



October 15, 2026

Ross Santy
Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

RE: ED-2026-SCC-0661-0001

Submitted via [regulations.gov](https://www.regulations.gov)

Dear Mr. Santy,

The Consortium for Constituents with Disabilities (CCD) Education Task Force is writing to provide comments to the Office of Special Education (OSEP) regarding proposed final changes to the Individuals with Disabilities Education Act (IDEA) Part B State Performance Plan (SPP) and Annual Performance Report (APR). As we noted in our recommendations provided in May, these comments “are consistent and in alignment with numerous CCD letters urging OSEP to do more to improve the status of students with disabilities through IDEA’s monitoring and compliance system.”¹ The CCD Education Task Force leads, advocates for, and monitors federal legislation and regulations that address the educational needs of the 10.25 million children and youth with disabilities and their families, including policy efforts affecting the funding and implementation of Federal laws such as the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA).

Our comments below intend to restate and emphasize either CCD’s support for proposed changes or opposition to proposed changes that we believe will ultimately harm students, as States will no longer be held accountable through target setting in the SPP and reporting via the APR.

Response

¹ See CCD Letter to Santy, (May 22, 2026) at:
https://c-c-d.org/fichiers/CCD-Education-TaskForce-IDEA-PartB-SPP_APR-Comments-2026.pdf

Revision: Indicator 1 – Percent of youth with Individualized Education Programs (IEPs) exiting special education due to graduating with a regular high school diploma.

CCD appreciates that OSEP continues to propose to revise the instructions for Indicator 1 to clarify States must report if they have a State law, rule, and/or policy that allows children with Individualized Education Programs (IEPs) to graduate with a regular high school diploma by meeting different requirements than those applicable to children without IEPs. Providing this information gives stakeholders greater clarity and ensures parents are aware of the State's requirements for students to earn a regular diploma.

We also encourage OSEP to consider the recommendation we made in May to add a new Indicator *1B: The Gap in the 4-year adjusted cohort graduation rate (ACGR) for children with IEPs and all students*.²

Elimination: Indicators 4A, 4B, 10

Given that more than half the States are currently not meeting key requirements of the IDEA³, CCD is deeply concerned that OSEP is moving forward to eliminate Indicators 4A, 4B, and 10 and will significantly alter Indicator 9. As we noted in May, "...without this important target setting in the SPP and reporting via the APR, there is little motivation for States to identify and support local education agencies (LEA) in evidence-based practices to address discrepancies and report on corrective actions to be undertaken."⁴ We believe each of these indicators is essential to ensuring that states provide robust and comparable data on key indicators that Congress requires.

The Department's response notes state-level monitoring requirements but neglects its own statutory obligations to:

- Directly monitor States, and
- Require States to evaluate local education agencies (LEAs) using quantifiable indicators to measure these priorities.⁵

As we have consistently maintained, Congress explicitly intended for both the Secretary and individual States to monitor disproportionate representation and discipline disparities. This federal oversight role is mandatory under the statute, not optional.

Regarding the elimination of these Indicators, including Indicator 10, consistent with our prior comments, extensive research and recent data (which we provided in our May 2026 comments) demonstrate ongoing racial and ethnic disproportionality in special education identification. Because Indicator 9 lacks the granularity required to fully evaluate and address these disparities, Indicator 10 must be retained.

² Ibid.

³ 2026 Determination Letters on State Implementation of IDEA, U.S. Department of Education, <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/>

⁴ See CCD Letter to Santy, (May 22, 2026) at: https://c-c-d.org/fichiers/CCD-Education-TaskForce-IDEA-PartB-SPP_APR-Comments-2026.pdf

⁵ 20 U.S.C §1416(a)(3), and §616(a)(3)

CCD believes it is imperative that States set and strive to meet targets to improve the educational access and opportunity of all children with disabilities, including in improving their access to a safe and supportive school environment. Given the stark data indicating otherwise for children with disabilities, we do not agree that States will take the initiative to examine whether there are significant discrepancies among LEAs in the State or compare the rates of long-term suspensions and expulsions of children with disabilities to those rates for non-disabled children within the LEA.

Indicator 8 – Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

CCD continues to oppose the major revision proposed to Indicator 8 that will eliminate the requirement for States to conduct demographic representativeness analyses among parents who are the main stakeholders for children with disabilities.

Indicator 9 – Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

CCD continues to oppose the removal of reporting requirements in the current SPP/APR, including the State definition of disproportionate representation and the number of districts that met the State-set N (cell) size for one or more racial/ethnic groups in special education. CCD believes this decision comes with great consequence, including that the Department's capacity to fulfill its statutory monitoring obligations under IDEA will be compromised, and key data will be left out of the SPP/APR.

Infants, toddlers, children, and youth with disabilities deserve a monitoring and compliance system that not only identifies problems but drives meaningful improvement. CCD urges OSEP to strengthen rather than weaken IDEA's Part B and Part C monitoring processes to ensure greater accountability, stronger enforcement of legal obligations, and better outcomes for children and families. By improving these systems, OSEP can help ensure that the rights and educational opportunities guaranteed under IDEA are fully realized for students with disabilities nationwide.

Sincerely,

Access Ready Inc.

American Music Therapy Association

American Therapeutic Recreation Association

Autism Society of America

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

Children and Adults with Attention-Deficit/Hyperactivity Disorder

Council for Exceptional Children

Council for Learning Disabilities

Council of Parent Attorneys and Advocates (COPAA)

Division for Early Childhood of the Council for Exceptional Children (DEC)
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Center for Learning Disabilities
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National PLACE
SPAN Parent Advocacy Network
TASH
TDIforAccess
The Advocacy Institute
The Arc of the United States
The Center for Learner Equity
Tourette Association of America

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