



May 22, 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

Dear Mr. Santy,

The Consortium for Constituents with Disabilities (CCD) Education Task Force is writing to provide recommendations to the Office of Special Education (OSEP) regarding proposed changes to the Individuals with Disabilities Education Act (IDEA) Part B State Performance Plan (SPP) and Annual Performance Report (APR). CCD last wrote to OSEP on the SPP/APR in July 2023, and our comments here 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. 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).

As advocates for all children with disabilities, their families, educators, as well as the school personnel who work systemically to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to these students as required by IDEA, we wish to first convey how important data from the SPP/APR are to parent advocates, researchers, and our member organizations. These data matter as we work in our communities across every State and Territory and at the federal level to ensure the status of all students with disabilities, including students of color and their families, is known and understood. In particular, data from the SPP/APR provide both an annual, updated snapshot of key indicators that Congress requires and ensure that States set and strive to meet targets to improve the educational access and opportunity of all children with disabilities, currently more than 15 percent of public school enrollment.¹ Without this important target setting

¹U.S. Department of Education, IDEA Sec. 618 Data, SY 2024-2025, (Feb. 2026):
<https://www.ed.gov/data/idea-section-618-data>



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.

We offer the following recommendations, which seek to improve these critical processes to drive accountability and improve results for children with disabilities under Part B of IDEA. **As the following comments indicate, we are particularly concerned with and in opposition to the elimination of Indicators 4A, 4B, 10, and the proposed revision to Indicator 9.**

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

CCD supports the proposed revisions and requests the addition of a new indicator.

We note that States are currently required to answer these questions regarding graduation in their SPP/APR:

Graduation Conditions

Provide a narrative that describes the conditions youth must meet in order to graduate with a regular high school diploma. If the conditions that youth with IEPs must meet in order to graduate with a regular high school diploma are different, please explain.

We support the proposed revisions, which will provide additional details regarding how youth with IEPs are awarded a regular high school diploma. These details will provide stakeholders with a deeper understanding and ensure that parents are informed of the issues regarding receipt of a diploma without satisfying all the requirements that youth without disabilities must satisfy. Too often, parents and students are uninformed and discover after leaving school that the diploma awarded does not provide the services and opportunities anticipated, such as the story portrayed in this news article, "[High School Diploma Cost Student With Intellectual Disability Future Access, Family Says.](#)"

We request that OSEP add a new indicator regarding graduation as follows:

1B: The Gap in the 4-year adjusted cohort graduation rate (ACGR) for children with IEPs and all students. These data would be drawn from data reported to EDFacts. This information would provide additional details for stakeholders on how students with IEPs are performing compared to all students – a critical piece of information currently not available that would complement the gap data provided in Indicator 3D.



Indicators 4A and 4B: Suspension/Expulsion of All Children with IEPs, Suspension/Expulsion Race/Ethnicity

CCD opposes the elimination of Indicators 4A and 4B. Removing these reporting requirements will severely hamper the Department's ability to perform its oversight function as required by IDEA and keep important data out of the SPP/APR.

The Department's proposal to stop requiring States to include Indicators 4A and 4B in the SPP/APR would sabotage the oversight and monitoring role required in IDEA, including the States' requirement 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 LEAs"². The Department appears to suggest that IDEA requires monitoring of disproportionality only in the identification of students, and not in disciplinary practices. CCD strongly disagrees with this interpretation. Disciplinary actions, including suspensions and expulsions, are often deeply intertwined with the identification of students with disabilities, as patterns of exclusionary discipline may both reflect and contribute to failures in appropriate identification, evaluation, and service provision. Moreover, IDEA's monitoring priorities explicitly include the provision of a free appropriate public education (FAPE) in the least restrictive environment, which necessarily encompasses the extent to which children with disabilities are removed from instructional settings through disciplinary actions. Excluding discipline data from the SPP/APR undermines the Department's ability to fully assess whether States are meeting their obligations under IDEA and obscures critical disparities affecting students of color with disabilities. More specifically, with the removal of these indicators, States would no longer be required to set targets for compliance, which conflicts with IDEA's requirements and makes children with disabilities—whose ethnicity or race is other than White— completely invisible in the data. Since 2005, IDEA has specified three required monitoring priorities in the SPP/APR which are: 1) provision of free, appropriate public education (FAPE) in the least restrictive environment, 2) State exercise of general supervisory authority which includes Child Find, monitoring, use of resolution session, mediation, voluntary binding arbitration, and a system of transition services; and, 3) disproportionate representation of racial and ethnic groups in special education, to the extent the representation is the result of inappropriate identification.

