

Mandatory Civil Rights Data Collection

July 2017

Attachment B

**CRDC Data Set for School
Year 2017–18: Response to
First Round Public Comment**

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INTRODUCTION

This attachment contains the responses to the first round of public comments on the Mandatory Civil Rights Data Collection (CRDC). The Department of Education’s (ED) Office for Civil Rights (OCR) is responsible for administering the CRDC, a survey of local educational agencies (LEAs).

ED received 1,423 comments in response to the Notice of Proposed Information Collection Requests that was published in the *Federal Register* on December 30, 2016, 81 Fed. Reg. 96,446. In fact, ED received about 95 times more comments for the 2017–18 CRDC during its 60-day comment period, compared to the previous 2015–16 CRDC during its 60-day comment period. The comments for the 2017-18 CRDC included feedback on the four directed questions, specific areas of data collection that were shown in the attachments, and the information clearance process. A variety of stakeholders provided comments, including: Members of Congress, state educational agencies (SEAs), LEAs, administrators, educators, non-profit organizations, coalitions, professional organizations, advocates, parents, students, and other members of the public.

The majority of comments received were generally positive and appreciative of the efforts made by ED to gather data on a variety of elements related to equal educational opportunity. Commenters pointed to a range of uses for CRDC data. For example, a national association that supports state boards of education offered: “The CRDC data are vital to bringing equity gaps to the attention of state boards members, ensuring policies they develop are responsive to the needs of underserved students, and measuring whether policies are achieving their intended goals.” A non-profit research association focused on public education in Pennsylvania offered how valuable CRDC data were in their publically released research on education opportunity gaps for students across the state. Another commenter, a professor at a state university’s college of education, observed that her students use CRDC data “to understand topics in ... classes” as the “dataset provides information that is not duplicated in any other data sources.” Last, a parent of a child with a disability commented how she proactively used CRDC data to interview prospective school staff before she selected where to move within Wisconsin, helping her avoid schools she believed relied too heavily on the use of restraints and seclusion for students with disabilities.

Of the 1,423 comments received, 1,394 expressed support for the CRDC and less than 10 raised opposition to the collection. While 710 of the supportive comments pressed ED to “preserve,” “maintain,” “continue,” or “publically share” the CRDC, another 674 asked ED to also “expand” the CRDC or “build upon” recent collections.

ED appreciates each commenter’s time and effort in providing thoughtful commentary in response to this proposed data collection. ED reviewed, summarized, and documented each comment prior to analyzing all comments. The summary of comments will aid in the finalization of this data clearance package and will serve to inform future policy decisions regarding the CRDC. Following is a summary of the public comments received on specific topics.

PUBLIC REPORTING OF DATA COLLECTION

1. *Relationship to Civil Rights*

Public Comments

Two hundred and sixty-six commenters spoke to the necessary role that the CRDC played in collecting data relating to civil rights or civil rights enforcement. Commenters noted that the CRDC “benefits the most vulnerable and underserved students,” and is an “important tool to help ensure access to educational opportunity to every individual.” Commenters also remarked that the “Department of Education has a duty to protect the civil rights of all staff and students,” and that the “CRDC is critical to making sure everyone’s rights are respected and protected.” Furthermore, commenters wrote that the “CRDC provides much-needed transparency and information on key education and civil rights issues,” and that “reducing or eliminating the collection of this data is tantamount to ... marginalizing groups who are always at-risk.”

ED’s Response

Discussion: OCR appreciates the support regarding the collection of these important data and the role that the CRDC plays in ensuring greater equality within public school systems across the country. OCR continues to work diligently to make the CRDC as relevant and beneficial a data collection as possible.

Changes: None.

2. *Public Availability of Data*

Public Comments

Two hundred and twenty commenters remarked on the importance of ensuring that the data collected through the CRDC remain publicly available. Eighty-two commenters noted the importance of ED’s transparency with the public. One commenter wrote, “communities deserve access to information that shows them whether their schools are fulfilling their civil rights obligations.” Another commenter remarked, “it is also a crucial data set for students, parents, community members, and policy-makers to assess quality and make informed decisions about public education in their communities.” Other commenters requested that ED provide the publicly available data collected through the CRDC in a timelier manner.

ED’s Response

Discussion: ED has a longstanding commitment to transparency and recognizes the importance of making the CRDC data available to the public. ED is also committed to ensuring that the CRDC data are made available to the public consistent with ED’s privacy policies. After the data files are finalized from the CRDC, ED engages in a rigorous process to ensure that the data publicly reported protects against the disclosure of individual student information. This process takes several months to ensure that both the data files and the data provided through the website adhere to the highest standards for privacy protection. ED continually looks for ways to improve the efficiency of this process to ensure timely access to the data without compromising the protection of individual student data.

To increase the transparency and accessibility of the CRDC data, ED launched an enhanced reporting website in March 2012 that provided the public with visually intuitive displays of the CRDC data (<http://ocrdata.ed.gov>). The investment in enhanced reporting features has supported broad and rich conversations among educational stakeholders about improving educational access and equity, resulting in changes to practice, policy, and legislation in states and school districts across the nation. Since March 2012, ED has continued to make improvements to the data display and has posted additional documents and customizable tools regarding the data on the CRDC reporting website, based on comments and suggestions from data users, ED priorities, and available funding.

Changes: None.

