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Division Director of the Monitoring and State Improvement Planning Division
Office of Special Education Programs
U.S. Department of Education
400 Maryland Avenue SW, LBJ, Room 4B103
Washington, DC 20202-1200

RE: Comments on Revisions to Agency Information Collection Activities Related to IDEA
Part B State Performance Plans and Annual Performance Reports, Docket No. ED-2026-
SCC-0661

Division Director:

The undersigned Attorneys General of California, Illinois, Massachusetts, Arizona, Colorado, Delaware, District of Columbia, Maine, Maryland, Michigan, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington (the States) write in response to the U.S. Department of Education (Department), Office of Special Education Programs' (OSEP) regulatory notice 1820-0624: IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR) (IDEA Part B Proposal).¹ The notice concerns revisions to data collection regulations promulgated pursuant to the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).² The Department has proposed revisions to the SPP and APR that, among other things, remove requirements to report data related to (1) disproportionality of representation by race and ethnicity in certain disability categories, (2) disproportionate suspension and expulsion of children with Individualized Education Programs (IEPs) as opposed to peers without qualifying disabilities, and (3) disproportionate rates of suspension and expulsion of children with IEPs by race and ethnicity.

¹ Agency Information Collection Activities; Comment Request; IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR), 91 Fed. Reg. 13,825 (proposed Mar. 23, 2026).

² Pub. L. No. 108-446, 118 Stat. 2647 (2004); 20 U.S.C. § 1400 et seq.

Attention to the root causes of significant disproportionality in special education identification and discipline is necessary to eliminate its harmful effects, especially on students of color with and without disabilities. The data collected by the Department are an invaluable resource for educational agencies and stakeholder organizations seeking to improve equity and student achievement. Families also rely on this data to evaluate available educational opportunities and access effective and timely interventions for their children. Efforts should be made to further improve, not obscure, how states measure and address disproportionate identification and disproportionate discipline, including along racial and ethnic lines, in schools. As noted in prior comment letters to the Department, the States have a longstanding commitment to promoting equitable opportunity and inclusion in education for all students regardless of race, ethnicity, and disability status.³

The States oppose the Department's proposed revisions to the reporting process for three reasons. First, the Department's proposals undermine the purpose of the IDEA as well as States' interest in ensuring equal educational opportunities for all students, including students of color and students with disabilities. Second, the Department's stated purpose for this proposed change—to relieve states' burden—is contrary to the States' experience of the existing data-reporting requirements constituting a minimally burdensome but vital part of ongoing data collection required by federal and state law. Third, removing the reporting requirement will end much needed oversight and opportunities for collaboration between the Department and the States with respect to identifying and addressing disparities in school discipline and restrictive placements for children with disabilities, including students of color with disabilities, and will render helpful data less accessible to the public. These data are essential, and the States are committed to analyzing and engaging the data to address significant disproportionality on the basis of race or ethnicity in identification for special education as well as disproportionate discipline on the basis of disability status, race, or ethnicity.

For the reasons discussed below, the States request that the Department retain Indicators 4A, 4B, 9, and 10 in the State Performance Plan and Annual Performance Report (SPP/APR) as they are currently formulated.

³ Illinois, California, Arizona, Colorado, Delaware, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington jointly opposed OSEP's August 22, 2025, proposal to remove reporting requirements related to the way that states calculate significant disproportionality. Attorney General of Illinois et al. Comment Letter on Proposed Revision to Information Collection 1820-0030 Concerning Significant Disproportionality Data Collection from Section V of the Annual State Application Under Part B of the Individuals with Disabilities Education Act (Aug. 22, 2025), <https://oag.ca.gov/system/files/attachments/press-docs/2025.10.21%20Multistate%20IDEA%20Part%20B%20Significant%20Disproportionality%20Comment.pdf>.

The Department's Proposal Undermines Congress' Intent in Amending the IDEA to Pursue Equity in Identification and Discipline to Ensure Equal Educational Opportunities for All Students.