The statute also makes clear that the Secretary of Education (Secretary) is required to do two things: 1) *monitor States* and 2) *require States to monitor local education agencies (LEA) ... "using quantifiable indicators...to adequately measure these priorities."*³ This instruction from Congress to the Secretary is explicit and must not be interpreted to mean that only States are required to monitor disproportionate representation and whether disproportionality exists in the suspension and expulsion of students; rather,

² 20 U.S.C §1416(a)(3), and §616(a)(3), §612(a)(22), and 81 FR 92376

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



the Secretary has a mandatory role as well. Additionally, the Department argues that access to data under the Civil Rights Data Collection (CRDC) is an adequate proxy for this data.⁴ However, not all schools submit data to the CRDC⁵; there is no statutory or regulatory requirement to collect any particular data, and the data has never been disaggregated by disability category. The Department has also currently closed the CRDC collection system with a note that pending collection is “tentative.”⁶

Given the specificity of the statute and the longstanding recognition that States must support LEAs in identifying and addressing the disproportionate representation of students with disabilities, it is unconscionable that—after more than 20 years of monitoring State compliance and requiring compliance targets under Indicators 4A and 4B—the Secretary and the Department are now attempting to eliminate these critical indicators. Doing so would render the status of these children meaningless and would also eliminate access to the comparative data within the SPP/APR that parents, advocates, educators, researchers, and policymakers rely on to improve outcomes for students with disabilities.

Indicator 5 – Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served

CCD is responding directly to the Directed Question: How would the data collection and reporting processes need to change to report the count of school-aged children receiving special education and related services in the regular class using an expanded breakdown of time spent in the regular class (e.g., 40% through 49% of the day, 50% through 59% of the day, 60% through 69% of the day)?

Answer: CCD is unclear what guidance the Department anticipates giving States and districts that would inform and alter reporting requirements sufficient to achieve the Stated goal to “ensure that data [LRE] element is not driving student placement” and to clarify what setting and which students the [proposed new] 40-49% would include.

Given the great variability that exists in State policy that guides district decision-making in both the placement and reporting of where students spend most of their school day, combined with the fact that IDEA does not define the “general classroom,” we recommend the following:

⁴ See: Docket No.: ED-2026-SCC-0661, Proposed Revisions to FFY 2026-FFY 2031 Part B SPP/APR: Explanation and Rationale (revised March 2026), Indicator 4B: Suspension/Expulsion Race/Ethnicity, <https://www.federalregister.gov/documents/2026/03/23/2026-05617/agency-information-collection-activities-comment-request-idea-part-b-State-performance-plan-spp-and>

⁵ In 2020-21, the U.S. Department of Education reported that some data was “suppressed or missing” due to certain schools, and that “Tribal schools operated by the Bureau of Indian Education (BIE) and schools in U.S. territories (except Puerto Rico) are generally not required to participate.” These schools are required to participate in the SPP/APR process as recipients of IDEA funds. See: <https://www.bie.edu/DPA/SpecialEducation> and <https://sites.ed.gov/idea/spp-apr-letters>

⁶ See: <https://crdc.communities.ed.gov/>



Include a definition of the general classroom. The definition we encourage the Department to consider must ensure that a general classroom is only a classroom that reflects the “natural proportion of students with disabilities to the general student population.”