3. Puerto Rico and Outlying Areas

Public Comments

Seven commenters addressed ED’s directed questions on whether ED should extend the CRDC to cover LEAs in the Commonwealth of Puerto Rico, and the following outlying areas (i.e., U.S. territories): American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands. Citing a comparatively larger population living in Puerto Rico, one commenter supported extending the CRDC to cover Puerto Rico. The other six commenters also supported extending the collection to cover Puerto Rico, and suggested extending the collection to the other outlying areas. One commenter noted that if ED were to decide to extend the collection to Puerto Rico, then it would have to adjust the collection of English learner data for Puerto Rico to account for the language of K-12 instruction (i.e., Spanish).

ED’s Response

Discussion: Given the Elementary and Secondary Education Act (ESEA) of 1965, as amended in 2015 by the Every Student Succeeds Act (ESSA), ED envisions certain data alignment between state and local report cards and what LEAs report to ED under the CRDC. In light of Section 1111(h)(1)(C)(viii) of ESEA, as amended by ESSA, ED will assist states and LEAs that receive Title I funds to ensure certain information reported through the CRDC constitutes a subset of data to be included on 2017–18 report cards at the state-, LEA-, and school-level and thereafter. Specifically, ESSA requires that state and local report cards include CRDC information on measures of school quality, climate, and safety (i.e., in-school suspensions; out-of-school suspensions; expulsions; school-related arrests; referrals to law enforcement; chronic absenteeism, including both excused and unexcused absences; and incidents of violence, including bullying and harassment). While ESSA generally defines “state” to include “the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas,” 20 U.S.C. 7801(48), it more narrowly defines “state” for purposes of Title I of ESSA to only cover “the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico,” 20 U.S.C. 6332(e). Consistent with harmonization imposed by recent changes to ESEA by ESSA, ED proposes to take steps to make the 2017–18 CRDC co-extensive with the jurisdictions with report card obligations by adding Puerto Rico.

Changes: ED proposes to explore methods to expand the CRDC universe, to include the Commonwealth of Puerto Rico, dependent on funding.

BURDEN AND DATA COLLECTION TIMELINE

4. *Reporting Burden*

Public Comments

Fifty-five commenters made arguments regarding the underfunded nature of the CRDC. Seven commenters raised concerns regarding the overall burden and cost for LEAs to collect, report, and review the accuracy of CRDC data. They objected to reporting the breadth of CRDC data, in addition to other reporting already required by states, at a time when LEAs are facing severe budgetary challenges, and resources are limited. A few commenters noted that the CRDC's lack of proper funding made it difficult for LEAs to collect the necessary data without straining the LEAs' own funding. As a result, two commenters asked for the cancellation of the CRDC.

ED's Response

Discussion: The CRDC is a longstanding and necessary aspect of the overall enforcement and monitoring strategy used by ED's OCR to ensure that recipients of ED's federal financial assistance do not discriminate on the bases of race, color, national origin, sex, disability, and age. All public school districts receiving funds from ED are required to provide these data to ED. Recipients of ED's federal financial assistance are made aware of this requirement prior to the acceptance of federal financial assistance.

ED acknowledges that the CRDC is a large undertaking for LEAs and that LEAs are facing a challenging fiscal environment. ED also feels the pressures of a challenging budgetary climate and, as a result, deeply considers and weighs the benefits of any tasks, such as the CRDC, that ED undertakes. ED strongly believes that collection of the CRDC is necessary to provide essential information that gives ED insight into the needs of some of the most vulnerable student populations. Accordingly, ED has given significant consideration to all of the proposed data requirements. ED has determined that each is necessary to ensure compliance with the civil rights laws and that, individually and in total, the burden is justified by the need for the data.

ED is continually exploring ways to reduce the reporting burden, financial or otherwise, on LEAs while also maintaining a rigorous standard to ensure the quality of information submitted. Starting with the 2009-10 CRDC, for example, OCR leveraged data submitted to ED by SEAs to reduce the burden on LEAs. In addition, in planning the 2009-10 CRDC, OCR carefully examined all data groups already collected by *EDFacts* and dropped several tables previously in the CRDC because the data are available through the state-based portion of *EDFacts*, the EDEN Submission System (ESS), or other federal data collections (e.g., Bureau of the Census and Department of Justice). OCR continues to use this approach for the CRDC to prevent and/or eliminate data duplication.

For the 2013-14 CRDC and 2015-16 CRDC, OCR also met with program offices across ED to identify and eliminate any duplication of data items and, where possible, ensure the CRDC uses definitions consistent with those used by other program offices. This cross-program office coordination is a part of the operational processes for each collection, including the 2017-18 collection. ED is also constantly working to help ease the burden of reporting placed on LEAs by working to improve data collection tools and to enhance the system so LEAs only have to provide applicable data. For example, for the 2013–14 CRDC and 2015–16 CRDC, ED redesigned the CRDC data submission system to reduce the burden of reporting and reviewing the accuracy of CRDC data. Many new features of the submission system contribute to increased efficiency and data accuracy. LEAs benefit from the presentation of survey items in a module format, which allows them to submit data by broad categories. In addition, the system ensures LEAs are asked to only respond to applicable questions (e.g. the skip logic/auto-zero function). The system also enables LEAs to conduct automated, customized quality checks of their data before certifying it as complete and accurate. Finally, LEAs are assisted in resolving possible reporting errors by individualized feedback reports that visually summarize the data submitted.

Changes: None.

5. Reducing LEA Reporting Burden by Collecting Data from SEAs

Public Comments

Five commenters requested that ED gather any data that are duplicated in the SEA collection directly from SEAs, to reduce the reporting burden on LEAs. One commenter requested that ED’s data points be mapped to mirror existing SEA data points so that information could be drawn directly from the SEAs’ collections. Another commenter noted that while much of the LEAs’ data requested by ED were similar to the data requested by the SEA, the format ED requires differs. This commenter remarked, however, that reformatting all of the data to meet CRDC requirements is a difficult and lengthy process.