The Department's IDEA Part B Proposal seeks to retreat from collecting the existing scope of data in a form that makes the data accessible to and usable by the public. Among other changes, the Department now proposes to eliminate Indicators 4A (percent of Local Education Agencies (LEAs) with significant discrepancies for suspension and expulsion of children with IEPs), 4B (percent of LEAs with significant discrepancies for suspension and expulsion of children with IEPs by race and ethnicity, and policies contributing to those discrepancies), and 10 (percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification), and to revise the instructions for Indicator 9 to remove the requirements that States provide their definitions of "disproportionate representation" and the number of their LEAs that met the State-established n and/or cell size for one or more racial or ethnic groups.⁴ The undersigned States oppose these changes.

The IDEA aims to improve educational results for children with disabilities. To meet this goal, the IDEA and its accompanying regulations set out a comprehensive set of data collection and maintenance requirements, including the indicators within the SPP/APR. These data are critical tools to help improve educational access and outcomes for students with disabilities and students of color. The Department's proposed plan to eliminate Indicators 4A, 4B, and 10 (and significantly revise Indicator 9) undermines the IDEA itself and undermines the States' interest in ensuring equal educational opportunities for all students.

The IDEA was enacted to address a nationwide pattern of exclusion in which "many students with disabilities were either denied access to public education or relegated to substandard institutions."⁵ Accordingly, under the IDEA, students with disabilities are guaranteed access to free appropriate public education (FAPE) in the least restrictive environment; that is, states cannot deny a student access to public schooling by virtue of their disability, and states must provide students with all necessary services to ensure their access to the general education curriculum to the maximum extent possible.⁶ This mandate ensures states cannot create a separate system of education for students with disabilities—including where disability may be used as a proxy for race, ethnicity, or other protected status.

⁴ IDEA Part B Proposal, *Supporting Statement*, p. 1-2 (Mar. 2026).

⁵ Free Appropriate Public Education (FAPE), <https://www.ebsco.com/research-starters/education/free-appropriate-public-education-fape> (last visited May 20, 2026). *See also Bd. of Educ. v. Rowley*, 458 U.S. 176, 179 (1982) ("The Act represents an ambitious federal effort to promote the education of handicapped children, and was passed in response to Congress' perception that a majority of handicapped children in the United States 'were either totally excluded from schools or [were] sitting idly in regular classrooms awaiting the time when they were old enough to drop out.'") (citation omitted).

⁶ 20 U.S.C. §§ 1400(d)(1)(A), 1412(a)(1)(A), 1412(a)(5); *see also Board of Educ. v. Rowley*, 458 U.S. at 181-182; Free Appropriate Public Education (FAPE), <https://www.ebsco.com/research-starters/education/free-appropriate-public-education-fape> (last visited May 20, 2026).

When a child is misidentified as eligible for special education under the IDEA and receives services and a placement that is not aligned with that child's needs, the child is denied an appropriate education. When this misidentification occurs at a higher rate in one racial or ethnic group than others, the result not only reflects unequal opportunities and outcomes for children based on their race but also a lost opportunity to afford educational services that are appropriate to and uplift all children. Likewise, when students with disabilities are suspended or expelled from school at higher rates than their peers without disabilities (and their peers of different races with disabilities), they experience educational disadvantages attributable to both race and disability. Indeed, excessive suspensions in a school year can result in a denial of a FAPE or an improper change in educational placement.⁷

Racial disparities in special education are a long-recognized civil rights issue in the United States.⁸ In its 1997 and 2004 amendments to the IDEA, Congress made explicit its intent to redress these disparities.⁹ In 1997, it added Section 618, which requires state educational agencies (SEAs) receiving federal funding awarded under the IDEA to report the number and percentage of children—disaggregated by race, ethnicity, and disability type—who are receiving early intervention services, regular education services, and placements in separate facilities.¹⁰ In 2004, Congress made findings in connection with the IDEA that “[m]ore minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population,” that African-American children in particular are overidentified, and that “schools with predominantly White students and teachers have placed disproportionately high numbers of their minority students into special education.”¹¹

To further its goal of mitigating these inequities, Congress incorporated overidentification by race into the new data collection and reporting requirements of the 2004 amendments. In a new section requiring SEAs to submit SPPs and APRs (Section 616), Congress enacted three Monitoring Priorities, including “[d]isproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the

⁷ 34 C.F.R. §§ 300.530, 300.536.

