



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**Statement of the Co-Chairs of the Education Task Force Regarding the
Delay of Implementation of the Disproportionality Regulation**

July 5, 2018, Washington, DC – Last week the Department of Education announced a final rule delaying the implementation of regulations designed to help states prevent a disproportionate number of people of color from being inappropriately placed in special education. The Consortium for Citizens with Disabilities (CCD) had joined the majority of commenters in opposition to this unnecessary delay.

The CCD Education Task Force is extremely disappointed by this action. Delaying the regulations will increase the likelihood that students with disabilities and students of color will be subject to inappropriate educational disciplinary actions and segregation. When IDEA's vital system of services and legal protections are instead used to over identify students of color as a means of diverting them from the general education classroom, the broader project of ensuring a Free and Appropriate Public Education in the Least Restrictive Environment is threatened. Funneling students of color into special education rather than using it as a tool to advance educational opportunity for students with disabilities of all races harms the integrity of special education services and IDEA as a whole.

Of additional concern is the fact that many states have already moved forward with implementation of the regulation in anticipation of the July 1, 2018 start date finalized in the 2016 regulations. To now delay implementation of these regulations will result in additional burden to states as well as unnecessary confusion at the state and local level.

The delay of these regulations must not be mistaken for a harmless administrative change. There are actual children who will be harmed by a two-year delay in the implementation -- those children currently in school or about to enter school in districts which are failing to provide services to them, and/or who are unfairly suspended and expelled. We believe that a delay of the regulations is in direct opposition to the purpose of the IDEA.

We will be encouraging states to continue the important work of implementing the 2016 final regulations as originally planned.

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