ED’s Response

Discussion: ED is continually exploring ways to reduce the reporting burden on LEAs, while also maintaining a rigorous standard to ensure the quality of information submitted. ED believes it is essential that LEAs remain the certifying entity to validate their CRDC submission. Based on feedback received from the CRDC workgroup, which includes LEA and SEA representatives, ED has explored multiple options for SEAs to support LEAs in reporting CRDC data.

For the 2013–14 CRDC and 2015–16 CRDC, ED was contacted by several SEAs looking for ways to support their LEAs in meeting the reporting requirements for the CRDC. OCR worked with the National Center for Education Statistics (NCES) to develop a collection tool for the 2013–14 CRDC and subsequent collections that allows SEAs to voluntarily provide data to pre-populate LEA-level CRDC surveys with data available in the SEAs’ student information systems. For the 2013–14 school year, several states participated in the pilot program to pre-populate data for their LEAs. LEAs in participating states were not required to reenter that pre-populated data into the tool, but simply review that data and, if accurate, certify the data. For the 2015–16 CRDC, several states are providing pre-populated data for their LEAs, although the

LEAs are still required to review the accuracy of the data, and certify the data, for the purposes of CRDC reporting. ED continues to work to develop innovative ways to ease the burden of data submission for LEAs.

Changes: None.

6. *Resources to Support School Districts*

Public Comments

Three commenters requested that ED increase resources and technical assistance to states and school districts to support the accurate completion of the CRDC.

ED’s Response

Discussion: ED provides frequent training opportunities for all LEAs and SEAs to understand the data elements collected in the CRDC and the survey submission process. Webinars, frequently asked questions, short tip sheets, videos, and other resources are available on the CRDC Resource Center website (<http://crdc.grads360.org>). A Partner Support Center (PSC), moreover, is also available to LEAs and SEAs to call or email questions regarding the content of the data to be collected. For the 2009–10, 2011–12, and 2013–14 CRDC collections, the PSC narrowly responded to more than 20,000 direct questions from participating LEAs. Additionally, the PSC has provided frequent communications and reminders to all participating LEAs on common issues and trending topics spotted within the volume of directed questions coming in. ED is committed to working with LEAs to ensure accurate reporting of CRDC data and to improve the quality of this information for use by LEAs to improve educational access and opportunity.

Changes: None.

7. *Annual and Universal Collection*

Public Comments

Seven commenters suggested that ED transition the CRDC to an annual collection. They noted that the data are important to schools, communities, and advocates, as well as for enforcement of civil rights laws. Multiple commenters requested that if ED cannot fully transition from a biennial collection to an annual collection at this time, then at the very least ED should begin investigating ways in which the data can be made available annually.

Commenters highlighted that ESSA requires that states and districts must include certain data points that are also collected by the CRDC in annual report cards, such as school quality, climate, and safety. Some commenters also supported that the CRDC continue as a universal data collection. One commenter requested that the CRDC be “mandatory for school systems, not voluntary.”

ED’s Response

Discussion: The CRDC has been collected as a biennial survey since 1968. Although ED concurs that the public and ED could benefit from an annual CRDC data collection, ED is also aware of the challenging fiscal times that LEAs across the country are facing. ED recognizes the significant burden an annual collection would have on LEAs. Currently, ED does not have the resources that would be necessary to minimize the burden that would be placed on LEAs by an annual collection. Additionally, ED’s own budgetary constraints currently prevent it from conducting a survey that is annual.

ED is mindful that ESEA, as amended by ESSA, requires SEAs and LEAs that receive Title I funds to include certain CRDC data in their annual state and local report cards, starting on December 31, 2018 (for the 2017–18 school year). As the CRDC is a biennial collection, SEAs and LEAs will be required to include in their report cards the CRDC data that are considered the most recent. For example, for the 2018–19 state and local report cards, entities will be required to include CRDC data from the 2017–18 school year.

ED appreciates the support from commenters regarding the comparative value of a universal CRDC data collection. Having a universal collection is particularly appropriate after Congress required in ESEA, as amended by ESSA, that states and school districts use the data reported to OCR in the CRDC to populate their state and local report cards. If any district were exempt from the CRDC, then the district would not be able to comply with this new ESSA report card requirement, leaving parents and the public uninformed about indicators Congress deemed to be crucial.

In regard to the commenter requesting that the CRDC be a mandatory collection, this is already the case. The CRDC is a mandatory data collection and the failure of an LEA to respond and report accurate data can lead to enforcement actions by ED. ED expects complete and accurate data, but recognizes that data may not always be provided in a timely manner. When reporting the data, missing or incomplete data are clearly flagged in the data file.

Changes: None.

COLLECTION OF DATA WITH ADDITIONAL DISAGGREGATION

8. *Disaggregating by Additional Racial/Ethnic Categories*

Public Comments

One commenter expressed a need for the disaggregated collection of data for Asian American, Native Hawaiian, and Pacific Islander students. The commenter remarked that including Asian American and Pacific Islander ethnicities in the general aggregated totals inadvertently masks the educational inequities that exist within ethnicities or national origin groups. The commenter recommended that the Asian and Native Hawaiian/Pacific Islander categories used for the CRDC be further disaggregated. In particular, the commenter urged ED to collect data using the major Asian American and Pacific Islander ethnicities from the American Community Survey and the U.S. Census Bureau.