⁸ See, e.g., Paul L. Morgan et al., *Are Black Children Disproportionately Overrepresented in Special Education? A Best-Evidence Synthesis*, 83 *Exceptional Child* 181 (2017); Natasha M. Strassfeld, *The Future of IDEA: Monitoring Disproportionate Representation of Minority Students in Special Education and Intentional Discrimination Claims*, 67 *Case W. Res. L. Rev.* 1121, 1121 n. 2 (2017) (citing *Lee v. Butler Cty. Bd. of Educ.* as an example of the through-line from *de jure* racial segregation to disproportionate representation by race in special education; *Lee* was an early post-*Brown* school desegregation case in which plaintiffs later argued, based on discovery, that racial segregation in the defendant schools had continued by other means—namely, the overrepresentation of Black children in separate classrooms for students with disabilities, No. CIV.A.70-T-3099-N, 2000 WL 33680483, at *2 (M.D. Ala. Aug. 30, 2000 Order Approving Consent Decree)—and obtained a consent decree directing steps to remedy the disproportionate representation, *id.* at *2-4); Dalun Zhang et al., *Minority Representation in Special Education: 5-Year Trends*, 23 *J. of Child and Fam. Stud.* 118, 123 (2014).

⁹ IDEA Improvement Act of 1997, Pub. Law 105-17, 111 Stat. 37 (1997); Individuals with Disabilities Education Improvement Act of 2004, Pub. Law 108-446, 118 Stat. 2647 (2004).

¹⁰ Pub. Law 105-17, § 618; 20 U.S.C. § 1418.

¹¹ Pub. Law 108-446, § 650; 20 U.S.C. § 1400(c)(12).

result of inappropriate identification.”¹² For each priority area, Congress directed the Department to “use quantifiable indicators” and “such qualitative indicators as are needed to adequately measure performance.”¹³

Congress also provided that “each state shall establish measurable and rigorous targets for the indicators established under the priority areas described in subsection (a)(3),” including disproportionate representation as a result of inappropriate identification.¹⁴ Under Section 616, SEAs must use the SPP targets in priority areas to evaluate the performance of each of their LEAs, and SEAs must publish their LEAs’ progress towards those targets on their websites annually, in addition to making annual reports to the Department.¹⁵ In another new section establishing assurances States must provide when applying for Part B funds under the IDEA, Congress required states to have “in effect...policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race or ethnicity of children as children with disabilities, including with a particular impairment.”¹⁶ Contrary to the representation in the Explanation and Rationale for the proposed changes to Indicator 10 of the Part B SPP/APR, Congress not only explicitly granted the Department authority to collect these data, but mandated that the Department “shall consider other relevant information and data, including data provided by States” under the SPP/APR process.¹⁷ In short, Congress directed SEAs to enact equity-focused policies and work closely with each school district in their state to consider data relevant to the inappropriate overidentification of students of color as having a disability, set benchmarks for improvement, and share information about their goals and performance so the public can evaluate the effectiveness of SEAs’ and LEAs’ efforts.

Congress has also amended the IDEA to require SEAs and the Department to ascertain whether students with disabilities are singled out for discipline, including on the basis of race or ethnicity. In the 1997 amendments, it required States to report data on long-term suspensions and expulsions of children with disabilities.¹⁸ The 2004 amendments included an additional requirement that States collect and examine data on significant disproportionalities in discipline along racial lines as part of the State Application process.¹⁹

Moreover, the Department’s proposed changes represent a departure from its own past practice. The data collection regulations promulgated pursuant to the IDEA have been subject to revisions previously, but those revisions consistently have refined and expanded access to information. The first SPP and APR package authorized under Section 616 was approved in

¹² 20 U.S.C. § 1416(a)(3)(C).

¹³ 20 U.S.C. § 1416(a)(3).

¹⁴ 20 U.S.C. § 1416(b)(2)(A).

¹⁵ 20 U.S.C. § 1416(b)(2)(C).

¹⁶ 20 U.S.C. § 1412(a)(24).

¹⁷ *Contrast IDEA Part B Proposal, Explanation and Rationale*, p. 8 (Mar. 2026) with 20 U.S.C. § 1416(a)(4).

¹⁸ Pub. Law 105-17, § 618.

¹⁹ Pub. Law 108-446; 20 U.S.C. § 1412(a)(22).

