



U.S. Department of Education Takes Action to Deliver Equity for Students with Disabilities

ED Data Demonstrates Need to Address Widespread Disparities in Special Education

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The U.S. Department of Education took a critical step today toward addressing widespread disparities in the treatment of students of color with disabilities, [proposing a new rule to improve equity in the Individuals with Disabilities Education Act \(IDEA\)](#).

The nation's special education law, IDEA, aims to ensure fairness in the identification, placement, and discipline of students with disabilities. Yet disparities persist, and students of color remain more likely to be identified as having a disability and face harsher discipline than their white classmates.

In order to address those inequities, IDEA requires states to identify districts with "significant disproportionality" in special education—that is, when districts identify, place outside the regular classroom, or discipline children from any racial or ethnic group at markedly higher rates than their peers. According to a [new analysis by the Department](#) of data states submitted under IDEA, hundreds of districts around the country with large racial and ethnic disparities go unidentified. For example, 876 school districts gave African American students with disabilities short-term, out-of-school suspensions at least twice as often as all other students with disabilities for three years in a row. But, in 2013, states identified fewer than 500 districts in total with "significant disproportionality."

"We have a moral and a civil rights obligation to ensure that all students, with and without disabilities, are provided the tools they need to succeed, regardless of background," said Acting U.S. Secretary of Education John B. King Jr. "IDEA exists for the purpose of ensuring that students get the unique services they need, and we owe it to them and to ourselves to uphold all of the law's provisions."

"At its core, My Brother's Keeper is about making sure all of our kids know they matter and have a clear pathway to achieve their dreams, regardless of where they come from, or the circumstances into which they are born," said Broderick Johnson, cabinet secretary and chair of the My Brother's Keeper Task Force. "Today's Equity in IDEA announcement brings us a critical step forward in closing the startling opportunity gaps that limit far too many of our children's potential."

The proposed Equity in IDEA rule would, for the first time, require states to implement a standard approach to compare racial and ethnic groups, with reasonable thresholds for determining when disparities have become significant. That determination is critical to ensuring students get the supports they need and deserve. Once identified as having a significant disproportionality, the district must set aside 15 percent of its IDEA, Part B funds to provide comprehensive coordinated early intervening services. Further, the policies, practices, and procedures of the district must be reviewed, and, if necessary, revised to ensure compliance with IDEA.

The proposed rule would also provide identified districts with new flexibility to support the needs of students. The Department has proposed to broaden the allowable uses of the 15 percent set aside, currently used to fund early intervening services, to include services to students with and without disabilities, from ages 3 through grade 12. Up until now, identified districts could only use these funds to support students without disabilities, and only in grades K through 12, severely limiting the use of interventions that might address early needs and reduce disparities in the placement and discipline of students with disabilities.

However, data clearly show that IDEA's mandate, as currently implemented, does not fulfil its intended purpose, resulting in limited implementation of early intervening services. That's why the Department is taking action today.

More Resources



Audio of Press Call



Transcript of Press Call

In 2013, the Government Accountability Office released a [report](#) showing the status quo has resulted in virtually no action to address this issue. Accordingly, the Department has found that, from year to year, only 2 to 3 percent of districts nationwide are identified with significant disproportionality, and required to take action. Further, the Department's analysis makes clear this figure fails to represent the true scope and breadth of significant disparities we currently see in special education.

Many children of color—particularly Black and American Indian youth—are identified at substantially higher rates than their peers. It is critical to ensure that overrepresentation is not the result of misidentification, which can interfere with a school's ability to provide children with the appropriate educational services required by law.

Disparities are also prevalent in the discipline of students of color with disabilities. With the exception of Latino and Asian-American students, more than one out of four boys of color with disabilities (served by IDEA)—and nearly one in five girls of color with disabilities—receives an out-of-school suspension.

Because of these disparities and their lasting impacts on children's lives, President Obama's [My Brother's Keeper Task Force](#) identified restoring equity for students with disabilities as a key priority. Today's announcement delivers on that commitment.

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