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# PAPERWORK REDUCTION ACT SUBMISSION

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## **Mandatory Civil Rights Data Collection**

**July 2020**

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## SUPPORTING STATEMENT, PART A: JUSTIFICATION

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*Revised after 60-day public comment period.*

**Responses to, and changes made as a result of comments received during the 60-day public comment period are primarily addressed and reflected in Attachment B. In Supporting Statement A, changes were made as a result of comments received during the 60-day public comment period. Additional changes (including technical edits and revisions) were made for clarity, accuracy, and consistency.**

**ED recognizes the impact the Coronavirus (COVID-19) pandemic has had on SEAs, LEAs, and schools, beginning in March of the 2019–20 school year, in providing educational and support services to students and parents. Regarding the 2019–20 CRDC, ED received inquiries from LEAs asking whether the CRDC will be postponed due to the COVID-19 pandemic. To help inform ED’s decision as to whether the 2019–20 CRDC should take place as scheduled, ED considered the many COVID-19 related challenges SEAs, LEAs, and schools are faced with, the numerous CRDC inquiries ED received from LEAs, and the input ED received from several pertinent stakeholders. Based on this feedback, ED has decided to shift the 2019–20 CRDC to the 2020–21 school year. Therefore, all comments received for the 2019–20 CRDC, and ED’s responses to those comments, will now apply to the 2020–21 CRDC. In addition, throughout this document, original references to the 2019–20 CRDC and the 2019–20 school year have been changed to the 2020–21 CRDC and the 2020–21 school year. The CRDC will continue as a biennial collection, and therefore, for example, the next collections following the 2020–21, will comprise of the 2022–23 and 2024–25 school years.**

The Civil Rights Data Collection (CRDC) is a longstanding aspect of the overall enforcement and monitoring strategy used by the U.S. Department of Education's (ED) Office for Civil Rights (OCR) to ensure that recipients of ED's federal financial assistance do not discriminate on the bases of race, color, national origin, sex, and disability. OCR may use CRDC data as it investigates complaints alleging discrimination, determines whether the federal civil rights laws it enforces have been violated, initiates proactive compliance reviews to focus on particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents, students, and others.

ED has collected CRDC data on school characteristics, programs, services, and student outcomes on a biennial basis since 1968. For many years, the collection operated as the Elementary and Secondary School Civil Rights Compliance Report (approved by OMB as control # 1870-0500). Administrations of the 2004, 2006, 2009–10, and 2011–12 CRDC were conducted primarily on-line through a survey tool in partnership with *EDFacts*. As such, these four data collections were cleared as part of the *EDFacts* information collection package (OMB control # 1875-0240).

For the 2013–14 CRDC and 2015–16 CRDC, OCR submitted a clearance package, and it was cleared under OMB control # 1870-0504. This clearance package included data elements that OCR proposed as mandatory for the 2013–14 CRDC, as well as data elements proposed as optional for the 2013–14 CRDC, and mandatory for the 2015–16 CRDC. The clearance was issued in February 2014. Based on feedback received from CRDC respondents, OCR submitted a subsequent clearance package to propose changes to a few 2015–16 CRDC data elements. The clearance for that packet was issued in December 2015.

For the 2017–18 CRDC, OCR submitted a clearance package, and it was cleared under OMB control # 1870-0504, in October 2017. The clearance package included data elements that were mostly identical to those found in the 2015–16 CRDC. A few new data elements were included as optional for the 2017–18 CRDC, and are now being proposed as required for the 2020–21 CRDC.

OCR is proposing some changes for the 2020–21 CRDC, and those changes will have the net effect of reducing burden on school districts. The proposed changes are partly in response to the President's Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, which requires federal agencies to alleviate unnecessary regulatory burdens.

The few proposed additions are reflective of new data elements that OCR considers to be of pressing concern. OCR believes these are areas where additional data is needed to better inform both civil rights enforcement and the provision of technical assistance.

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

Section 203(c)(1) of the 1979 Department of Education Organization Act conveys to the Assistant Secretary for Civil Rights the authority to “collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights.” *See* 20 U.S.C. § 3413(c)(1).

The civil rights laws enforced by OCR for which the CRDC collects data include: Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability. OCR’s implementing regulations for each of these statutes requires recipients of ED’s federal financial assistance to submit to OCR “complete and accurate compliance reports at such times, and in such form and containing such information” as OCR “may determine to be necessary to enable [OCR] to ascertain whether the recipient has complied or is complying” with these laws and implementing regulations (34 C.F.R. § 100.6(b), 34 C.F.R. § 106.71, and 34 C.F.R. § 104.61). In addition, pursuant to a delegation by the Attorney General of the United States, OCR shares in the enforcement of Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination based on disability. Any data collection that OCR has determined to be necessary to ascertain or ensure compliance with these laws is mandatory.

Additionally, Section 1111(h)(1)(c)(viii) of the Elementary and Secondary Education Act (ESEA), as amended in 2015 by the Every Student Succeeds Act (ESSA), requires state educational agencies (SEAs) and local educational agencies (LEAs) that receive Title I funds to include in their state and local report cards, starting on December 31, 2018 (for the 2017–18 school year), certain CRDC data.

Specifically, when collected by the CRDC, the ESEA requires that State and LEA report cards include information on measures of school quality, climate, and safety, such as information on the following:

- 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 harassment or bullying.

In addition, SEA and LEA report cards must include the number and percentage of students enrolled in preschool programs and accelerated coursework to earn postsecondary credit while still in high school for all students and each student subgroup. Under the ESEA, information must be reported at the State, LEA, and school levels.