Consistent with a joint recommendation from the Department of Education and Department of Health and Human Services,⁷ this definition is important because too often schools place students with disabilities into a general education classroom which does not reflect the general school population. By defining the general classroom as only a classroom that reflects the natural proportion of students with disabilities to the general student population, the Department would also address the inappropriate practice of having a large percentage of students with disabilities in a “co-taught” class.

Indicator 7 – Percent of preschool children aged 3 through 5 with IEPs who demonstrate improved positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/communication and early literacy); and use of appropriate behaviors to meet their needs.

Similar to our recommendations in our letter regarding changes to IDEA Part C Indicator 3, CCD agrees with and supports revising Outcome A so that it aligns with Outcomes B and C, so that all three areas consistently emphasize learning and development.

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 strongly supports the proposal to require States to (1) describe how the data on parent involvement are collected; (2) provide a link to the survey, if a survey is used to collect the data for this indicator, and (3) describe how parent involvement data are utilized to improve services and outcomes for children with disabilities. However, CCD strongly opposes the removal of the requirement of States to include an analysis of the extent to which the demographics of the children for whom parents responded are representative of the demographics of children receiving special education services. While most States may currently be reporting that their indicator B8 data are representative, this was not the case when the requirement for States to report the representativeness of the responses was first introduced. At that time, survey data showed substantial disproportionality in responses, with White responses being significantly greater than the representation of White students receiving special education services and African-American and Latino responses being significantly lower.⁸ Because States had to report this data and had to implement strategies to make their responses more representative, the data is now more

⁷ U.S. Departments of Health and Human Services and Education, *Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs*, (2015), at: <https://sites.ed.gov/idea/files/joint-statement-full-text.pdf>

⁸ SPAN Parent Advocacy Network, *Region A Indicator 8 Analysis*, 2020.

https://autismsociety.org/wp-content/uploads/2026/05/RepresentativeDataChart_Region-A-2020.pdf



representative. This important change would not have occurred if the requirement had not been in place. CCD fears that a lack of continued federal focus on this important component of identifying parent involvement in special education will lead to a lack of continued State focus. Should that occur, parent involvement data would be far less useful to States, OSEP, policymakers, parents, and advocates. It is critical that States collect, analyze, and use data regarding the extent to which various parent demographic groups report their engagement so that States can identify needed strategies to ensure that all families, regardless of demographic background, perceive that they are being effectively involved in the education of their children with disabilities.

As OSEP noted in its request for comments, “States collect parent involvement data as a means of improving services and results for children with disabilities, as well as to know if the State is supporting parents in meeting this goal.” Maintaining the current requirement will not be an undue burden on States, and will provide States with the data needed to ensure that the State is supporting ALL parents in meeting this goal.

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 opposes 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. In doing so, the Department will severely hamper its ability to perform its oversight function as required by IDEA and will also keep important data out of the SPP/APR.

As noted in the discussion of Indicators 4A and 4B, IDEA requires States to identify LEAs with “disproportionate representation” of racial and ethnic groups in special education and related services “that is the result of inappropriate identification,” and also requires the Secretary to monitor States. Removing these requirements, which include eliminating a requirement for States to monitor LEA adherence to State-set policies, ensures that the status of these children will no longer receive the attention of schools, districts, and States. Again, the Department is abandoning the responsibility given by Congress and, through this action, also deprives the Department of information that will help the OSEP analyze State monitoring of IDEA, as well as the ongoing impact of the *Equity in IDEA* regulations.

CCD also opposes the proposal to eliminate the requirement for States to provide information about correction of noncompliance under compliance indicators 9, 11, 12, and 13 and, instead, have this information reported in Indicator 18. This change is likely to result in States failing to address the specific area(s) of noncompliance. It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 18.



