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May 2, 2018

Johnny W. Collett, Assistant Secretary,
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, SW – Room 5107
Potomac Center Plaza
Washington, DC 20202-2500

Docket ID: ED-2017-OSERS-0128

Dear Mr. Collett:

The Council for Exceptional Children (CEC) is the professional association of educators dedicated to advancing the educational success of children and youth with exceptionalities that accomplishes its mission through advocacy, standards, and professional development.

CEC appreciates the opportunity to provide comment on whether the U.S. Department of Education should postpone the compliance date by two years, from July 1, 2018 to July 1, 2020 for the “significant disproportionality” regulations. In addition, CEC will provide comment on the U.S. Department of Education’s proposal to postpone the date for including children ages three through five in the analysis of significant disproportionality with respect to the identification of children as children with disabilities and as children with a particular impairment from July 1, 2020 to July 1, 2022.

CEC **strongly opposes** any attempt by the U.S. Department of Education to postpone the compliance of the “significant disproportionality” regulations by two years including the provision for including children ages three through five in the analysis of significant disproportionality. In addition, CEC **strongly opposes** any subsequent attempt by the U.S. Department of Education to rescind the regulations.

CEC **supports** the current regulations published on December 19, 2016 and their implementation timelines. CEC provided extensive comment on May 16, 2016 to the notice for proposed rulemaking on the actions that the Department should take to address significant disproportionality based on race and ethnicity in the identification, placement, and discipline of children with disabilities.

A legally implemented promulgation process for these regulations, which included many comments from stakeholders across the nation, concluded very recently. Over the past two years states have been working to develop a comprehensive set of policies and practices guided by stakeholder input for the implementation of the regulations. Many states are in the position to implement the regulations on July 1, 2018.

The IDEA requires that states determine whether or not significant disproportionality based on race and ethnicity is occurring in the State and Local Educational Agencies. The requirements are clearly set forth in the statute. The regulations purpose is to ensure consistency, so that states are treated fairly and that the statute is implemented effectively, while providing a wide berth for state self-determination.

In addition, recent evidence from the U.S. Government Accountability Office, *K-12 EDUCATION: Discipline Disparities for Black Students, Boys, and Students with Disabilities* report and the U.S. Department of Education, Office of Civil Rights, *2015-16 Civil Rights Data Collection* report has identified alarming data on significant disproportionality based on race and ethnicity in the discipline of children with disabilities and in particular for preschool children with disabilities. The data from both reports provide ample evidence that the attempt by the U.S. Department of Education to delay the implementation of the “significant disproportionality” regulations is ill-advised.

The Council for Exceptional Children will continue to advocate for appropriate government policies, setting professional standards, providing continuing professional development, stimulating and supporting research and assisting professionals in obtaining resources necessary for effective professional practices to eliminate disproportionality. Swift implementation of the “significant disproportionality” regulations is key to eliminating disproportionality. Disproportionality is a critical issue plaguing the education field and our society as a whole, and it must be confronted and remedied immediately. Thank you for the opportunity to comment.

Sincerely,



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