OCR also works with ED offices to help them effectively carry out programs of federal financial assistance that the Secretary of Education is responsible for administering. *See generally*, Sections 201, 202(g), 411(a), and 412 of the Department of Education Organization Act (20 U.S.C. §§ 3411, 3412(g), 3471(a), and 3472). Separately, OCR works with ED's Office of Elementary and Secondary Education (OESE), which is responsible for administering the provisions of the ESEA. Section 9533 of the ESEA (20 U.S.C. § 7913) prohibits discrimination in the administration of the ESEA in violation of the Fifth or Fourteenth Amendments to the Constitution. In addition, Section 9534 of the ESEA (20 U.S.C. § 7914) prohibits discrimination in funded programs on the basis of race, color, religion, sex (except as otherwise permitted under Title IX), national origin, or disability.

OCR has examined the use of data collected for the 2013–14 and 2015–16 CRDC collections, and has considered input from other ED offices in preparing this proposal for changes for the 2020–21 CRDC.<sup>1</sup> A summary of the proposed changes are below.

#### A. Offenses: Sexual Violence

For the 2013–14 CRDC, OCR began to collect offenses data from LEAs. The offenses data collection was optional for the 2013–14 CRDC, but it became mandatory for subsequent collections. For the 2015–16 CRDC, LEAs reported 9,700 incidents of rape or attempted rape and sexual assault. In response to a ten-fold increase in the number of cases that OCR has seen annually involving sexual violence from 2009-2018,<sup>2</sup> the experience of OCR's enforcement offices, and the gravity of the offenses, for the 2020–21 CRDC, OCR proposes to collect more detailed data involving rape or attempted rape, and sexual assault. OCR wants to ensure it has sufficient data to address rape or attempted rape, and sexual assault cases. The proposed new items include the following:

- Number of documented incidents of rape or attempted rape, or sexual assault committed by a student that occurred at the school [see Attachment A-2, page 62 (Data Group 1024); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].

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<sup>1</sup> At the time that this document is being submitted, OCR has not yet had an opportunity to evaluate the 2017–18 CRDC collection, which closed on June 21, 2019.

<sup>2</sup> OCR complaints involving sexual violence by year: 2009: 20; 2010: 35; 2011:41; 2012: 33; 2013: 63; 2014: 131; 2015: 227; 2016: 292; 2017: 257; 2018: 241.

- Number of documented incidents of rape or attempted rape, or sexual assault committed by a school staff member that occurred at the school [see Attachment A-2, page 62 (Data Group 1025); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination [see Attachment A-2, page 63 (Data Group 1026); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a determination that the school staff member was responsible or not responsible for the offense [see Attachment A-2, page 63 (Data Group 1027); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which had a determination that remained pending [see Attachment A-2, page 64 (Data Group 1028); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination [see Attachment A-2, page 64 (Data Group 1029); also see Attachment A-3, page 29 (Data Category: Offense Type (Students and School Staff))].

## B. Harassment or Bullying

For the 2013–14 collection, allegations of harassment or bullying on the basis of religion appeared for the first time as an optional question, becoming mandatory for the 2015–16 collection. At the conclusion of the 2015–16 collection, the data showed that LEAs reported roughly 10,000 individual allegations of harassment or bullying on the basis of religion (8 percent of the 135,200 total reported allegations). Given the large number of allegations reported, OCR is proposing to add additional data elements. Specifically, OCR is proposing to collect a count of allegations of harassment or bullying reported by students to school employees, on the basis of religion for each of 14 religion categories, as identified by the Federal Bureau of Investigation’s (FBI) *Hate Crime Data Collection Guidelines and Training Manual* (2015). Collecting these data could potentially allow OCR to provide technical assistance where there are patterns of conduct, especially where ethnic or ancestral harassment is combined with directed religious discrimination. The new proposed item collects the following:

- Number of reported allegations of harassment or bullying on the basis of perceived religion (regardless of whether the targeted student actually identifies with that religion) for a religion category [see Attachment A-2, page 44 (Data Group 1023); also see Attachment A-3, page 33 (Data Category: Religion Category)].

Additionally, other changes are being made to the data elements covering harassment or bullying. For the 2020–21 CRDC, OCR proposes to amend the “harassment or bullying on the basis of sex”

definition to refer to sexual harassment and harassment or bullying based on sex stereotypes to achieve more consistency with OCR complaint adjudication processes.

### C. IB and AP Courses

Over the past three collections (2011–12, 2013–14, and 2015–16), OCR has seen an increase in the number and percentage of students with disabilities served under Section 504 of the Rehabilitation Act of 1973. From the 2011–12 to the 2015–16 CRDCs, there was a 35% increase in the number of students served under Section 504 reported by LEAs. For the 2015–16 CRDC, about 1.1 million students served under Section 504 were reported. Given the increase in and over 1 million count of students served under Section 504 in LEAs, and OCR’s interest in gauging equal educational opportunity for all students, OCR believes it important to collect more CRDC data that are disaggregated by Section 504 status. However, OCR recognizes that it may be too burdensome to collect data on students served under Section 504 for all CRDC data elements that currently collect data for students served under IDEA. Therefore, in an effort to limit additional burden on LEAs, OCR has decided to propose a limited number of data elements for expansion. OCR has selected two general data elements—one that collects counts of students enrolled in the International Baccalaureate (IB) Diploma Programme, and another that collects counts of students enrolled in one or more Advanced Placement (AP) courses. For these data elements, LEAs currently provide counts by: sex and race/ethnicity; sex and English learner (EL) status; and sex and Individuals with Disabilities Education Act (IDEA) student status. In addition to these breakdowns, for the 2020–21 CRDC, OCR is proposing to expand on these categories by adding questions to determine the number of students served under Section 504 by sex. The impacted items include the following:

- Number of students enrolled in the IB Diploma Programme [see Attachment A-2, page 48 (Data Group 936)]; and
- Number of students enrolled in at least one AP course [see Attachment A-2, page 11 (Data Group 901)].

