



November 18, 2019

Stephanie Valentine  
PRA Coordinator, Information Collection Clearance Program,  
Information Management Branch  
Office of the Chief Information Officer  
Department of Education  
400 Maryland Ave SW  
Washington, DC 20202

Re: Proposed Rule on Mandatory Civil Rights Data Collection; Docket No.: ED-2019-ICCD-0119

Dear Ms. Stephanie Valentine:

On behalf of the Center for American Progress (CAP) and representing the interest of providing a high-quality education for every child, we write to offer comments on the proposed revisions to the Civil Rights Data Collection (CRDC) pursuant to the Paperwork Reduction Act of 1995. CAP believes that the CRDC is a critical resource used to highlight opportunity gaps which create barriers to providing all students with the high-quality education they deserve and is promised by the United States Constitution. Some of the proposed changes have the potential to mask inequities that advocates have worked hard to highlight and find solutions for.

We commend the following proposed revisions that serve to make our students safe and supported in their learning environments:

- 1) We support the added data collection under “Offenses,” that includes reporting the number of allegations and documented occurrences of rape or attempted rape, and sexual assault.
- 2) We also applaud the proposed additions under “Harassment or Bullying Offenses,” that would collect data for reported allegations of harassment or bullying on the basis of perceived religion disaggregated by a variety of religious categories including but not limited to Jewish, Mormon, Hindu, and Islamic.

Through these additions it is apparent that the US Department of Education (ED) values keeping students safe, protecting their civil rights, and recognizes that the CRDC is a means to accomplishing these goals. We would like to see these same values extended to the proposed items for elimination in this data collection.

### **English Language Learners**

The proposed changes to the CRDC would eliminate data collection for English Learners that are enrolled in a program for English Learners and also identify as having a disability recognized under the IDEA. Removal of this data point would make it difficult to find gaps in service for this very specific student group that has their own distinct set of needs. Students who are English learners and are also identified as having a disability need disability-related services that simultaneously serve their specific language requirements.<sup>1</sup> Collecting this data is critical to ensuring that these students are adequately receiving the resources they need to be successful.

### **School Discipline**

The proposed changes would eliminate data collection on the number of preschool students that received one out-of-school suspension, and the number of preschool students that received more than one out-of-school suspension as two separate data points. The proposal replaces these two data points with one catch all for the number of preschool students who received one or more out-of-school suspensions. Through these changes, any preschool suspension will be lumped into one data point making it difficult to discern which schools are frequently removing large numbers of preschool children from their learning environment versus a few children that are repeatedly removed from the learning environment without appropriate services or interventions. Separating these to data points is also necessary to determine whether particular populations of preschool students are experiencing multiple suspensions. Studies have shown that preschool students were three times more likely to be suspended than students in higher grades, and that certain groups of preschool students are suspended more frequently than others.<sup>2</sup> Without collecting these data points separately, it will be difficult to determine where discipline is disproportionately keeping preschool students from the education they deserve.

### **Harassment or Bullying Offenses**

The proposed changes would remove data collection on whether local education agencies have a web link to their policies on bullying and harassment. This critical information should be publicly available for all students and parents to access. Providing this information online in an easily accessible, and conspicuous platform can eliminate

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<sup>1</sup> Park, S., Martinez, M., Chou, F. "CCSSO English Learners with Disabilities Guide" (Washington: Council of Chief State School Officers, 2017) available at [https://ccsso.org/sites/default/files/2017-11/CCSSO%20ELSWD%20Guide\\_Final%2011%2011%202017.pdf](https://ccsso.org/sites/default/files/2017-11/CCSSO%20ELSWD%20Guide_Final%2011%2011%202017.pdf).

<sup>2</sup> Rasheed Malik, "New Data Reveal 250 Preschoolers Are Suspended or Expelled Each Day" (Washington: Center for American Progress, 2017) available at <https://www.americanprogress.org/issues/early-childhood/news/2017/11/06/442280/new-data-reveal-250-preschoolers-suspended-expelled-every-day/>

gaps in information for working parents, reduce paper waste, and provide a consistent forum to house this information.

