



The Council of Parent Attorneys and Advocates, Inc.
Protecting Rights. Creating Opportunities. Changing Lives

October 15, 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](https://www.regulations.gov)

Dear Mr. Santy,

The Council of Parent Attorneys and Advocates (COPAA) is writing to comment on changes proposed by the Office of Special Education (the Department) to the Individuals with Disabilities Education Act (IDEA) Part B State Performance Plan (SPP) and Annual Performance Report (APR). Our recommendations made below remain consistent with those provided in May 2026.¹ Most especially we encourage the Department *to reexamine the proposed elimination of indicators or those proposed for significant alteration that results in the removal of key data*. The outright revocation and/or alteration of key indicators long included in the SPP/APR -as noted below- is inconsistent with requirements incumbent on the Secretary to meet under the Individuals with Disabilities Education Act (IDEA).

To remind the Department of COPAA's position and to urge your reconsideration, we offer the following recommendations:

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

Support. As COPAA noted in May 2026, we support the proposed change to this indicator which will improve State reporting on and communication about [student] access to a regular diploma. The updates will bring much needed transparency to the graduation process for youth with disabilities so that informed discussions occur between families and schools in individualized education program (IEP) meetings.

We also encourage the Department to reconsider the addition of a new Indicator 1B-*The Gap in the 4-year adjusted cohort graduation rate (ACGR) for children with IEPs and all students*. This is needed data for all stakeholders (especially schools and families) to understand how students with disabilities are performing *compared to all students* – a critical piece of information currently not available in the SPP/APR.

¹ See COPAA letter to Santy, May 18, 2026

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

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

Oppose. COPAA continues to advocate that in removing these indicators, the Department is relinquishing its responsibility to both “monitor states and require states to monitor LEAs, using quantifiable indicators with adequate measurement”² By removing these indicators and claiming that the IDEA statutory requirements are sufficient to ensure State and district compliance will be monitored, the Department is taking actions inconsistent with the law and with the Secretary’s stated goal to “bolster the efficacy of federal oversight where it is essential”...and [to ensure] a “federal partnership that supports state and local efforts to make systems that are successful for parents, educators, and communities serving individuals with disabilities.”³

Specifically on the removal of Indicator 10, COPAA reminds the Department that this effort stands in direct conflict with the requirements of IDEA, and state reporting via the SPP/APR that has withstood more than 20 years of best practice in state monitoring. Our children, their families, and the communities who advocate for and support them will struggle to advance evidence-based policies, practices, resources, and support, especially for Black and Brown students when the requirement to set state targets is erased, these data are buried deep within state and district and are not made transparent to all stakeholders in annual federal monitoring through the SPP/APR.

Indicator 8-Parent Involvement and Indicator 14-Post School Outcomes

Support. COPAA supports the proposal for Indicator 8 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.

Oppose: COPAA opposes the removal of the requirement [in Indicators 8 and 14] that States must include an analysis of the extent to which the demographics of the children for whom parents

² See: 20 U.S.C §1416(a)(3), §616(a)(3), and COPAA Letter to Santy, May 18, 2026, (pg. 2)...For more than twenty years IDEA has specified three required monitoring priorities in the SPP/APR: 1) provision of 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, as written by Congress, makes clear that the Secretary is required to “*monitor states and require states to monitor local education agencies (LEA) ...using quantifiable indicators...to adequately measure these priorities.* This instruction from Congress to the Secretary of Education includes two parts: the requirement for the Secretary to monitor states and to ensure states monitor LEAs with indicators that measure the priority. The Department has done so through the development of the SPP whereby each state must establish measurable and rigorous targets for the compliance indicators. The annual state reporting of performance is undertaken through submission of the APR to the Department via the Results Driven Accountability system. While changes and adjustments can be made to the SPP/APR, it is incumbent that the Department also ensure that every proposed change meets all of IDEA’s requirements. See also: 20 U.S.C. §1416(a)(3), IDEA §616(a)(3). Each state must have in effect policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children as children with disabilities (20 U.S.C. §1412(a)(24), IDEA §612(a)(24)), §1416(a)(3)(A), §1416(a)(3)(C), and The Individuals with Disabilities Education Act, Part B: Key Statutory and Regulatory Provisions, Congressional Research Service, (August 2024), https://www.congress.gov/crs_external_products/R/PDF/R41833/R41833.21.pdf

³ See: Secretary McMahon's Letter to Parents, (June 16, 2026), <https://www.ed.gov/about/news/speech/secretary-mcmahons-letter-parents-of-individuals-disabilities>

responded are representative of the demographics of children receiving special education services. As we previously highlighted in our May 2026 letter, Congress has included in IDEA that “the education of children with disabilities can be made more effective by . . . strengthening the role and responsibility of parents and ensuring that families...have meaningful opportunities to participate in the education of their children at school and at home.” We also remind the Department of the Secretary’s continued admonition that “parents are [the best] partners in their child’s education.”⁴ This proposal does not hold up to Congressional intent or to the Department’s promise to support all families.

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.

Oppose. COPAA continues to oppose the proposed change to remove the requirements that: (1) States include the definition of “disproportionate representation”; and, (2) provide the number of districts that met the State-established n and/or cell size (if applicable) for one or more racial/ethnic groups identified with disproportionate representation of racial and ethnic groups in special education and related services. Consistent with our prior comments, we advance the position that these alterations will impede the Department’s ability to perform its oversight functions under IDEA with regard to significant disproportionality and will also keep important data out of the SPP/APR.

In conclusion, the Department's proposed eliminations in the SPP/APR threaten to restrict access to crucial information essential to understanding and providing opportunity to take action in support of the educational access and civil rights of all students with disabilities. COPAA urges the Department to reconsider these eliminations and choose to require state target setting, accuracy, and transparency in IDEA data reporting in support of the 8 million students with disabilities and their families.

Sincerely,



Denise Marshall
CEO

COPAA is an unparalleled peer-to-peer network that enables parents, family members, attorneys, special education advocates, and related professionals to engage in protecting the legal and civil rights of students with disabilities and their families. As the nation's leading authority on special education law, we support parents and mentor those who defend students’ educational rights. Our members are also a proud part of the disability community. We provide knowledge exchange, research, training, mentoring, community building; elevate all voices to ensure equitable access to an education; help parents participate as meaningful partners in their child’s education, and ensure the laws are implemented; provide legal opinions that open doors for students and shape laws; and, we influence policies that support children and their families.

VISIT [COPAA.ORG](https://www.copaa.org) TO LEARN MORE

⁴ See: U.S. Department of Education Press Release (October 5, 2026) <https://www.ed.gov/about/news/press-release/us-department-of-education-and-us-department-of-justice-reaffirm-parents-are-not-terrorists-and-have-right-direct-their-childrens-education>