



♥ Ensuring a Place at the Table for Every Family

October 31, 2022
Stephanie Valentine
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
Washington, DC 20002

RE: Mandatory Civil Rights Data Collection: OMB 1870-0504, ICR 202111-1870-001

Submitted via Reginfo.gov at:

https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202111-1870-001

Dear Ms. Valentine:

On behalf of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), we wish to thank the US Department of Education (the Department) for its continued efforts to ensure equity for all students through the collection and publication of the Civil Rights Data Collection (CRDC). National PLACE and our 70 local, state and national member organizations are committed to ensuring that families and family-led organizations are at the table when decisions regarding children and families are being made, and that our voices meaningfully influence those decisions. We write in response to the notice provided by the Office for Civil Rights (OCR) to comment on data collection under the Mandatory Civil Rights Data Collection (CRDC) for School Years (SY) 2021-2022 and 2023-2024.

In addition to our own comments, below, National PLACE endorses the comments of the Education Task Force of the Leadership Conference for Civil and Human Rights and the Education Task Force of the Consortium for Constituents with Disabilities; National PLACE is an active member of the Education Task Forces of both of these civil rights coalitions. Our specific comments focus on the importance of these data for families and family-led organizations to enable us to advocate on behalf of individual children and children/students more broadly.

The CRDC provides families crucial information needed to make informed choices about their children's education. Parents need the information presented in the CRDC's user-friendly interface to gauge which schools are likely to be the best fit for their family, as well as to work with other parents, family-led organizations, educators, and advocates to make decisions about needed areas of improvement on which to focus their school improvement efforts. Through regular review of CRDC data, parents, parent-

led organizations, advocates, and other members of the public, including the media, can examine trends among schools. They can identify which schools are more likely to provide equal educational opportunities, and which face continuing challenges. The Department collects data that permits stakeholders, most importantly, parents and parent-led organizations, to make evidence-based comparisons about quantifiable measures of school climate and resource equity, including restraint and seclusion, school discipline, academic proficiency, harassment and bullying, and others.

The CRDC data is critically important to the Department's statutory responsibility to hold schools, districts, and states accountable for compliance with our civil rights laws. The Department's own reports about the activities of the Office for Civil Rights (OCR), including the CRDC, demonstrate the continuing need for robust collection and dissemination of this data. CRDC data continues to indicate very real and continuing challenges in our nation's public school system. There are still significant disparities in out-of-school suspensions among students of color and students with disabilities. English learners, students with disabilities, and students of color are more likely to be retained one or more grades in high school. Students of color are more likely to attend schools with higher concentrations of inexperienced teachers. The continued collection and publication of data on these and other topics will tell parents, parent-led organizations, and the general public whether schools are correcting these or not and whether they are facing new disturbing trends.

As noted in our February 11, 2022 letter, National PLACE supports the additions proposed by OCR and *is pleased these items will also be included in the SY 2023-2024 collection*. In response to OCR's Directed Questions, National PLACE's comments are aimed at ensuring greater transparency regarding the status of students placed at greatest risk in our nation's schools. In particular, National PLACE supports:

- Collection of enrollment data for preschool students with disabilities who are served under Section 504 for the 2021-22 and 2023-2024 CRDC, disaggregated by sex, race, and English Language (EL) status;
- The proposed definition of nonbinary students as well as the stated goals "to capture data that will provide a greater understanding of the experiences of nonbinary students, and will help to further OCR's mission to enforce Title IX's prohibition on discrimination on the basis of sex, which OCR interprets to include discrimination based on sexual orientation and gender identity."
- Data collection regarding the use of chemical or irritant restraints by any school personnel, law enforcement officer, or other security personnel assigned to a school, including elimination of the word "sworn" from the definition. We also support the disaggregation of this data by race, gender including nonbinary, students with disabilities-IDEA, students with disabilities -Section 504 only, and English learners;
- Maintenance of data from the Commonwealth of Puerto Rico and addition of data from all other jurisdictions;
- Addition of a definition of informal removal consistent with the comments of the CCD. We note that these situations are very difficult for families, who may feel that disagreeing and asking for their child to have a full, in-person school day could harm them, or put them in a vulnerable position of not having sufficient support. No matter the form, informal removals deny students, including those with disabilities, a free appropriate public education by removing them from their IEP placement;
- Requiring the provision of information regarding district, school, and state Civil Rights Coordinators.

SPECIFIC RECOMMENDATIONS

COVID-19: Virtual Instruction

Recommendation: National PLACE strongly supports the proposed additions to the school survey relating to virtual, hybrid, and in-person instruction. While these were originally proposed specifically due to the impact of COVID-19, we hope OCR sees the benefit of these data beyond the impact of the current pandemic. Therefore, we urge OCR to reconsider and add these data to the forthcoming collections, including data on the % of time (day and overall school year) spent in virtual instruction, and the % of students and % of time spent in virtual instruction, disaggregated by race, gender including nonbinary, disability – IDEA, disability – Section 504 only, and emerging bilingual students (ELs).

Discipline: Non-Public Schools

Recommendation: National PLACE strongly urges OCR to **add the requirement for non-public schools to collect all discipline data** as required by the CRDC including for students with disabilities placed in non-public schools by their districts and for all students who are placed in private schools as a punitive measure.

Restraint and Seclusion

Recommendation: National PLACE supports OCR's proposed changes to the definitions of Mechanical Restraint, Physical Restraint, and Seclusion.

Pathways to College and Career

Recommendation: Add "disability - Section 504 only" to key data elements (e.g., # of students enrolled in dual enrollment, AP courses, Algebra, math, computer science, SAT/ACT etc.) as well as make them mandatory for 2021-2022. National PLACE was one of 25 signatories to previous recommendations on this topic and is disappointed that OCR has rejected the previous recommendation in this area.

National PLACE is disappointed that OCR did not accept the following recommendations of the Leadership Conference for Civil and Human Rights' Education Task Force which we endorsed:

- Require reporting about the use of force by school-based law enforcement;
- Disaggregate race and ethnicity data by the American Community Survey categories;
- Disaggregate by pregnant or parental status;
- Require the collection and reporting of universal data on an annual basis;
- Retain all school finance elements for the 2021-2022 school year;
- Include bullying and harassment by school staff, including sexual assault;
- Replace "staff-on-student" sex offenses data groups; and
- Include additional restraint and seclusion items.

In conclusion, we appreciate the opportunity to comment on the CRDC. For any questions or for additional information about this letter and its recommendations, please contact Diana Autin, Executive Director of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), at dautin@parentsatthetable.org.

Sincerely:



Diana MTK Autin

On behalf of National PLACE