### **Early Childhood Education**

The proposed changes would remove most of the current data collection points on early childhood education. This includes eliminating data collection on whether the local education agency provides preschool to all students eligible, students with disabilities, students in Title I schools and students from families with low incomes, and whether the preschool serves non-IDEA students age 3, 4, and 5. The changes would also eliminate data collection on the length and cost of preschool and kindergarten offered by the local education agency. Any collection of disaggregated data on race, sex, disability status, and English learner status for children enrolled by the local education agency in preschool would also be eliminated, making it impossible to identify if particular populations are more or less likely to have access to full day kindergarten and high-quality preschool. Research shows that preschool improves academic outcomes for students, and that quality preschool programs are especially important for students from families with low income.<sup>3</sup> The information in these data points is crucial to determining whether all young children have access to the resources and learning opportunities that provide the building blocks for future success, as well as, the quality of programming different groups of students are receiving.

### **Pathways to College and Career**

The proposed changes would eliminate data collection on the number of students that participate in credit recovery programs to earn the credits they need to graduate from high school. Research has shown differences in the types of schools where credit recovery is offered in addition to disparities in the quality of the credit recovery programs offered.<sup>4</sup> It also removes data collection on the number of students enrolled in any AP subject, the number of students that took one or more AP exams, and the number of students enrolled in AP courses that did not take any AP exams disaggregated by race, sex, disability, and English learner status. There are recognized demographic and geographic gaps in access to Advanced Placement courses.<sup>5</sup> Removing the collection of this data makes it difficult to determine disparity in access to courses

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<sup>3</sup> Deborah A. Phillips and others, “Puzzling it out: The Current State of Scientific Knowledge on Pre-Kindergarten Effects” (Washington: Brookings Institution: 2017), available at [https://www.brookings.edu/wp-content/uploads/2017/04/consensus-statement\\_final.pdf](https://www.brookings.edu/wp-content/uploads/2017/04/consensus-statement_final.pdf).

<sup>4</sup> Department of Education Office of Planning, Evaluation, and Policy Development, “Issue Brief: Credit Recovery” (Washington: 2018) available at <https://www2.ed.gov/rschstat/eval/high-school/credit-recovery.pdf>.

<sup>5</sup> Douglas J. Gagnon and Marybeth J. Mattingly, “Limited Access to AP Courses for Students in Smaller and More Isolated Rural School Districts,” *Carsey Research Nation Issue Brief #80*, available at <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1234&context=carsey>



that serve to prepare students for college, and potentially provide college credits upon graduation.

### **School Finance**

The proposed changes would eliminate all school finance data currently collected by the CRDC. This includes school personnel salary data, preschool personnel salary data, the amount of non-personnel expenditures at the school level, and, a variety of other data that informs school funding patterns. Research shows that nationwide there is a total \$23 billion funding gap between predominately white school districts and predominately non-white school districts.<sup>6</sup> Collection of school finance data is critical to highlighting resource disparities and gaps in state and local education investment.

### **Teachers and other Personnel**

The proposed changes would eliminate any data collection on the number of full-time first year teachers and second year teachers employed by individual schools. It also removes data collection on chronic teacher absenteeism by removing the only data collection point that may currently identify this issue, which requires the number of full-time teachers absent more than 10 school days (not including professional development days). These data points currently tell us where novice teachers are concentrated, and in which specific schools. It is critical we continue to collect these data in order to support improved human resource practices reducing disparate impact on particular populations of students and to provide every child with a quality school experience.

We commend the Department of Education for the proposed additions to this data collection, and, we strongly urge that you reconsider the proposed eliminations. We are also happy to speak further about any of these recommendations. Please feel to contact Khalilah Harris, Managing Director of K-12 Education, at [kharris@americanprogress.org](mailto:kharris@americanprogress.org) or (202) 478-6336.

Thank You,  
Center for American Progress  
K-12 Education Team

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<sup>6</sup> EdBuild, “\$23 Billion” (Washington:2019) available at <https://edbuild.org/content/23-billion/full-report.pdf>