

What the end of K-12 ‘disparate impact’ rule means for CT

Advocates said ‘disparate impact’ was a way to push back on school policies that disproportionately impacted students of color. The Trump administration ended it in July.



by **Theo Peck-Suzuki** August 4, 2026 @ 4:09 pm



FILE - Education Secretary Linda McMahon does a television interview at the White House, April 16, 2025, in Washington. CREDIT: ALEX BRANDON / ASSOCIATED PRESS

When Connecticut Education Association President Kate Dias began her teaching career, the school she worked for had a strict attendance policy: Ten absences and you fail the class.

“You had mono, we don’t care, right? It was literally that insane,” Dias said.

The problem with such a harsh policy, Dias said, was that it ignored one key fact: Students don’t always miss class by choice. Some had to help younger siblings on and off the bus; others had insecure housing. None of that mattered. These more vulnerable students — often students of color — received no support and lost credit.

“Some of the things we know kids experience, they were screwed,” Dias said.

Eventually, Dias said, schools realized such policies disproportionately affected nonwhite students, even though on their face they were race-neutral. That realization — along with a little pressure from the federal government — compelled educators to think critically about how they manage a range of disciplinary issues.

The official term for this pattern — a neutral-seeming rule causing very non-neutral outcomes — is “disparate impact.” For decades, the U.S. Department of Education considered it a potential violation of Title VI, which prohibits race-based discrimination. Schools that disproportionately disciplined or suspended students of color risked a federal investigation by the Office of Civil Rights.

Not anymore.

In late July, the department announced it was rescinding the disparate impact provisions of its Title VI enforcement. As a result, schools will no longer be investigated for disproportionately disciplining students of color as long as their policies are not explicitly discriminatory.

In a July 23 press release, the department said disparate impact had become “a tool for the radical left” to punish schools “for even-handedly applying race-neutral policies — with no discriminatory intent — solely because data indicated the school disciplined more minority students.” Ending those provisions, the department said,

“advances President Trump’s promise to restore equality of opportunity and meritocracy.”

That’s not how Dias sees it. Thinking about disparate impact, she said, forced schools to think about implicit bias and take a hard look at whether they were inadvertently setting some groups of students up to fail.

“Oftentimes what we discovered ... is that we either had policies or practices that unintentionally favored white students and put students of color at a disadvantage,” Dias said.

“Which I think has caused us as educators and as leaders to really pause and think about, what are we doing, why are we doing it, and do we have unintended consequences in these choices? And I think that that has been very healthy,” she added.

The issue remains highly relevant in Connecticut. Even today, schools in the Nutmeg State suspend and expel Black students at three times the rate of white students.

“My concern, honestly, is with these rules rolling back, there will be districts that go, ‘Great. Now I don’t have to worry about this,’” Dias said.

In the July 23 press release, Assistant Secretary for Civil Rights Kimberly Richey said the Trump Administration would continue holding schools accountable for discrimination.

Anghy Idrovo of the Connecticut Black & Brown Student Union said the administration’s decision was “the wrong move” and “dangerous.”

“A policy can be written in neutral language and still fall almost entirely on Black and brown students,” Idrovo said. “And that’s what we see in Connecticut with suspensions and expulsions.”

Idrovo was one of several advocates who spoke at the Capitol in the spring in favor of legislation to end suspensions for nonviolent behavior. (The bill didn’t pass.) She

questioned the Trump administration's underlying assumption that disparate impact had forced schools to under-discipline minority students.

"If that were to be true, then my work wouldn't exist, right? Then I wouldn't be fighting for closing the gap on racial disparities," Idrovo said.

Kathryn Meyer, an attorney with the Center for Children's Advocacy, said the disparate impact decision was the latest move by the Trump administration to effectively render the Education Department's Office of Civil Rights "defunct," taking away an important tool advocates used to keep schools accountable. She recalled a case some years ago in which CCA helped take a district to task for not providing basic access to interpretation for multilingual learners.

The threat of federal investigation was "really our legal hook for anything from a local policy or practice to a lot of our state legislation," Meyer said. The fact that the federal government itself used disparate impact gave the concept an added weight.

Her colleague Zoe Masters questioned the legality of the move itself.

"The Trump administration just jumped to publishing a final rule, instead of publishing a draft rule and getting comments, which violates the Administrative Procedure Act," Masters said.

In theory, someone could sue to stop the new rule, though Masters said she doesn't know whether anyone has done so.

Department of Education spokesperson Amelia Joy responded to these concerns in an email to The Connecticut Mirror. She reiterated the Trump administration's view that disparate impact had been weaponized to impose a "radical idea of 'equity'" on schools.

"Removing these provisions from our regulations puts a stop to this exploitation of federal law and ensures teachers retain the utmost control over their classroom," Joy wrote.

Joy did not address the legality of the new rule.

With the federal provisions now gone, the question shifts to whether Connecticut's state laws can fill the void. Patrice McCarthy, executive director of the Connecticut Association of Boards of Education, said there are mechanisms at the state and local level to hold schools accountable for disparate impact.

"Parents ... can go talk to the building principal. If they're not satisfied with the outcome of that discussion, they can talk to the superintendent," McCarthy said. From there, parents can escalate to the local school board, and in extreme cases, they can file a 10-4B complaint with the State Board of Education.

"I think we have appropriate protections in place in Connecticut," McCarthy said.

There are explicit state-level rules about disparate impact, as well. The State Department of Education is required by law to report on the disproportionate use of discipline by schools across the state. (The latest report, which covers the 2024-2025 school year, is available [here](#).) If schools show two consecutive years of disproportionate enforcement, CSDE will step in and recommend corrective actions.

But Meyer said despite Connecticut's relatively strong civil rights laws, there are still significant gaps in how those laws are overseen and enforced. Filling those gaps would require legislative action, including the proposed ban on suspensions for nonviolent behavior, which she supports.

Right now, Meyer said, many state-level civil rights complaints find their way to Connecticut's Commission on Human Rights and Opportunities. The commission has authority to ensure schools are complying with civil rights laws, but Meyer said she'd like to see the state invest in more staffing for the office — especially if it ends up taking on more of the enforcement burden around issues like disparate impact.

And she said the state should implement additional options for parents that are "even more accessible ... and timely than the CHRO process can offer."

Fran Rabinowitz, executive director of the Connecticut Association of Public School Superintendents, said reducing the racial disparity in student discipline requires a fundamental change in school culture. She said she'd like to see the state make that a top priority.

“You’ve got to look at your leadership at the school level, and you’ve got to be committed to a school culture that is honoring of every child in that school,” Rabinowitz said.

Rabinowitz said she went through that process herself when she was superintendent in Bridgeport.

“It’s not just by osmosis that this happens. There is real training that needs to be done of administration, teachers and parents,” Rabinowitz said.