



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

**Statement of the Co-Chairs of the Education Task Force Regarding the Court's  
Decision to Prevent Delay of Implementation of the Disproportionality Regulation**

**March 7, 2019, Washington, DC** – The CCD Education Task Force celebrates this week's U.S. District Court ruling against the U.S. Department of Education's delay of regulations to reduce disproportionate special education identification, placement, and discipline for students of color. The Consortium for Citizens with Disabilities (CCD) had joined the majority of commenters in opposition to this unnecessary delay.

The decision from the federal District Court for the District of Columbia comes as the result of a lawsuit filed by one of our Task Force members, the Council of Parent Attorneys and Advocates (COPAA). The suit alleged that the Department's delay interfered with its obligation under the Individual with Disabilities Education Act (IDEA) to ensure children with disabilities get the education services they need in the most appropriate setting without regard to their race.

Delaying the regulations has allowed for students of color to continue to be over identified as having a disability (particularly intellectual disability and emotional disturbance), suspended, expelled, and placed in segregated educational settings in far greater numbers than their counterparts. Such actions reduce their time in the general education classroom, undermining the IDEA's guarantee of a Free and Appropriate Public Education in the Least Restrictive Environment.

"This is a tremendous victory for all students and for the law," said Kim Musheno, co-chair of the CCD Education Task Force and VP of Public Policy for the Autism Society. "Students deserve the right to be treated fairly. 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."

"The ruling upholds the legal process of creating implementing regulations in accordance with the Administrative Procedures Act," commented Amanda Lowe, co-chair of the Education Task Force and Director of Education Advocacy at the National Disability Rights Network. "This ruling reinforces the obligation of schools to closely examine their practices and ensure equity in identification, placement, and discipline of students with disabilities," added Meghan Whittaker, co-chair of the CCD Education Task Force and Director of Policy for the National Center for Learning Disabilities.

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