2005.²⁰ Indicators similar to the current Indicators 4A, 4B, 9, and 10 were included in the FY 2005-2012 SPP and APR package.²¹ In 2014, the Department combined these data collections into a single document, the Part B SPP/APR.²² The instructions for Indicators 4A and 4B were revised in 2023 to require States to provide additional information, including their definition of their minimum n and/or cell size and rationale for the methodology used.²³

To be clear, the Department’s longstanding commitment to data-reporting requirements under the IDEA has always been in the service of addressing disparities Congress found urgent and unjust. In walking back these reporting requirements, the Department’s IDEA Part B Proposal breaks with its past efforts to produce higher quality, more relevant, and readily accessible data and runs contrary to the history and aspirations of the IDEA.

The Department’s stated purpose for this proposed change—to relieve states’ burden—is contrary to the States’ experience of SPP/APR data collection adding minimal burden to other existing statutory requirements.

The Department attempts to justify the proposed changes to these reporting requirements in part based on an alleged burden reduction for states. But because states remain obligated under Section 618 to collect and report largely the same data, that burden reduction is minimal at best—as borne out in the Department’s own analysis.²⁴

Section 616 and Section 618 of the IDEA impose data collection requirements on the states with broad overlap in data collected.²⁵ Section 616 requires states to collect “valid and reliable information”²⁶ pertaining to statutorily-defined “monitoring priorities,”²⁷ including the “[p]rovision of a free appropriate public education in the least restrictive environment,”²⁸ and the “[d]isproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.”²⁹ Similarly, Section 618 requires states to capture data related to the “number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability” across

²⁰ See Notice of Proposed Information Collection Requests, 70 Fed. Reg. 40,693 (proposed Jul. 14, 2005).

²¹ See U.S. Dep’t of Educ., Off. of Special Educ. & Rehab. Serv., *IDEA Part B State Performance Plan (SPP) and Annual Performance Report (APR) Instruction Sheet* (2005), https://nceo.umh.edu/docs/indicator3/A1_1820_0624b_instructionsheet021809.pdf (last visited May 20, 2026).

²² 79 Fed. Reg. 16318.

²³ See IDEA Part B Proposal, *Proposed Revisions to FFY 2026 – FFY 2031 Part B SPP/APR: Explanation and Rationale, Appx. B*, p. 17 (Mar. 2026).

²⁴ 20 U.S.C. § 1418; IDEA Part B Proposal, *Supporting Statement*, p. 7-8 (Mar. 2026). The Department fails to provide any meaningful explanation of *how* it arrived at its estimate that the proposed changes will result in a reduction of seventeen hours of reporting.

²⁵ 20 U.S.C. §§ 1416, 1418.

²⁶ 20 U.S.C. § 1416(b)(2)(B)(i).

²⁷ 20 U.S.C. § 1416(a)(3).

²⁸ 20 U.S.C. § 1416(a)(3)(A).

²⁹ 20 U.S.C. § 1416(a)(3)(C).

twelve monitoring categories.³⁰ These data include the number and percentage of children “[r]eceiving a free appropriate education” as well as the number and percentage of children receiving that education “[i]n separate classes, separate schools or facilities, or public or private residential facilities.”³¹ In this way, Section 618 data collection requirements require states to collect the underlying data that is necessary to comply with Section 616 monitoring requirements.

For example, Section 618 requires states to collect data on the “number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category . . . [r]eceiving a free appropriate public education.”³² Because the proposed changes do not alter states’ reporting requirements under Section 618, states remain obligated to collect and report these data. These data are also necessary for a state to conduct analysis of its LEAs as to whether there is a disproportionate representation of students receiving special education based on race or ethnicity, as required under Indicators 9 and 10 of the SPP/APR, which the Department proposes to eliminate in their entirety. Accordingly, the Department’s proposed changes do little to relieve the states’ collection and reporting requirements, but, as detailed further below, do much to deprive states and other stakeholders of the mechanisms by which this data can be presented to the states and the general public in a transparent and easy-to-understand manner.

