



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

December 27, 2019

Director, Strategic Collections and Clearance Governance and Strategy Division
U.S. Department of Education
400 Maryland Ave. SW, LBJ, Room 6W208, D
Washington, DC 20202-4537

RE: ED-2019-ICCD-0065

Dear Director:

The Consortium for Citizens with Disabilities (CCD) Education Task Force writes to make comments on the U.S. Department of Education (ED) proposed Significant Disproportionality State Survey (Survey).

As indicated in our letter dated July 12, 2019, we oppose the Survey and share our continued concerns which are:

- ED must target its limited resources to assist States so they can provide complete and accurate data for the 2018-19 school year through the presently cleared *EMAPS* data collection.
- ED should be working with States now to make sure they provide full and accurate information when the *EMAPS* data collection re-opens in light of their obligation to comply with the Equity in IDEA regulations for this school year, as recently acknowledged by ED.¹
- ED must reconsider the timing of the Survey, allowing States to have at least one full school year to implement a methodology based upon risk ratios and risk ratio thresholds to identify significant disproportionality in LEAs. Additionally, the Survey must be re-designed to consider trend line questions important in the long run regarding implementation at the LEA and State levels.

¹ U.S. Department of Education, *Calculating Significant Disproportionality* (May 21, 2019), <https://sites.ed.gov/idea/calculating-significant-disproportionality/>.

- ED must make the Survey mandatory. By continuing to allow states to voluntarily complete the Survey, CCD is sure this will result in response bias because ED will only receive responses of those states who choose to volunteer. Voluntary response samples tend to oversample those who have strong opinions and under sample those who do not care much about the topic. Inferences drawn from a voluntary responses sample would be misleading because these methods of choosing a sample are biased.²
- ED must follow through with the commitment made in the Preamble of the Equity in IDEA regulations to conduct “an examination of the extent to which school and LEA personnel incorrectly interpret the risk ratio thresholds and implement racial quotas in an attempt to avoid findings of significant disproportionality by States, contrary to IDEA.”³
- ED continues to miss an important opportunity to also survey parents, parent advocates, teachers and others. These critical stakeholders have a vested interest in districts changing policies and practices to ensure full compliance with IDEA in support of students with disabilities.

In conclusion, ED must help all states come into compliance with the Equity in IDEA regulations and ensure that all stakeholders are involved in that process so that students are not discriminated against. CCD and its member organizations are prepared to help in any way.

Sincerely,

Education Task Force Co-Chairs:

Annie Acosta, The Arc of the United States
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The Consortium for Citizens with Disabilities, headquartered in Washington DC, is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society.

² The statements in this paragraph are drawn or paraphrased from Daren S. Starnes et al., *The Practice of Statistics* 220 (2010), and <https://web.ma.utexas.edu/users/mks/statmistakes/biasedsampling.html>.

³ 81 Fed. Reg. 92,376, 92,385 (Dec. 19, 2016); *see also id.* at 92,395 (“we plan to evaluate the impact of these regulations, including the implications of using risk ratios to compare racial and ethnic groups”)