CCD recommends that, in lieu of this change, the Department maintain the current requirements for reporting correction of noncompliance within each individual indicator and consolidating this information under Indicator 18. Connecting improvement activities and corrective actions to each specific indicator is critical to ensuring transparency, accountability, and meaningful oversight. Indicator 18 was not intended to replace or centralize reporting on correction of noncompliance, and doing so would make it more difficult for stakeholders to assess whether States are effectively addressing identified issues.

Indicator 10 – Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

CCD opposes the elimination of Indicator 10. **Removing these reporting requirements will severely hamper the Department’s ability to perform its oversight function as required by IDEA and keep important data out of the SPP/APR.** See our comments regarding the elimination of Indicators 4A and 4B as the basis for our recommendation to also maintain Indicator 10. The proposal to eliminate reporting of Disproportionate Representation also stands in direct conflict with the requirements of IDEA, as well as more than 20 years of practice in SPP/APR implementation. Copious research, as well as the most recent data (see table below showing IDEA 2024 child count), makes clear that *there is disproportionate representation* by race/ethnicity in special education identification. Indicator 9 does not provide sufficient detail to address this issue; thus, Indicator 10 must not be eliminated.

Race/ethnicity	Percent IDEA School Age	Percent Nation*
White	42.9	44.6
Hispanic	30.4	29.0
Black	16.9	14.9
Asian	2.9	5.4
Two or more races	5.4	5.0
American Indian/Alaska Native	1.2	0.9
Native Hawaiian/Pacific Islander	0.3	0.4

*Source: <https://nces.ed.gov/programs/coe/indicator/cge/racial-ethnic-enrollment>

Indicator 11 – Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

CCD opposes the proposal to eliminate the requirement for States to provide information about correction of noncompliance under compliance indicators 9, 11, 12, and 13 and, instead, have this information reported in Indicator 18. This change is likely to result in States failing to address the specific area(s) of noncompliance.



It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 18.

As mentioned previously, CCD recommends that, in lieu of this change, the Department maintain the current requirements for reporting correction of noncompliance within each individual indicator and consolidating this information under Indicator 18.

Indicator 12 – Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

CCD opposes the proposal to eliminate or weaken reporting requirements associated with Indicator 12, including the requirement that States report on the timeliness of IEP development and implementation for children transitioning from Part C to Part B services. This indicator is a core measure of whether States are fulfilling IDEA's mandate to ensure seamless, timely transitions at age three without interruption in services.

Removing or reducing these reporting requirements would significantly diminish transparency regarding whether eligible young children are receiving services when they are legally entitled to them. It would also limit the Department's ability to identify systemic delays, monitor compliance with federal timelines, and address disparities in access to early childhood special education services.

CCD further opposes any approach that consolidates or obscures Indicator 12 data within broader reporting categories, as this would reduce the clarity and usability of the information for oversight and enforcement purposes. Instead, CCD urges the Department to maintain clear, indicator-specific reporting to ensure that States remain accountable for timely evaluations, eligibility determinations, and IEP implementation by a child's third birthday.

Indicator 13 - Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs.

CCD opposes any proposal to eliminate or weaken reporting requirements under Indicator 13, including changes that would reduce the specificity or accessibility of data related to transition planning. High-quality transition services are a foundational component of IDEA, ensuring that youth with disabilities are adequately prepared for postsecondary education, employment, and independent living. Reducing transparency in this area would undermine the Department's ability to assess whether IEPs include required transition components and whether those components are meaningfully individualized



and actionable. It would also make it more difficult to identify systemic gaps in transition planning and disparities in access to appropriate services.

CCD strongly urges the Department to maintain Indicator 13 as a distinct, clearly reported compliance measure and to ensure that any reporting structure continues to support meaningful oversight, targeted technical assistance, and enforcement of IDEA's transition planning requirements.