### D. Burden Reduction

According to the President’s Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, federal agencies are tasked with identifying regulations—for repeal, replacement, or modification—that eliminate jobs, or inhibit job creation; are outdated, unnecessary, or ineffective; and/or impose costs that exceed benefits. It is important for ED to deregulate where possible so that limited education funds may be directed to more effectively advance the education of students and LEAs may experience less burden and improve the quality of the data submitted for the CRDC. In an effort to help ED alleviate unnecessary regulatory burdens, OCR closely examined existing data elements to identify ways to reduce burden. In general, OCR proposes data elements for retirement after weighing several facts: whether their removal improves efficiency for collecting information; whether they are not necessary to inform current civil rights enforcement; whether

they are considered to be of pressing concern, and whether the data can be obtained from other ED data collections. For the 2020–21 CRDC, there will be a decrease in burden of 21.8 percent in the total number of responses required in the LEA survey. For the school survey, there will be a decrease in burden of 1.8 percent for an elementary school and 4.3 percent for a secondary school, for the total number of responses required.

For instance, OCR currently collects information on (1) whether the LEA has a written policy or policies prohibiting discriminatory harassment or bullying of students on the basis of sex, race/color/national origin, and disability (see Attachment A-2, page 40, Data Group 988); (2) whether the LEA has a web link to its written policy or policies (see Attachment A-2, page 41, Data Group 1021); and (3) the LEA's web link for the policy (see Attachment A-2, page 42, Data Group 1022). In order to simplify these data elements and obtain the same information with fewer items, OCR proposes to keep items (1) and (3) but retire item (2). The item proposed for retirement is as follows:

- Indication of whether the LEA has a web link to its written policy or policies prohibiting discriminatory harassment or bullying of students on the basis of sex, race/color/national origin, and disability (see Attachment A-2, page 41, Data Group 1021).

Additionally, OCR reviewed data elements involving AP courses, and identified a few that may be dropped to reduce burden on LEAs. After weighing several factors, OCR has opted to retire or modify the collection of count of students enrolled in at least one AP course in other subject areas,<sup>3</sup> and counts of students enrolled in one or more AP courses, and who took or did not take one or more AP exams for the AP courses. The impacted items include the following:

- Number of students enrolled in at least one AP course in a subject area [see Attachment A-2, page 10 (Data Group 900); also see Attachment A-3, page 37 (Data Category: Subject Area (Advanced Placement))]; and
- Number of students enrolled in one or more AP courses who took AP exams [see Attachment A-2, page 14 (Data Group 904); also see Attachment A-3, page 7 (Data Category: AP Exam Participation Status)].

In an effort to reduce burden on LEAs for the 2020–21 CRDC, OCR is also proposing to retire the collection of some LEA-level data on early childhood, preschool, and kindergarten. Specifically, OCR is proposing to retire the following data elements:

- Indication of whether the LEA was providing early childhood services or programs, in either LEA- or non-LEA facilities, to non-IDEA children birth-age 2 [see Attachment A-2, page 36 (Data Group 926)];

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<sup>3</sup> Other subject areas include all AP courses other than those in mathematics, science, and computer science.

- Indication of whether the LEA's preschool services or programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge [see Attachment A-2, page 66 (Data Group 954)];
- Indication of whether the LEA was providing preschool services or programs, in either LEA- or non-LEA facilities, to non-IDEA children, by age 3, 4, and 5 [see Attachment A-2, page 65 (Data Group 953)];
- Indication of whether the LEA's preschool services or programs, in either LEA- or non-LEA facilities, were being offered to: all children; IDEA children; children in Title I schools; low-income children [see Attachment A-2, page 66 (Data Group 955)];
- Indication of whether the LEA's kindergarten programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge [see Attachment A-2, page 56 (Data Group 944)]; and
- Indication of whether the school was providing preschool services or programs to non-IDEA children, by age 3, 4, and 5 [see Attachment A-2, page 65 (Data Group 953)].

To help reduce burden on LEAs, OCR also proposes to revise its collection of preschool children who received out-of-school suspension counts. For preschool children who received out-of-school suspension counts, OCR proposes to combine the collection of preschool children who received one out-of-school suspension counts, and the collection of preschool children who received more than one out-of-school suspension counts, into one collection of preschool children who received one or more out-of-school suspension counts. The proposed amended data element is included in the following:

- Number of children who were disciplined during the school year [see Attachment A-2, page 31 (Data Group 921); also see Attachment A-3, page 19 (Data Category: Discipline Method (Preschool))].

In an effort to reduce burden on LEAs, OCR also proposes to amend the collection of enrollment data on EL students in English language instruction educational programs. Specifically, for the enrollment of EL students in programs item, OCR proposes to continue to collect data disaggregated by sex and race/ethnicity, but not by sex and IDEA student status. In addition, OCR proposes to retire the collection of data on the following: count of student participants in a credit recovery program; full-time equivalency (FTE) count of teachers in their first year of teaching; FTE count of teachers in their second year of teaching; FTE count of teachers absent more than 10 school days; count of teachers employed at the school during the current school year; and count of teachers employed at the school the previous and current school years. Furthermore, OCR proposes to no longer collect counts of incidents that occurred at the school for robbery with a firearm or explosive device; physical attack or fight with a firearm or explosive device; and threat of physical attack with a firearm or explosive device. The amended item and the retired items include the following:



- Number of EL students enrolled in English language instruction educational programs [see Attachment A-2, page 37 (Data Group 947)];
- Number of students in credit recovery program [see Attachment A-2, page 29 (Data Group 992)];
- Number of FTE teachers with the specified length of experience [see Attachment A-2, page 117 (Data Group 985); also see Attachment A-3, page 39 (Data Category: Teaching Experience)];
- Number of FTE teachers absent more than 10 school days [see Attachment A-2, page 107 (Data Group 983)];
- Number of teachers employed at the school during a specified period of time [see Attachment A-2, page 115 (Data Group 1003); also see Attachment A-3, page 39 (Data Category: Teacher (Year Employed))]; and
- Number of incidents that occurred at the school by type of offense [see Attachment A-2, page 61 (Data Group 952); also see Attachment A-3, page 27 (Data Category: Offense Type)].

