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**LDF Statement on U.S. Department of Education’s Decision to Delay Rule
Addressing Racial Inequities in Special Education**

In 2016, the Obama Administration finalized regulations that would help protect students—particularly students of color—from widespread and well-documented racial disparities in the identification, placement, and discipline of students with disabilities. The regulations are designed to ensure that states are appropriately identifying and addressing these racial disparities in special education.

[Todd Cox](#), Director of Policy at the NAACP Legal Defense and Educational Fund, Inc. (LDF), issued the following statement on the U.S. Department of Education and Secretary Betsy DeVos’ decision to postpone for two years states’ compliance with these final regulations:

“The Education Department’s decision to delay a final Department of Education rule, which largely protects students of color, is alarming. Although the Department claims that it needs to ‘thoroughly review the . . . regulations and ensure that they effectively address the issue of significant disproportionality,’ this rule was, in fact, developed after receiving hundreds of comments from individuals and groups, including from LDF.

“The decision also contradicts what the Department’s own data shows: widespread racial disparities among children with disabilities persist. The Department’s own Civil Rights Data Collection for the 2013-2014 school year shows that one in four Black boys with disabilities received at least one out-of-school suspension, compared to only one in ten White boys with disabilities. Accordingly, this postponement is nothing more than a complete abdication of the Department’s obligation to safeguard students’ rights. It also reflects the Department’s continued hostility toward its responsibilities to enforce our nation’s civil rights laws and protect the rights of students of color.

“Recent incidents demonstrate the critical importance of these anti-discrimination regulations. For example, in Missouri, a school security officer handcuffed a second-grader with a disability after being bullied by another student. And in New York City, police have used handcuffs on Black students at nearly twice the rate of White students when called in to take students in crisis for mental health evaluations. The damaging impact of these exclusionary discipline practices cannot be overstated; the impact often follows students into adulthood as students who are suspended and expelled are more likely to drop out of school and become involved in the criminal justice system.

“Students with disabilities are best served when they are appropriately identified for special education services and not unfairly and disproportionately excluded from the

classroom. In delaying implementation, the Department is failing in its duty to ensure educational access to all students no matter their racial or ethnic background.

“In May of this year, LDF wrote a [letter](#) strongly opposing this decision to Assistant Secretary Johnny W. Collett, who oversees the Department’s Office of Special Education and Rehabilitative Services. Now that the Department has moved forward with the delay, LDF will continue to use policy advocacy and litigation to ensure that the civil rights of all students, particularly students of color, are protected.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.