special Education Fueled by Implicit Bias*, NEA News, All News & Articles, NEA Today, NATL' ED. ASSOC'. (Apr. 16, 2024), available at: <https://www.nea.org/nea-today/all-news-articles/disproportionality-special-education-fueled-implicit-bias>.

<sup>6</sup> *Id.*

<sup>7</sup> Michelle Diament, *Schools Fail to Curtail Restraint, Seclusion of Students with Disabilities*, Disabilitycoop.com (Oct. 22, 2020), available at: <https://www.disabilitycoop.com/2020/10/22/schools-fail-to-curtail-restraint-seclusion-of-students-with-disabilities/29047/>.

<sup>8</sup> OFF. OF CIVIL RTS., *Students with Disabilities and the Use of Restraint and Seclusion in K-12 Public Schools*, U.S. DEPT' OF ED. 23 (July 25, 2019), available at: <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/20190725-students-with-disabilities-and-use-of-rs.pdf>.

<sup>9</sup> *Id.* at 18.

<sup>10</sup> *Id.* at 25.

<sup>11</sup> *Id.*

The use of seclusion and restraints can traumatize or exacerbate trauma of students with disabilities, and this can result in the manifestation of new behaviors.<sup>12</sup> If the use of restraint and seclusion is happening disparately and systemically across the country, it is critical that the U.S. Department of Education be aware of its use, and the public should also have access to the information. Because the federal government must adequately assess whether a state is in compliance with Part B of the IDEA and seclusion and restraint can significantly interfere with students with disabilities access to FAPE, collection of information about its use is essential.

Thank you for the opportunity to submit comment to the proposed rule change to the data collection requirement under Part B of the IDEA. Should you have any questions regarding the information in this comment, please reach out to Disability Rights DC law clerk, [cholbrook@uls-dc.org](mailto:cholbrook@uls-dc.org), or managing attorney, Mary Nell Clark, [Mclark@uls-dc.org](mailto:Mclark@uls-dc.org).

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<sup>12</sup> *Id.*