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## **ELC Decries Department Delay of Regulation to Prevent Racial Disproportionality in Special Education**

Last week, the U.S. Department of Education chose to [delay a regulation](#) intended to help prevent racial discrimination and disproportionality in special education. This important regulation was widely supported by students, parents, school administrators, and the civil rights community – including organizations like the **Education Law Center** – which opposed the now-final two-year postponement of the regulation from July 1, 2018, to July 1, 2020.

ELC, along with hundreds of other organizations, schools, and individuals submitted comments opposing this delay to serve the needs of children. We know first-hand that students of color receive fewer special education services than their white peers, inappropriate services, and are more likely to be removed from classrooms, placed in segregated educational settings, and suspended or expelled at higher rates than their white peers.

ELC was among the **83 percent** of the commentators who opposed delaying implementation of the “significant disproportionality” regulations. But the Department chose to ignore these comments, despite the fact that the regulations were originally called for in a [U.S. Government Accountability Office \(GAO\) study](#), and many states have already undertaken critical efforts to comply with the regulation in the best interest of children.

While ELC is extremely disappointed with this decision, we are committed to working with the state and local educational agencies to ensure that significant disproportionality based on race or ethnicity is identified and proactively addressed. This includes the identification of children of color with particular impairments; their placement in restrictive educational settings; and the incidence, duration, and type of disciplinary action, including suspensions and expulsions imposed against them.

We urge the PA Department of Education to work with us in compliance with its continuing legal obligations so that children of color with disabilities receive the education to which they are entitled and the quality education they deserve.