ED’s Response

Discussion: ED recognizes the diversity within the Asian and Native Hawaiian/Pacific Islander and other racial/ethnic categories. However, for CRDC reporting purposes, school districts are required to follow OMB’s Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity that were last revised in October 1997 (62 Fed. Reg. 58,782) and ED’s “Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education” from October 2007 (72 Fed. Reg. 59,266). Both the OMB standards and the ED guidance require recipients to report by major racial/ethnic categories (i.e., American Indian or Alaska Native, Asian, Black or African American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, Two or more races, and White). While school districts may choose to disaggregate these categories further to address their own needs (and not for the purposes of reporting to ED), they are only required to comply with the requirements of OMB’s 1997 standards and ED’s guidance. The 2011–12 CRDC was an important milestone for greater implementation of ED’s October 2007 guidance, in that every school district reporting CRDC data for the 2011–12 school year was required to report data on Asian students separately from Native Hawaiian or Pacific Islander students. This finer grain of disaggregation gives ED greater insight to the educational opportunities for Native Hawaiian and Pacific Islander students that may have been previously concealed with the reporting of data within the broader category of Asian/Pacific Islander.

While ED believes disaggregation by major Asian American and Pacific Islander ethnicities could be a useful data point in general, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: None.

9. *Disaggregating by Pregnant and Parenting Student Status*

Public Comments

Forty-nine commenters urged ED to collect CRDC data disaggregated by pregnant and parenting student status. Many commenters also urged ED to collect data on the programs and policies for pregnant and parenting students, including the existence and quality of alternative schools. One commenter sought additional data related to pregnant and parenting students, including: (1) data on bullying and harassment policies, and (2) non-personally identifiable data on the type of education received by pregnant and parenting students, such as their enrollment levels in rigorous courses, the graduation rates of those students in alternative programs compared to those in traditional high schools, and their performance on high-stakes tests.

ED’s Response

Discussion: While the collection of CRDC data disaggregated by pregnant and parenting student status and the data collection items proposed by the commenters could provide useful additional information, reporting these data would significantly increase the scope and burden of the data collection. Furthermore, some of these items raise privacy concerns regarding the LEAs’ identification of and recordkeeping about pregnant and parenting students. Therefore, ED has decided not to collect the additional data at this time.

Changes: None.

SCHOOL AND DISTRICT CHARACTERISTICS

10. English Learner Reclassification

Public Comments

One commenter recommended that ED collect the rates of students reclassified out of English learner programs, with data disaggregated by race, ethnicity, and disability. The commenter noted that the collection of these data would help address a concern the commenter had with the variation in reclassification rates the commenter saw between states.

ED’s Response

Discussion: ED acknowledges that collecting the proposed information could be useful. However, reporting on these data in the CRDC would significantly increase the scope and burden of the data collection. In addition, given the variation across states as to which students are exited from English learner status and services, such data will not be comparable across states. At best, this additional collection could help address differences within a state. Therefore, ED has decided not to collect additional English learner data at this time.

Changes: None.

11. Class Size and Enrollment by Grade

Public Comments

One commenter urged ED to collect class size school-level data. Another commenter suggested that ED collect data on student enrollment by grade because it would be beneficial to know the enrollment in specific grades when analyzing certain educational opportunities that are specific to one or two grades (e.g., AP Physics).

ED’s Response

Discussion: While ED believes collecting class size data and student enrollment by grade data could be useful, collecting this type of information as part of the CRDC would greatly increase the scope and reporting burden on LEAs. Therefore, ED has decided not to collect the additional data at this time.

Changes: None.

12. Years on Free-and-Reduced Lunch Programs

Public Comments

One commenter requested that ED collect data on the number of years students are on free-and-reduced price lunch programs. The commenter noted that collecting data to identify students who are persistently on these programs would greatly benefit education researchers’ abilities to study various issues, and local and state officials to target high-need schools.

ED’s Response

Discussion: While the U.S. Department of Agriculture has primary jurisdiction over school lunch programs, ED believes the data proposed for collection could be useful to ED in general, having school districts report such data for the CRDC would significantly increase the scope and burden of the data collection. To provide important contextual information, ED has incorporated data on percent of students eligible for free or reduced priced lunch, which is collected by NCES, on its OCR website, in addition to the NCES website. Additionally, ED has provided information regarding each school’s Title I status on its OCR website, to view alongside the educational access and equity data collected on the CRDC.

Changes: None.

13. *Preschool*

Public Comments

Two commenters expressed support for the continued collection of preschool enrollment and preschool access data. One commenter remarked how data on preschool enrollment provides educators with information that is useful to create procedures and policies that assist in the protection of student’s civil rights. Another commenter noted the general importance of obtaining data on preschool access.

ED’s Response

Discussion: ED appreciates the general support for the continued collection of CRDC data related to preschool enrollment and preschool access. ED is committed to collecting CRDC preschool data, which assists in creating a picture of the educational landscape and potential discrimination across the country. However, ED has decided not to collect the additional preschool data at this time.

Changes: None.

14. *Single-Sex Classes*

Public Comments

One commenter urged ED to collect additional data related to single-sex classes. Specifically, the commenter requested the collection of (1) single-sex class enrollment data, disaggregated by sex, race/ethnicity, English learner status, and disability; and (2) for each single-sex class, the number of coeducational class sections in each subject and grade level, also disaggregated by race/ethnicity and disability, to help determine whether students with disabilities and students of color are being steered into single-sex or coeducational classrooms.