Other federal laws and regulations also require SEAs to track disproportionality data that overlap with the SPP/APR requirements, further reducing the impact that removing Indicators 4A, 4B, and 10 (and elements of 9) will have on the States’ burden. For example, a state receiving funds under the IDEA must have in place policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children with disabilities, including children with disabilities with a particular qualifying eligibility.³³ If an LEA is found through this process to have significant disproportionality, that agency must use the maximum proportion (15%) of its funds under IDEA for Coordinated Early Intervening Services.³⁴ Additionally, the LEA must identify the factors contributing to the significant disproportionality, which may include, among other identified factors, a lack of access to scientifically based instruction; economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings; inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings; differences in academic achievement levels; and policies, practices or procedures that contribute to the significant disproportionality.³⁵ These requirements, along with SEAs’ existing mission to identify and

³⁰ 20 U.S.C. § 1418. Data collections include: (1) child count; (2) educational environments; (3) personnel; (4) exiting; (5) discipline; (6) assessment; (7) dispute resolution; and (8) maintenance of effort reduction and coordinated early intervening services. U.S. Dep’t of Educ., Off. of Special Educ. Programs, *IDEA Section 618 State Level Data Files, Open Data Platform*, available at <https://data.ed.gov/dataset/idea-section-618-data-products-state-level-data-files>.

³¹ 20 U.S.C. § 1418(a)(1)(A).

³² 20 U.S.C. § 1418(a)(1)(A)(i).

³³ 20 U.S.C. § 1412(a)(24).

³⁴ 20 U.S.C. § 1418(d)(2)(B).

³⁵ 34 C.F.R. § 300.646(d)(1)(ii).

explore remedies for educational inequity, will remain even if the Department's proposals are put into effect.

Many States likewise have enacted their own laws in this area, including similar requirements that would remain even if the Department institutes the IDEA Part B Proposal. The States have a longstanding commitment to promoting equitable opportunity and inclusion in education for all students regardless of race, ethnicity, and disability status.³⁶ To that end, in addition to compliance with the IDEA, some States have also passed their own data collection and educational equity laws.³⁷ These state requirements are designed to ensure that all students with disabilities receive a free and appropriate education as guaranteed by the IDEA. When these aims are aligned with directives from Congress, students are better served and government agencies at all levels can monitor progress more efficiently due to having comparable data. Changing the IDEA's reporting structure to remove these safeguards makes monitoring less efficient and threatens progress.

The marginal burden reduction identified by the Department cannot justify the dilution of mechanisms for identifying and responding to well-established systemic inequities in education. By the Department's own estimates, each state will spend a total of roughly 1,785 hours completing the data submissions under Section 616. Of these 1,785 hours, the purported reduction in burden correlating to the proposed changes would be only eight hours.³⁸ In other words, the proposed changes represent a 0.4% reduction of the state's overall reporting burden. This minimal reduction in burden simply cannot justify the loss of information essential to ensuring that children who are identified as eligible to receive special education and related services under the IDEA receive equal access to education, as required by statute.

The Department's proposal will end much needed oversight and opportunities for collaboration between States and the Department to meet these Congressional mandates.

Stakeholders have historically looked to these data in developing programs and interventions. And the States have historically looked to the Department as a collaborator in improving special education and related services for children with disabilities. Given that the Department's proposal does not achieve a reduced burden on educational agencies, the main impact of this change will be the loss of opportunities for the federal government and the states to work as partners to improve outcomes for students with disabilities, including students of color with disabilities, and the removal of a source of transparency allowing families and supportive organizations to learn and develop their own programs and interventions. This absence would be felt as both a disappearance of oversight mechanisms that help States improve

³⁶ See *Comments on Proposed Revision to Information Collection*, Docket No. ED-20250SCC-0481 (Oct. 21, 2025), <https://oag.ca.gov/system/files/attachments/press-docs/2025.10.21%20Multistate%20IDEA%20Part%20B%20Significant%20Disproportionality%20Comment.pdf>.

³⁷ See, e.g., 105 ILCS 5/10-17a; 105 ILCS 5/2-3.162; Cal. Educ. Code § 56205(a)(21); Cal. Educ. Code § 56600.6(d).

³⁸ Part B Proposal, *Supporting Statement*, p. 7-8 (Mar. 2026) (estimating a total burden of 1,785 hours under Part B).

their compliance with the IDEA, and as a loss of the materials needed to support intergovernmental collaboration and learning at all levels.