Finally, OCR is proposing to eliminate the collection of all data involving school expenditures in response to expressed concern from LEAs with the level of difficulty in reporting school-level personnel and non-personnel expenditures data for the CRDC, and OCR's concern with the quality of the data that OCR has received from LEAs. OCR is proposing to no longer collect school-level personnel data that are associated with school expenditure data (e.g., numbers of FTE instructional aides, support services staff, and school administration staff). However, OCR is proposing to continue to collect school-level personnel data that are not associated with school expenditure data (e.g., numbers of FTE school counselors, psychologists, social workers, and nurses). For the 2020–21 CRDC, the proposed retired items include the following:

- Number of FTE personnel (K-12) funded with state and local funds [see Attachment A-2, page 78 (Data Group 967); also see Attachment A-3, page 29 (Data Category: Personnel Type (School Finance FTE))];
- Number of FTE personnel (preschool-12) funded with federal, state, and local funds [see Attachment A-2, page 79 (Data Group 998); also see Attachment A-3, page 29 (Data Category: Personnel Type (School Finance FTE))];
- Number of FTE teachers (K-12) funded with state and local funds [see Attachment A-2, page 80 (Data Group 968)];
- Amount of salary expenditures for instructional aides (K-12) funded with state and local funds [see Attachment A-2, page 82 (Data Group 996)];
- Amount of salary expenditures for instructional aides (preschool-12) funded with federal, state, and local funds [see Attachment A-2, page 83 (Data Group 997)];
- Amount of non-personnel expenditures associated with regular K-12 instruction, pupil support, instructional support, and school administration, funded with state and local funds [see Attachment A-2, page 84 (Data Group 970)];
- Amount of non-personnel expenditures associated with preschool-12 instruction, pupil support, instructional support, and school administration, funded with federal, state, and local funds [see Attachment A-2, page 85 (Data Group 1000)];
- Amount of salary expenditures for support personnel (K-12) funded with state and local funds [see Attachment A-2, page 86 (Data Group 971); also see Attachment A-3, page 30 (Data Category: Personnel Type (Salary Expenditures))];
- Amount of salary expenditures for support personnel (preschool-12) funded with federal, state, and local funds [see Attachment A-2, page 87 (Data Group 999); also see Attachment A-3, page 30 (Data Category: Personnel Type (Salary Expenditures))];
- Amount of salary expenditures for teachers (K-12) funded with state and local funds [see Attachment A-2, page 89 (Data Group 972)];
- Amount of salary expenditures for teachers (preschool-12) funded with federal, state, and local funds [see Attachment A-2, page 91 (Data Group 995)];
- Amount of salary expenditures for instructional and support personnel (K-12) funded with state and local funds [see Attachment A-2, page 93 (Data Group 1001)]; and
- Amount of salary expenditures for instructional and support personnel (preschool-12) funded with federal, state, and local funds [see Attachment A-2, page 95 (Data Group 1002)].

The information in the next few paragraphs summarizes some general areas of information collected in the 2020–21 CRDC. For a more detailed list of what is proposed for the 2020–21 CRDC, see the appendix at the end of this document.

### ***School and District Characteristics***

OCR proposes that the CRDC will continue to cover such topics as the number of magnet and alternative schools, and districts operating under desegregation orders or plans, and student

membership disaggregated by race, ethnicity, sex, disability, and English learner status.

### ***Discipline***

OCR proposes that the CRDC will continue to cover topics that gauge school climate, such as numbers of students, broken down by demographic characteristics, who were suspended once and multiple times, expelled, and arrested in school; and the amount of time students are suspended. The CRDC also continues to provide information about the use of restraint and seclusion in the classroom.

### ***Harassment or Bullying***

Safe environments are critical to learning. The 2009–10 CRDC was the first CRDC to provide a lens on school climate and the harassment or bullying that students endure on the bases of race, sex, and disability. In 2013–14, OCR added a student’s perceived religion to types of allegations of harassment that need to be counted. Note that the CRDC does not authorize schools to inquire about the religion of students. In classifying the allegations of harassment or bullying, respondents are directed to look to the likely motives of the alleged harasser/bully, and not the actual status of the alleged victim. See more information in response to Item 11.

### ***Preschool Education***

OCR proposes that the CRDC will continue to cover such topics as children’s access to and participation in LEA-operated preschool education programs to learn more about how programs serve the youngest children.

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

OCR proposes that the CRDC will continue to cover topics such as students’ participation in Algebra and other college-preparatory subjects, grade-level retention, and access to AP courses and the IB Diploma Programme.

### ***Teachers and Other Personnel***

OCR proposes that the CRDC will continue to cover the number of FTE teachers in schools, and the number of counselors in schools. The CRDC also asks for data about school support and security staffing data for every school.

## **2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

OCR is able to use CRDC data as it investigates complaints alleging discrimination, determines whether the federal civil rights laws it enforces have been violated, initiates proactive compliance reviews to focus on particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents/guardians, students, and others.

