

PENNSYLVANIA DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 15, 2018

PENN\*LINK

TO: School District Superintendents  
School District Special Education Directors  
Intermediate Unit Executive Directors  
Intermediate Unit Special Education Directors  
Charter School Chief Executive Officers  
Charter School Special Education Directors  
Approved Private School Executive Directors  
Approved Private School Special Education Directors  
Area Vocational Technical School Directors  
Area Vocational Technical Special Education Directors  
Career and Technology Center Directors  
Career and Technology Center Special Education Directors  
Advocacy Groups  
Other Interested Parties

FROM: Ann Hinkson-Herrmann, Director  
Bureau of Special Education

SUBJECT: Postponement of Significant Disproportionality Regulations

The purpose of this PENN\*LINK is to inform stakeholders of the postponement of the December 2016 amended regulations to the Individuals with Disabilities Education Act (IDEA) pertaining to significant disproportionality. The final rule implementing this change can be found in the July 3, 2018 Federal Register [notice](#).

The U.S. Department of Education (USDE) has postponed by two years the date for states to comply with the Equity in IDEA, or significant disproportionality regulations, from July 1, 2018, to July 1, 2020. The USDE also postponed the date for including children ages three through five in the analysis of significant disproportionality, with respect to the identification of children as children with disabilities and as children with an impairment, from July 1, 2020, to July 1, 2022.

The Pennsylvania Department of Education (PDE), Bureau of Special Education (BSE) will be accepting the delay and will continue to provide support to the local educational agencies.

Delaying the implementation date does not disregard this important work. PDE views this two-year delay as an opportunity for our statewide system of support, schools, and community stakeholders to study and work together to address the broad concerns

surrounding the issue of, and the root cause of significant disproportionality. In the upcoming 2018-19 school year, PDE/BSE will offer training and technical assistance for equitable practices in the areas of identification, least restrictive environment, and disciplinary removals for students with disabilities. Please refer to the monthly calendar located on the PaTTAN [website](#) for training dates.