ED’s Response

Discussion: While the collection of the data proposed by the commenter in relation to single-sex classes could provide useful additional information, reporting on these data would significantly increase the scope and burden of the CRDC. ED has decided not to collect the additional data related to single-sex classes at this time.

Changes: None.

15. Data Related to Interscholastic Athletics

Public Comments

Two commenters opposed ED’s proposed elimination of the single-sex interscholastic athletics sports and teams items from the CRDC, while one commenter expressed support for the items’ removal. Commenters who urged ED to keep the sports and teams items, also recommended that ED not amend the single-sex interscholastic athletics participants item as ED proposed. Instead of altering the collection of the number of participants by sex, by including participants on coeducational teams as well as on single-sex teams, the commenters recommended that ED collect the participant numbers on coeducational teams separate and apart from the participant numbers on single-sex teams. Forty-nine commenters sought additional data related to athletics. These proposed additions included: (1) participants’ race and ethnicity, and (2) single-sex team expenditures from school and non-school sources—for coaches, travel, equipment, uniforms, facilities, and publicity.

ED’s Response

Discussion: ED acknowledges that continuing to collect data on single-sex interscholastic athletics sports and teams would provide useful information to members of the public. Accordingly, and in an effort to not increase the burden on LEAs, ED remains interested in collecting data that ED considers necessary to ensure compliance with civil rights laws. While some of the data collection items proposed by commenters may provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: ED has decided to continue collecting information on the number of student participants on single-sex interscholastic athletics sports and teams.

16. Civil Rights Coordinators

Public Comments

One commenter supported the continued collection of information (including contact information) from LEAs regarding civil rights coordinators in all three statutory areas (race, sex, and disability).

ED’s Response

Discussion: ED appreciates the commenters’ support for the continued collection of the civil rights coordinators data by the CRDC. ED has decided to continue collecting civil rights coordinator data by the CRDC.

Changes: None.

17. Data on Students with Disabilities in an Educational Setting not Operated by a Reporting LEA

Public Comments

Twelve commenters provided responses regarding the collection of data on the treatment of students with disabilities in an educational setting not operated by a reporting LEA, including students placed in these settings by the LEA. Multiple commenters expressed general support for the collection of these data. They noted that these data are particularly important as reports of discipline practices, such as restraint and seclusion of students with disabilities in such placements, have come to light. Multiple commenters also requested that the CRDC collect information on the total number of teachers who meet state licensing/certification requirements in private, independent, or other non-public schools. Other commenters noted that if non-public schools are accepting federal, state, or local public dollars, then those schools should be held accountable to report data.

ED's Response

Discussion: ED appreciates the numerous comments received regarding the collection of data for students with disabilities placed in non-public schools that are not operated by the students' home school districts. ED agrees with commenters that the collection of data regarding the treatment of students with disabilities in these settings and the certification of teachers in these schools is important for gauging possible discrimination and educational inequities. Currently, ED requires data from school districts that place students with disabilities in educational settings that are not operated by the students' home districts. Therefore, ED will continue to explore and evaluate options regarding what data to collect and how to best collect information from these students' home districts.

Changes: None.

DISCIPLINE

18. Additional Discipline Data

Public Comments

Twenty-six commenters expressed support for the continued collection of discipline data. One commenter recommended that all discipline data elements in the CRDC be disaggregated by race, sex, disability, and English learner status, while another commenter requested the collection of discipline data on infants and toddlers with disabilities served under IDEA. Two commenters urged ED to collect: (1) data related to police use of force against students, (2) discipline data disaggregated by reason for the disciplinary action, and (3) data on the use of alternative discipline practices.

ED’s Response

Discussion: While the collection of the data proposed by the commenters could provide useful additional information, reporting on these data would significantly increase the scope and burden of the CRDC. ED has decided not to collect the additional data related to discipline at this time.

Changes: None.

19. Out-of-School Suspensions

Public Comments

One commenter expressed specific support for the continued collection of counts of school days missed by students due to out-of-school suspensions, disaggregated and cross-tabulated by race/ethnicity, sex, disability, and English learner status.

ED’s Response

Discussion: ED appreciates the commenter’s support for the continued inclusion of the school days missed due to out-of-school suspensions data element in the CRDC. ED has decided to continue collecting this data by the CRDC.

Changes: None.

20. Referrals and School-related Arrests

Public Comments

Two commenters expressed support for the continued collection of counts of students referred to law enforcement, and counts of students that received school-related arrests. One commenter urged ED to revise the “referral to law enforcement” definition to help clarify that a referral can involve law enforcement officials assigned to the school, and law enforcement officials called to the school from the outside. To provide a more accurate count of the prevalence of law enforcement involvement with students in each school and school district, one commenter recommended that ED combine the referrals to law enforcement category and the school-related arrests category into one category, and collect the total number of referrals to law enforcement that result in school-related arrests.

ED’s Response

Discussion: ED is interested in collecting data on students referred to law enforcement that did and did not result in school-related arrests. Therefore, at this time ED does not believe it is appropriate to amend the categories as recommended by one of the commenters. Also, ED has considered the suggested revision to the “referral to law enforcement” definition, and has decided the revision is not necessary through the information collection notice. Instead, ED will provide additional clarification in the implementing survey instructions for the 2017-18 CRDC.

Changes: None.