CRDC data have also been used by other ED offices for purposes such as monitoring compliance with requirements for federal professional development funding, monitoring states under ESEA flexibility waivers, and evaluating the Office of English Language Acquisition's (OELA) programs and activities. Other federal agencies and researchers and policymakers are also able to use CRDC data.

Further, as noted above (in response to Item 1), in 2015, Congress amended the ESEA to require SEAs and LEAs that receive Title I funds to include certain information submitted in accordance with the data collection conducted pursuant to OCR's authority, *i.e.*, the CRDC, in their state and local report cards sent to parents and made available to the public (20 U.S.C. § 6311(h)(1)(c)(viii)).

State and federal agencies, policymakers, researchers, and many others outside of ED also use the CRDC data. (Data are available to the public via the Web in privacy-protected format.) For each of these constituencies, the CRDC is a source of information about our nation's public schools. Researchers, advocacy organizations, and news media have used CRDC data to identify possible civil rights concerns in our nation's schools. And for LEAs and schools across the country, the CRDC data are a tool for self-analysis, and a mechanism for highlighting and correcting areas of educational concern.

In 2009, OCR extensively redesigned the CRDC. It sought input from a wide range of experts within ED and throughout federal government, and from stakeholders from SEAs and LEAs and the broader education community, through meetings and two public comment periods. Sources of advice and expertise included the Education Information Management Advisory Committee (a committee of the Council of Chief State School Officers), the NCES Forum, state data coordinators from ED's *EDFacts* data submission system, and a sampling of LEAs to ensure coordination among data collections and to minimize the burden on LEAs. OCR attorneys and staff from throughout the country were heavily involved to ensure the collection's success.

The 2011–12 CRDC built on these efforts by adding more data quality checks (to ensure the data's integrity), and by combining the fall snapshot data and spring outcome data collection periods into a single collection period (to minimize the burden to respondents).

For the 2013–14 CRDC, an enhanced data submission system was developed. The system enhanced the user interface and experience, and improved the CRDC online survey. Several data entry and systems tools were introduced to make the process intuitive and reduce the burden for the user. The ability to reset passwords and add additional users was refined, as well as the skip logic, downloadable error reports and data summaries. The system has been maintained in collections since then, including in the 2015–16 and 2017–18 collections, and system changes were made in order maximize the system's utility for OCR, and LEAs and SEAs that report data.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.**

Like recent collections, the primary collection instrument for the 2020–21 CRDC will be a Web-based system; users will either upload data files and/or enter the data in response to questions displayed on the screen; and the data will be transmitted directly into a database. To reduce burden, ED will continue to use the user-friendly interactive tool, developed for the 2013–14 CRDC that ensures schools and LEAs only have to answer applicable questions. Guiding questions facilitate this approach and may precede data group tables. For example, if a user indicates the school serves only elementary students, the questions about high schools will not be presented. Similarly, a high school will be asked if the school provided AP courses. If the user answers “No,” then the series of tables about AP will be skipped; if the user answers “Yes,” then the tables about AP will be presented.

Flat data file submissions, such as Excel files, are allowed for districts that have the capacity to create them; and paper submissions are allowed for LEAs with no Internet connectivity or limited Web access. States that volunteer to pre-populate the survey forms with data for their LEAs are allowed to do so, as they have been in the past, to help reduce burden on LEAs.

Prior to the 2011–12 CRDC, LEAs had to choose to submit all their data either by flat file submission or through the Web-based system. For the 2011–12 CRDC, OCR implemented improvements to the web collection tool to allow LEAs the flexibility to use both methods of submitting their data to the CRDC.

The flexibility in submission methods allows LEAs to submit whatever portion of the CRDC is included in their student information system in flat files. These flat files then “pre-populate” the Web-based screens and allow the school (or another department within the school district) to either verify or complete the remaining sections of the CRDC. This option will continue to be available in the 2020–21 collection.

Through computer control of the data collection process and the monitoring of responses, the web-based system offers the capacity for substantial improvements in data quality and data collection efficiency over a survey conducted using paper and pencil. Incidents of missing and inconsistent data are greatly reduced since questionnaire skip patterns are automatically controlled. Moreover, invalid entries, contradictory entries, or entries inconsistent with available data on the school or LEA are questioned by the system and must be resolved or confirmed by the respondent during the self-directed Web instrument data collection.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The CRDC is the unique source of data for the vast majority of data elements collected. Starting with the 2009–10 CRDC, OCR leveraged data submitted to ED by state departments of education 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 removed several tables previously in the CRDC because the data are available through the state-based portion of *EDFacts*, the EDEN Submission System (ESS).

For the 2013–14 CRDC and 2015–16 CRDC collections, OCR met with program offices across ED to eliminate any duplication of data items and, where possible, ensure that the CRDC uses definitions consistent with those used by other program offices. In order to consolidate and centralize preschool-12 data collections, definitions need to be standardized. If the same term has multiple definitions, the reporting burden on LEAs and SEAs increases significantly. Therefore, the same definitions of terms are used whenever possible.

To coordinate the definitions used and identify possible duplication of data elements, OCR met with key staff throughout ED and convened a two-day technical working group, including participants from NCES, the Office of Planning, Evaluation and Policy Development, the Office of English Language Acquisition, the Office of Special Education Programs, and the Correctional Re-Entry Group, to review the proposed 2013–14 CRDC and 2015–16 CRDC collections. This cross-program office coordination provided an opportunity for experts in content areas and survey design to raise potential areas of overlap. OCR has also worked with the Department of Justice’s Office of Juvenile Justice, Delinquency and Prevention to improve the coordination of information about the educational programs and opportunities that are available to youths in justice facilities.