As described above, Congress directed the Department and States to look seriously at disproportionality in achievement and discipline, and the Department's collection and analysis of data allows it to identify and engage with jurisdictions in need of assistance. The Department is required by statute to monitor implementation of the IDEA, including "focused monitoring" to improve "educational results and functional outcomes for all children with disabilities."³⁹ Congress has deemed "[d]isproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification" to be one of the Department's three legislatively mandated priorities for monitoring.⁴⁰ Similarly, Congress deemed the "[p]rovision of a free appropriate public education in the least restrictive environment," which can be affected by exclusionary discipline, a monitoring priority for the Department.⁴¹ The Department is also charged with furnishing technical assistance to States regarding education of children with disabilities.⁴² All of these functions require supportive data to help the Department direct its limited capacity to the States or LEAs most in need, and to accurately diagnose problems and determine what interventions will be most effective. Data reported by states under the IDEA provides the Department with the necessary information to ensure that states are complying with this statutory mandate.

Indeed, the Department has in the past used the APR process to identify and address systemic issues. For example, based on its June 20, 2025, analysis of SPP/APR data, the Department found that 27 states or territories needed assistance for two or more consecutive years across all areas of compliance.⁴³ These states would then be subject to some enforcement, which could take the form of required engagement with technical assistance or required use of set-aside funds to remedy areas of noncompliance, and continued monitoring via the SPP/APR data collection regime.⁴⁴ States and the Department thus work together through an iterative process to collect data, establish plans based on these data, and revisit interventions to determine if they were helpful. The States expect this partnership from the Department as a part of the IDEA's cooperative model and use this assistance to fulfill statutory mandates that remain on both the States and the Department even if this proposal is adopted.

If implemented, the Department's policy change would rob states of information that could help them collaborate with other states encountering similar challenges in implementation of the IDEA and deprive members of the public of a key data source that helps families identify which LEAs cannot meet the immediate educational needs of their children. As described above, states only report raw data through Section 618; the SPP/APR process requires states to report

³⁹ 20 U.S.C. § 1416(a)(1)-(2).

⁴⁰ 20 U.S.C. § 1416(a)(3)(C).

⁴¹ 20 U.S.C. § 1416(a)(3)(A); *and see* 34 C.F.R. §§ 300.530, 300.536.

⁴² 20 U.S.C. § 1417(a).

⁴³ U.S. Dep't. of Educ., *2025 Determination Letters on State Implementation of IDEA* (Jun. 20, 2025) <https://sites.ed.gov/idea/idea-files/2025-determination-letters-on-state-implementation-of-idea/> (as of May 20, 2026).

⁴⁴ *Id.*

analysis and conclusions that are not readily drawn from the Section 618 data by interested stakeholders. Both Section 616 and Section 618 data are publicly available, but the analysis conducted under Indicators 4A, 4B, 9 and 10 of the SPP/APR requires states to meaningfully engage with the data first in order to provide a narrative analysis of strategies states plan to adopt to address issues identified under the indicators. The current SPP/APR reporting process thus offers those data in a way that is easily understandable to the public and allows stakeholders to more readily identify where significant disproportionality is arising. In this way, the data promotes interstate collaboration by allowing states to identify similarly situated states; give parents and families the tools to advocate for their children whose access to FAPE is at stake; and ensure that independent advocacy groups can provide effective resources to students and communities and take action to safeguard students' civil rights, when needed. The proposed changes largely remove state reporting requirements that offer important—and easily digestible—insights into disparate identification, discipline, placement, and outcomes of students, including disparities based on race and ethnicity, and States' efforts to remedy noncompliance with the IDEA. The marginal reduction in burden identified by the Department is insufficient to justify the loss of this critical information.

For the reasons discussed above, the States request that the Department retain Indicators 4A, 4B, 9, and 10 in the State Performance Plan and Annual Performance Report as they are currently formulated.

Sincerely,



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A handwritten signature in blue ink that reads "Charity R. Clark". The signature is written in a cursive style with a large initial "C".

CHARITY R. CLARK
Vermont Attorney General

A handwritten signature in black ink that reads "Jay Jones". The signature is written in a cursive style with a large initial "J".

JAY JONES
Virginia Attorney General

A handwritten signature in black ink that reads "Nick Brown". The signature is written in a cursive style with a large initial "N".

NICK BROWN
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