HARASSMENT OR BULLYING AND OFFENSES

21. Harassment or Bullying

Public Comments

Twenty-eight commenters raised ED’s collection of data on harassment or bullying. Twenty-seven commenters expressed support for ED to continue to collect data on harassment or bullying. Within these 27 comments, a parent of a student with a disability noted that “tracking bullying” allows for the monitoring and overall improved and safer learning environments over time. Another of the 27 supportive commenters noted ED’s collection of harassment and bullying data through the CRDC was important to researchers as “[p]artial replacements and smaller institutional workarounds” might trigger disruption in the social sciences. Several commenters noted that this data collection helps research on the need for students “to feel safe in order to learn.” One commenter, neither expressed support nor opposition. Rather, this commenter noted that neither the SEA nor ED, through *EDFacts*, collected harassment and bullying data, and cautioned that harassment and bullying be operationalized as separate concepts.

Six of the 28 commenters also offered views on ED’s collection of reported incidents of harassment or bullying based on sexual orientation or religion. All six commenters sought that ED continue to collect the numbers of allegations received by an LEA of harassment or bullying on the basis of sexual orientation and/or religion. One commenter asserted that these forms of school harassment and bullying are “occurring all too often,” underscoring the need for the collection to be tracked over time. Two commenters also sought that this collection be expanded to capture incidents of harassment or bullying based on perceptions of gender identity, and the number of students disciplined for engaging in harassment or bullying based on sexual orientation.

ED’s Response

Discussion: ED remains interested in measuring school climate by collecting information on harassment or bullying, including information on reports of harassment or bullying based on a student’s actual or perceived sexual orientation and religion.

As to expanding this collection to note gender identity, under Title IX, schools already must respond to harassment on the basis of a student’s failure to conform to stereotyped notions of masculinity and femininity as a form of sex discrimination. ED will, therefore, continue to collect data on incidents of harassment based on a student’s gender identity or gender nonconformity under its current collection of harassment based on sex.

Changes: None.

22. Offenses

Public Comments

Two commenters expressed support for ED’s continued collection of incidents of sexual assault. One commenter also noted support for the continued collection of incidents of rape. The commenters considered these data critical for civil rights enforcement.

Privileged/Deliberative/Confidential

ED’s Response

Discussion: ED appreciates the commenters’ support for the continued collection of these data points by the CRDC. ED has decided to continue collecting this data by the CRDC.

Changes: None.

RESTRAINT AND SECLUSION

23. *Restraint and Seclusion*

Public Comments

Twenty-three commenters supported the continued collection of restraint and seclusion data. Many of the commenters noted that these data provide much-needed transparency for how students with disabilities are being treated in public schools.

ED’s Response

Discussion: ED appreciates the commenters’ support for the continued collection of restraint and seclusion data by the CRDC. ED has decided to continue collecting this data by the CRDC.

Changes: None.

PATHWAYS TO COLLEGE AND CAREER

24. *Gifted and Talented, Retention, and Courses*

Public Comments

Twenty-one commenters commended ED for the continued collection of data on student enrollment in gifted and talented programs, and student grade-level retention. Twenty-two commenters expressed support for the continued collection of data on student participation in college-preparatory courses, Advanced Placement (AP) courses, and the International Baccalaureate (IB) Programme, disaggregated by race, sex, and disability.

ED’s Response

Discussion: ED appreciates the commenters’ strong support for the continued collection of the data elements specified. ED has decided to continue collecting this data by the CRDC.

Changes: None.

25. *Computer Science*

Public Comments

Eighteen commenters noted support for ED’s proposed collection of data involving access to computer science classes. Overall, the commenters considered the computer science items useful for gauging availability of computer science classes, including AP computer science classes in high school, and the participation of historically underserved students in those classes. Some commenters also considered the items timely given the current national interest in strengthening

students' learning in science, technology, engineering, and mathematics (STEM) disciplines. One commenter described ED's collection of computer science data as "relevant; particularly since computer science has been added to the definition of 'STEM' in ESSA." Another commenter reported obtaining 2015 or 2016 school-level course enrollment data for 26 states, including course data on computer science courses, to illustrate that many state departments of education do collect up-to-date data on computer science courses.

In addition to expressing support for the items, four commenters noted support for ED's "computer science courses" definition. One commenter suggested the addition of the following statement to the definition: "Anything not listed in the description would require approval by Teacher Certification/Teacher & Learning departments." Two commenters recommended the collection of computer science data from all schools covered by the CRDC, and not just high schools.

For the computer science classes taught by teachers certified in computer science item, four commenters expressed concern in limiting the item to teachers certified in computer science. Two commenters recommended broadening the item to teachers certified in other content areas, and one commenter suggested expanding the item to teachers with industry credentials in computer science fields. One commenter recommended the acceptance of teachers with a state endorsement to teach computer science for the item.

One commenter questioned why ED was not collecting computer science data disaggregated by race/ethnicity, sex, disability status, and English learner status, and why ED was not collecting data involving mathematics/English classes taught by mathematics/English certified teachers.

ED's Response

Discussion: ED appreciates the commenters' specific feedback on ED's proposed collection of data on computer science classes offered across the nation and enrollment. ED has considered the one commenter's recommendation to amend the computer science definition, and has decided not to change the definition. The proposed definition is broad to include all relevant classes, regardless of the title, while excluding classes focused on software use. ED has also considered the recommendation to collect computer science data from all schools and not just high schools, but ultimately has decided it is not a viable option at this time, due the significant increase in the scope and burden of the data collection.