OCR consulted with other program offices within ED for the 2017–18 CRDC, and in preparation for the 2020–21 CRDC. OCR also continues to coordinate with other program offices to determine where it is possible to reduce burden and eliminate duplication. OCR also participated in a technical review panel meeting with field experts to discuss the content of NCES’ School Survey on Crime and Safety, and the NCES survey’s relationship to the CRDC, and to explore ways to improve both surveys and reduce burden and eliminate duplication.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.**

With the exception of one SEA, each LEA that is included submits an LEA summary survey and a survey about each school in the LEA. (One SEA provides all the data on behalf of their LEAs.)

Even in its smallest collection, the collection included a sample of about 6,000-7,000 LEAs. The 1976, 2000, 2011–12, 2013–14, and 2015–16 collections were universal collections from all LEAs. Similarly, the 2017–18 collection was a universal collection, and the 2020–21 collection is being proposed as a universal collection. Having a universal collection is particularly appropriate after Congress required in the ESEA in 2015 that school districts and states to use the data reported to OCR in the CRDC to populate their state and local report cards.

Smaller LEAs often face challenges with the timing of the CRDC collection. At the close of the school year, small and rural LEAs “roll over” their data systems, effectively closing out one school year and beginning the next. The end of year “roll over” can make accessing data from the prior school year challenging. OCR previously developed a set of pre-collection tools to allow smaller LEAs to collect and store their CRDC data in a format that could be easily uploaded into the CRDC submission system. With these tools, smaller LEAs can store their CRDC data in ready-to-use flat files once the survey submission website opened in the fall of the next school year. These pre-collection tools were widely used and OCR received many positive comments regarding their ease of use. As a result, OCR continued to provide these tools for the 2017–18 CRDC, and will continue to do so for the 2020–21 CRDC.

**6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Education success and failure are measured and reported annually and civil rights complaints must be investigated and resolved on an ongoing basis. The most recent CRDC contained data from the fall and spring of school year 2015–16. It is critical that more recent information be available so that OCR can carry out its mandate to ensure civil rights under the applicable laws. Further, OCR enforcement offices rely on data in the CRDC to prepopulate data requests to districts and schools when conducting investigations and compliance reviews. It is important that OCR have recent data to conduct these investigations. Finally, Congress required in the ESEA in 2015 that school districts and states to use the data reported to OCR in the CRDC to populate their state and local report cards. If the CRDC were not conducted or were conducted less frequently, then school districts and states would not be able to include the most up-to-date data in their reports.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection activity does not have special circumstances that would include any of the requirements listed above.

- 8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

A 60-day notice was published in the Federal Register on September 19, 2019 (84 FR 49277). A response to comments is provided with this submission. A 30-day notice will be published.

Additionally, during the two-day technical working group for the 2013–14 and 2015–16 CRDC collections, (referenced in response to Item 4), OCR met with key staff throughout ED who offered their recommendations on improvements to data items. OCR continued to meet with key staff throughout ED in preparation for proposing changes for the 2017–18 CRDC and the 2020–21 CRDC.



**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.**

There is no current remuneration for any school district or school.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.<sup>4</sup> If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.**

There has been no assurance of confidentiality provided to the respondents beyond the agreement to protect individual student information under the Federal Educational Rights and Privacy Act. The CRDC does not collect any personally identifiable information (PII). Confidentiality issues with the CRDC are specific to the amount of data found in a “cell” that might make the identification of an individual student or staff member possible when combined with other information not collected in the CRDC. OCR is committed to protecting individual privacy by not making public any data in rows or columns where a single cell is below a certain threshold of size. OCR will continue to review the submitted data for any other security requirements.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

As in prior collections, OCR proposes to continue to collect data on the number of allegations received by a school of harassment or bullying on the basis of religion or sexual orientation (in addition to the collection of data on the number of allegations based on sex, race, color, and national origin, and disability). OMB first approved the collection of religion and sexual orientation allegations data in February 2014 (OMB control #1870-0504) for the 2013–14 and 2015–16 CRDC collections. While optional in 2013–14, LEAs were required to report the new

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<sup>4</sup> Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information).

allegations data beginning in the 2015–16 CRDC. In addition, as noted in the response to Item 1, for the 2020–21 CRDC, OCR proposes new data collection on the number of allegations received by a school of harassment or bullying, on the basis of perceived religion (regardless of whether the targeted student actually identifies with that religion) for each of 14 religion categories. The 14 religion categories are adapted from the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting Program, and are described in the FBI’s *Hate Crime Data Collection Guidelines and Training Manual* (2015), available at <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>. OCR provides the following justification for (1) the proposed continued collection of data at the school-level regarding harassment or bullying; and (2) the new collection of data on harassment or bullying allegations on the basis of perceived religion, for 14 religion categories.

Harassment or bullying of students on the basis of religion and sexual orientation is reportedly prevalent. As mentioned in Item 1, the 2015–16 CRDC showed that LEAs reported over 10,000 allegations of harassment or bullying based on religion. These data would be better informed by understanding the perceived religions targeted with harassing or bullying behavior, which is why OCR proposes collecting data by categories that mirror the FBI’s Hate Crimes Data Collection religion categories.

The harassment or bullying questions are not intended or expected to elicit private information about students. The school district-level questions that indicate whether a school district has a policy or policies that prohibit(s) harassment or bullying for all specified categories (i.e., race, color, national origin; sex; disability), and provide a web link to the policy or policies for all specified categories, do not collect data that are sensitive in nature. OCR considers the proposed harassment or bullying policy questions important to gauge school districts’ efforts to establish and maintain an educational climate that does not impede the ability of all students to learn.