Indicator 14 – Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

CCD appreciates OSEP's highlighting of the importance of reporting on how post-school outcome data is used to improve educational results and functional outcomes for all youth with disabilities. However, this will not be possible for all youth with disabilities if States do not have information on the populations of post-school youth and young adults who are or are not having positive post-school outcomes. Currently, post-school outcomes data show significant racial disparities, with White students experiencing higher rates of competitive employment and post-school education than students of color.⁹ Thus, CCD opposes the proposal to remove the requirement that States must include an analysis of the extent to which the response data are representative of the demographics of youth who are no longer in secondary school and had IEPs in effect at the time they left school. As is the case with data regarding Indicator 8, when States were first required to analyze and report on whether their Indicator 14 data were representative of the demographics of post-secondary youth, initial post-school outcome data were not representative. These data showed underrepresentation of African-American, Latino, and other students of color and over-representation of White students.¹⁰ As the saying goes, "You treasure what you measure." By being required to measure and report on demographic data on student outcomes, and implement strategies to solicit data that were representative of the overall post-school population, some States have improved the representativeness of post-school outcomes responses and have also been able to use that data to identify specific improvement strategies, including strategies aimed at improving outcomes for students whose post-school outcomes are typically less positive.¹¹

Indicator 17 – State Systemic Improvement Plan

⁹ Lindsay, S., Varahra, A., Ahmed, H., Abrahamson, S., Pulver, S., Primucci, M., & Wong, K. (2022). Exploring the relationships between race, ethnicity, and school and work outcomes among youth and young adults with disabilities: a scoping review. *Disability and Rehabilitation*, 44(25), 8110–8129. <https://doi.org/10.1080/09638288.2021.2001056>

¹⁰ SPAN Parent Advocacy Network (SPAN) in New Jersey, 10-Year Analysis of Representation in Survey Respondents, <https://autismsociety.org/wp-content/uploads/2026/05/2018parentsurvey-demographicrepresentativenessnarrative-1.pdf>

¹¹ Hennessey, M. N., Martin, J. E., & Portley, J. C. (2025). Impact and Policy Implications of Transition Education Practices on IDEA Indicator 13 Scores and Indicator 14 Outcomes. *Journal of Disability Policy Studies*, 36(2), 108-117.



CCD supports OSEP's proposed revisions to Indicator 17, or the State Systemic Improvement Plan (SSIP). The removal of outdated instructions and references to early-phase SSIP reporting requirements is a reasonable and appropriate update given that States have now been engaged in SSIP implementation for approximately a decade. Streamlining the indicator to reflect the current stage of implementation will improve clarity and ensure that reporting requirements are aligned with the actual purpose of the SSIP as an ongoing improvement framework rather than an initial planning exercise.

CCD also supports OSEP's efforts to improve clarity related to stakeholder engagement, implementation of evidence-based practices, and measures of fidelity. Clear and consistent expectations in these areas are essential to ensuring that SSIPs are implemented with integrity and produce meaningful improvements in outcomes for children with disabilities.

In addition, CCD supports the proposed reduction in reporting burden through the removal of qualitative data fields that are no longer relevant or are redundant in this indicator. Reducing unnecessary duplication will allow States to focus their resources on the quality and use of SSIP implementation data rather than on administrative reporting tasks. At the same time, CCD emphasizes the importance of maintaining sufficient data elements to ensure transparency, accountability, and the ability to assess whether States are effectively implementing evidence-based practices with fidelity and achieving intended outcomes.

Indicator 18 – General Supervision

CCD opposes the proposal to revise the instructions under each compliance to remove the requirement to report on the correction of noncompliance and only require States to report on the correction of noncompliance under Indicator 18 (General Supervision). This change is likely to result in States failing to address the specific area(s) of noncompliance. It is also unreasonable to expect readers to constantly toggle between specific indicators and the corrective actions in Indicator 18.

CCD appreciates this opportunity to provide comments and recommendations to OSEP. Please reach out to any of the Education Task Force cochairs with questions or to request a meeting. We look forward to discussing our recommendations and working with you to ensure the Part B and Part C monitoring and compliance processes are improved and strengthened to the benefit of students with disabilities.

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
The Center for Learner Equity
Tourette Association of America

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