ED recognizes that most states do not offer computer science certification/licensure or supplemental endorsements, and that teachers certified/licensed/endorsed to teach computer science are difficult to find. Nevertheless, given the pressing need to get more students into the computer science field, and prepare them for the workplace, ED believes it is appropriate to collect information on computer science classes taught by teachers who are certified/licensed/endorsed in computer science by the state. These teachers are most likely to have appropriate knowledge of and be prepared to teach computer science. Therefore, as ED originally proposed, ED continues to propose that the computer science item be limited to teachers who have a computer science certificate/license (identifying computer science as their major teachable subject) or an endorsement (a qualification to teach a course in which no certification/licensure is available) to teach computer science. The inclusion of teachers

certified/licensed/endorsed in computer science is described as follows for Data Group 1012: “Teachers are considered certified in computer science if they have received a teaching certificate/license/endorsement in computer science (general or subject-specific) from the state.” Therefore, ED does not believe any additional clarification is required for the Data Group at this time. Nevertheless, for the 2017–18 CRDC, ED will consider noting in the survey instructions that computer science teachers include those with computer science certification/licensure from the state, and those with computer science endorsement from the state.

ED originally proposed and continues to propose to collect computer science course student enrollment data disaggregated by student demographic subgroups—race/ethnicity, sex, disability status, and English learner status. Also, ED already collects mathematics course enrollment data disaggregated by student subgroups using the CRDC. Finally, ED acknowledges that collecting English classes and enrollment data, as proposed by one commenter, could be useful. However, including items in the CRDC that collect this information would significantly increase the burden of the data collection. Because of the need to balance the utility of data with the overall burden of the CRDC, ED has decided not to collect these data at this time.

Changes: None.

26. Advanced Placement Exam Results and Participation

Public Comments

Nine commenters urged ED not to drop the AP exam participant results item. These commenters uniformly contended that collecting information about student results on AP exams helps provide a complete picture of the equal access to and quality of educational opportunities provided to students. In an effort to not increase burden on schools and school districts, one commenter recommended that ED retain the AP exam participant results item, and instead eliminate the AP exam participation item.

ED’s Response

Discussion: ED recognizes that AP exam student performance data can be used to help gauge inequities in educational outcomes. However, because school districts find the AP exam results item extremely burdensome and they struggle to report reliable AP exam results data to ED, at this time ED believes it is appropriate to eliminate the item from the CRDC and continue to rely on less burdensome and more reliable AP data to gauge equal educational opportunity.

Changes: None.

27. High School Equivalency Exam Preparation Program Results and Participation

Public Comments

Two commenters recommended that ED retain the high school equivalency exam preparation program results item because the item’s data helps gauge the effectiveness of educational programs and the quality of educational opportunities. In an effort to not increase burden on LEAs, one of the commenters suggested that ED drop the high school equivalency exam preparation program student participation item instead.

ED’s Response

Discussion: School districts have reported experiencing difficulty reporting reliable high school equivalency exam preparation program results data to ED and that the item is burdensome. For these reasons ED believes the high school equivalency exam results item should be dropped from the CRDC, and the less burdensome and more reliable high school equivalency exam preparation program student participation item should be used to assess whether there is equitable access.

Changes: None.

28. Dual Enrollment

Public Comments

One commenter recommended that ED collect data on the number of students enrolled in at least one dual enrollment program, disaggregated by race/ethnicity, and sex.

ED’s Response

Discussion: ED already collects the data recommended by the commenter. For the 2013–14 CRDC, ED introduced an optional item that collected data on students enrolled in dual enrollment programs, disaggregated by race/ethnicity, sex, disability status, and English learner status. The item was required for the 2015–16 CRDC and is currently proposed as required for the 2017–18 CRDC.

Changes: None.

29. Student Chronic Absenteeism

Public Comments

Ten commenters expressed support for the collection of student chronic absenteeism data. Six commenters urged ED to amend the data group from students absent 15 or more school days, to students absent 10 percent or more of the school year, for consistency with the data group used by *EDFacts*. The commenters noted that the percentage measurement approach would increase tracking and accountability for several of the CRDC’s protected classes. In addition, two commenters encouraged ED to drop the student chronic absenteeism data group from the CRDC, and rely solely on the student chronic absenteeism data group collected through *EDFacts*. One commenter recommended that ED collect the data by grade level.

ED’s Response

Discussion: ED recognizes the value of collecting data on student absenteeism based upon the percentage of school days missed. The focus on percentages is valuable because student absenteeism serves as an early-warning sign for individual students. Thus, when being used for early intervention purposes, most authorities suggest absenteeism is appropriately measured by LEAs during the course of the school year as a percentage, comparing the days missed to the days of school already held.

The coordination of various ED program offices has resulted in a new metric for collection of student chronic absenteeism data—beginning with data for the 2016–17 school year—via the *EDFacts* Submission System (*EDFacts*). In an effort to not cause LEAs undue burden of reporting student chronic absenteeism data to ED, ED proposes to no longer collect data on chronic student absenteeism in the CRDC. ED plans to rely on the chronic student absenteeism data collected through *EDFacts* for determining whether in the aggregate there are disparities in student absenteeism among protected classes.

The proposed grade-level disaggregation would significantly increase the burden of the data collection, and would not substantially further the core civil rights mission of the collection.

Changes: ED proposes to drop the student chronic absenteeism Data Group 978 from the CRDC, and include the *EDFacts* student chronic absenteeism Data Group 814 in “Set C” of Attachment A-2. Set C data groups are collected through *EDFacts* only, and merged into the CRDC dataset after the collection is complete, with no additional burden on SEAs or LEAs.