The harassment or bullying school-level questions are intended to record, for any reported harassment, the school’s understanding of the harasser’s perceived motivation. In classifying the allegations of harassment or bullying, respondents are directed to look to the likely motives of the alleged harasser/bully, and not the actual status of the alleged victim. For the new allegations of harassment or bullying on the basis of perceived religion for each of 14 religion categories question, this direction also applies. Because the harassment or bullying allegations questions are not focused on the alleged victim’s sexual behavior or attitudes or religious beliefs, OCR does not believe these questions are of a sensitive nature.

OCR proposes to continue to collect the number of allegations received by a school of harassment or bullying on the basis of religion, and begin to collect the number of harassment or bullying allegations on the basis of perceived religion, for 14 religion categories. School districts will not be required to include religious affiliation of students as part of their administrative records.

To assess whether even making an inquiry about the number of allegations of harassment received by a school might cause invasions of privacy, during preparation for the 2013–14 CRDC and 2015–16 CRDC OMB clearance in 2013, OCR contacted SEAs in some of the 10 states that currently collect such sexual orientation harassment data from their public school districts, and none

reported any student or parental complaints or known incidents of teachers invading student privacy in an effort to fill out the state's data reporting forms. OCR also contacted several school districts (of various sizes and urban/rural mix) in those states to determine whether these data reporting requirements had led to sexual-orientation notations on individual student records or had raised any complaints or concerns and none were reported.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in Item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

For the CRDC, data depicted as data groups and data categories are factored into OCR's burden estimates, while data collected by directional indicators are not.

For the CRDC, the respondent is the LEA; the LEA must complete one LEA-level survey, plus one school-level survey for each of its schools. For the 2011–12 CRDC, the burden was estimated to be 1,282,492 hours across 16,785 LEA respondents, and their approximately 96,523 schools with students in membership, based on an estimated 12.8 hours per school survey and 2.8 hours per LEA survey on average. For elementary schools, the burden was estimated to be 8.1 hours per school survey since several of the data elements are only applicable to secondary schools. For secondary schools, the burden was estimated to be 14.9 hours per school survey.

The 2013–14 CRDC mandatory survey content remained about the same compared to the 2011–12 CRDC survey for Preschool-grade 12 schools. Across 17,620 LEAs and their 101,849 schools, the total burden estimate was 1,342,818 hours. For elementary schools, the burden was estimated to be 8.3 hours per school survey since several of the data elements were only applicable to secondary schools. For secondary schools, the burden was estimated to be 14.6 hours per school survey. By combining several data elements on Advanced Placement, the overall reporting burden for secondary schools decreased slightly from the 2011–12 CRDC to the 2013–14 CRDC. OCR estimated that a district with only one school would, on the average, take 2.8 hours for the LEA survey and 12.7 hours for the school survey, for a total of 15.5 hours. An LEA with 10 schools would take a total of 129.8 hours.

The 2015–16 CRDC survey content increased by 12.5 percent compared to the 2013–14 CRDC survey for Preschool-grade 12 schools, based on a total burden estimate of 1,520,260 hours. For elementary schools, the burden was estimated to be 9.3 hours per school survey. For secondary schools, the burden was estimated to be 15.9 hours per school survey. OCR estimated that a district with only one school would, on the average, take 4.2 hours for the LEA survey and 14.2 hours for the school survey, for a total of 18.4 hours. An LEA with 10 schools would take a total of 146.2 hours.

The 2017–18 CRDC survey content decreased by 1.7 percent compared to the 2015–16 CRDC survey for Preschool-grade 12 schools, based on a total burden estimate of 1,521,827 hours. For elementary schools, the burden was estimated to be 9.2 hours per school survey. For secondary schools, the burden was estimated to be 15.8 hours per school survey. OCR estimated that a district with only one school would, on the average, take 3.7 hours for the LEA survey and 14.1 hours for the school survey, for a total of 17.8 hours. An LEA with 10 schools would take a total of 144.7 hours.

For the 2020–21 CRDC, the items that OCR is proposing to discontinue require more responses than the items that OCR is proposing to add or expand. There will be a decrease in burden of 21.8 percent for the total number of responses required in the LEA survey. For the school survey, there will be a decrease in burden of 1.8 percent for an elementary school and 4.3 percent for a secondary school, for the total number of responses required. For elementary schools, the burden is estimated to be 9.0 hours per school survey since several of the data elements are only applicable to secondary schools. For secondary schools, the burden is estimated to be 15.1 hours per school survey. Since the number of schools per LEA varies so widely, it should be noted that a district with only one school would, on the average, take 2.9 hours for the LEA survey and 13.9 hours for the school survey, for a total of 16.8 hours. An LEA with 10 schools would take 2.9 hours on the LEA survey and average 13.9 hours on each of the school surveys, for a total of 141.9 hours.

	Respondents	Hours/Response	Total Hours
Previous – CRDC (2013)	Schools: 101,849 LEAs: 17,620	Schools: 12.7 LEAs: 2.8	Schools: 1,293,482 LEAs: 49,336 Total: 1,342,818
Previous – CRDC (2015)	Schools: 101,849 LEAs: 17,620	Schools: 14.2 LEAs: 4.2	Schools: 1,446,256 LEAs: 74,004 Total: 1,520,260
Previous – CRDC (2017)	Schools: 103,307 LEAs: 17,621	Schools: 14.1 LEAs: 3.7	Schools: 1,456,629 LEAs: 65,198 Total: 1,521,827
New – CRDC (2020)	Schools: 103,307 LEAs: 17,621	Schools: 13.9 LEAs: 2.9	Schools: 1,435,967 LEAs: 51,101 Total: 1,487,068
<b>New Burden (2017 to 2020)</b>	Schools: 103,307 LEAs: 17,621	Schools: -0.2 hrs/survey LEAs: -0.8 hrs/survey	

The total respondent cost for the 2020–21 CRDC is estimated to be \$66,620,646 (1,487,068 hours multiplied by an average wage of \$44.80<sup>5</sup> per hour). There is a wide range of hourly salaries associated with the professionals that will provide this data, making this estimation approximate.