30. Bandwidth and Internet Access

Public Comments

Fourteen commenters weighed in on ED’s directed question concerning whether the CRDC should collect data on student internet access. Seven commenters supported the collection as proposed. One supportive commenter offered that “bandwidth is the ‘fourth utility’ and as such is essential for students to access information and develop critical thinking skills.” Seven other commenters, however, opposed the collection as proposed. Specifically, one commenter described the collection as too burdensome given that high-speed internet is often purchased at the LEA level, leaving individual schools struggling to determine what their respective pro rata share would be. The other six commenters opposed ED’s proposed collection if framed around access to bandwidth, pointing to the Federal Communication Commission’s (FCC) existing Schools and Libraries Program (E-Rate) data collection as sufficient and, instead, seeking ED to frame a collection around other metrics of student internet access.

ED’s Response

Discussion: ED recognizes the value of collecting data on student access to the internet in learning spaces, particularly high-speed internet. While the FCC E-Rate collection sheds light on this topic, it has limitations. Ninety percent of school districts apply for E-Rate, leaving no data being collected from the remaining 10 percent and the possibility that these districts are the ones with the greatest digital divides. FCC, moreover, does not capture detailed demographic information in a way that sheds light on resource inequities tied to race, color, national origin, sex, or disability across an LEA or across a state.

Changes: ED proposes to drop the originally proposed question on the amount of school bandwidth in Megabit per second item (Data Group 1014), and add the following to the CRDC:

- An indication of whether the school is connected to the internet through fiber-optic connection (Data Group 1016);
- An indication of whether students are allowed to take home school-issued devices for learning use (Data Group 1017);

- An indication of whether the school has Wi-Fi access in every classroom (Data Group 1018);
- Number of Wi-Fi enabled devices provided by the school for student learning use (Data Group 1019); and
- An indication of whether student-owned devices are allowed for student learning use (Data Group 1020).

See Attachment A-2.

SCHOOL STAFF

31. Teachers

Public Comments

One commenter strongly urged ED to expand the data collection by including data on teacher diversity, which would help ensure distribution of a diverse, credentialed teaching force.

ED’s Response

Discussion: ED believes collecting teacher data, disaggregated by demographic subgroups to gauge diversity could provide useful additional information. However, collecting such information as part of the CRDC would significantly increase the scope and burden of the data collection, and would not substantially further the core civil rights mission of the collection.

Changes: None.

32. Support Staff and Security Staff

Public Comments

Fifty commenters expressed support for ED’s continued collection of the full-time equivalency of school support staff (counselors, social workers, psychologists, and nurses), and school security staff (security guards and sworn law enforcement officers). To obtain a more complete picture of access to resources, the commenters urged ED to also collect the actual count of full-time staff for each category. Furthermore, forty-nine of these commenters recommended that ED collect information on whether sworn law enforcement officers are charged with carrying out school discipline, and whether those officers with disciplinary duties are trained in de-escalation tactics and youth behavior.

ED’s Response

Discussion: ED acknowledges the importance of collecting additional data on school support and school security staff. However, because of the need to balance the utility of data with the overall burden of the CRDC, ED has decided not to collect these data at this time.

Changes: None.

SCHOOL FINANCE

33. School Finance

Public Comments

Twelve commenters expressed their support for ED’s continued collection of school finance data. The commenters noted that the CRDC is a valuable resource for understanding school finance resource inequities that may exist within districts.

ED’s Response

Discussion: ED appreciates the commenters’ support for the continued collection of the school finance data by the CRDC. ED has decided to continue collecting this data by the CRDC.

Changes: None.

DEFINITIONS

34. Special Education

Public Comments

One commenter recommended that ED adopt the *EDFacts* revised special education school definition for the 2017–18 CRDC. Specifically, the commenter recommended that ED either (1) drop the special education school Data Group 1015 from the CRDC, and rely on the data reported in *EDFacts* under Data Group 21; or (2) revise the CRDC special education school definition to match the latest revised definition used for *EDFacts*. For the CRDC, a special education school is defined as a public elementary/secondary school that focuses primarily on serving the educational needs of students with disabilities. For *EDFacts*, a special education school is a public elementary/secondary school that focuses primarily on serving the educational needs of students with disabilities (IDEA), and which adapts curriculum, materials, or instruction for these students.

ED’s Response

Discussion: For the purposes of the CRDC, ED is interested in identifying special education schools that serve the educational needs of students with disabilities—regardless of whether the students are served under IDEA, Section 504 of the Rehabilitation Act, or both. Because the *EDFacts* revised special education definition focuses on students with disabilities served under IDEA, ED has decided not to adopt the *EDFacts* definition for the CRDC.

Changes: None.

35. Sex

Public Comments

One commenter recommended that ED align its proposed 2017–18 CRDC “sex” definition with the “sex” definition used for *EDFacts*. For the CRDC, the proposed definition of sex for the 2017-18 CRDC is defined as “a designation of female or male as indicated in a student’s record.” For *EDFacts*, sex is defined as “the concept describing the biological traits that distinguish the males and females of a species.”

ED’s Response

Discussion: Regarding the disaggregation of certain data by sex in the CRDC information collection, ED will make no changes to this definition from prior CRDC information collections. The CRDC information collection does not include a specific definition of gender. Thus, States should report the information reported in a student’s record regarding the student’s sex. The definition of sex in the CRDC package, as well as in the *EDFacts* data collection, is “the concept describing the biological traits that distinguish the males and females of a species.”

Changes: ED will maintain the current definition of sex, that is “the concept describing the biological traits that distinguish the males and females of a species,” in the CRDC so that the collection is aligned with other ED and Federal data collections.