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<sup>5</sup> The mean hourly wage for an LEA education administrator is estimated at \$44.80 per hour (SOC code 11-9039, Education Administrator), based on May 2018 Occupation and Employment Statistics, Bureau of Labor Statistics website, <https://www.bls.gov/oes/current/999201.htm#25-0000>, accessed May 23, 2019.

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12.**

**Total Annualized Capital/Startup Cost:**

**Total Annual Costs (O&M):**

**Total Annualized Costs Requested:**

The collection of CRDC data for the foreseeable future will require no additional systems development efforts by the local agencies.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

The estimated annual government cost for the next CRDC is \$2.9 million. This estimate is based on contractual costs to enhance the survey tool, provide technical support for all LEAs in the nation, collect the data, and produce and analyze the resulting database of survey responses.

**15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

The 2020–21 CRDC survey content revisions are a result of program change due to agency discretion. Approximately 17,621 LEAs will respond for themselves and their 103,307 schools to the request for data. This results in a total burden estimate of 1,487,068 hours for SY 2020–21. The annual government cost is similar to the cost of previous surveys, the last of which was the 2017–18 CRDC.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

ED presently makes CRDC results available on its website, with privacy protections in place. Additionally, ED makes national and state projections based on the raw data available on its website. ED makes data available through a website that displays a “summary of select facts” for a district or school, which displays data about key issues through tables and charts. Users then have the option to access additional data for that district or school. The website also contains a Flexible Tables interface, which allows users to select data from more than one district or school, for the current CRDC and/or prior CRDCs.

In an effort to make the new CRDC easily usable by the public and OCR's investigators and attorneys, OCR designed a new Web-based data reporting tool that allows users to tailor the school-level indicators and produce visually intuitive graphic displays of school- and district-level tables, and made it available to the public in a privacy-protected format on OCR's website, <http://ocrdata.ed.gov>. The new website is also research-friendly. For example, users have enhanced ability to search and query the database for types of schools, as well as schools or districts meeting certain criteria.

There are three distinct phases of the collection of CRDC data from LEAs:

- Notification and verification of reporting status,
- Collection of data by LEAs, and
- Survey submission window.

The first phase in the CRDC includes notifying school districts of their obligation to report, having school districts designate a principal point of contact, and verifying the reporting status of LEAs and schools. The result of this first phase is a full directory of LEAs and schools and their CRDC reporting status. This phase will begin in Summer 2021 for the 2020–21 collection.

During the second phase of the CRDC, LEAs gather and validate the required data to be submitted to OCR. During this time, OCR provides frequent training opportunities for school districts to understand the data elements collected on the CRDC and the survey submission process. A support center is also available to school districts to call or email questions regarding the content of the data to be collected. OCR has also provided pre-collection tools for school districts to gather and prepare flat files of the required data to prepare for the survey submission opening. This second phase will take place between Fall 2020 and Summer 2021.

During the third phase, the survey submission window opens with email notification to all participating school districts. School districts are typically given a minimum of three months to submit their data to OCR. During the survey submission period, frequent communication occurs with participating school districts to offer technical assistance and, as the survey due date approaches, reminders are sent to school districts that have not yet certified their CRDC submission. ED anticipates this third phase will take place between Fall 2021 and Winter 2022.

Following the close of the survey submission window, OCR reviews the data to identify possible reporting anomalies and offer LEAs an opportunity to amend their CRDC submission as necessary. This process takes approximately three months. Following the data quality review, OCR then works to post the data on its reporting website (<http://ocrdata.ed.gov>) to provide the public with easy access and visually intuitive displays of the data. OCR also makes the data available in a downloadable data file.



Tracking and OMB Number: (XXXX.XX) 1870-0504

Revised: XX/XX/XXXX

RIN Number: XXXX-XXXX (if applicable)

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

This collection will display the OMB approval date in all transmittal documents requesting the information from the state or local agencies and in any written discussion or representation of the collection. The OMB number will be properly displayed on any Web form and paper form used by the Civil Rights Data Collection.

**18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

ED is requesting no exemptions from the Certification.

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## APPENDIX: LIST OF 2020–21 CRDC DATA ELEMENTS

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Data elements that OCR is proposing to change from the previously-approved 2017–18 CRDC Information Collection (approved in October 2017) are indicated by underline (add new element) or ~~strikethrough~~ (delete previously collected).

### *School & District Characteristics*

- Number of public schools (LEA).
- Grades offered (PS-12) (PS refers to preschool and excludes children age birth to 2 years).
- Whether an ungraded school has mainly elementary school age students; middle school age students; high school age students; elementary and middle school age students; middle and high school age students; elementary middle, and high school age students.
- Number of students (PS-12) enrolled in LEA and served in LEA and non-LEA facilities only (LEA).
- Number of students (PS-12) enrolled in LEA and served in non-LEA facilities only (LEA).
- Total number of students enrolled in school (disaggregated by race, sex, disability-IDEA, disability-504 only, EL).
- Number of students with disabilities (disaggregated by race, sex, EL).
- Number of EL students enrolled in school (disaggregated by race, sex, disability-IDEA).
- Number of EL students enrolled in EL programs (disaggregated by race, sex, ~~disability-IDEA~~).
- Whether the school is operating a magnet program for all students or some students within the school (and if so, whether entire school population participates in the magnet program).
- Whether the school is an alternative school (and if so, for academic or discipline or both).
- Whether the school is focused primarily on serving students with disabilities.
- Whether the school is a charter school.
- For justice facility only:
  - Type of facility (pre- or post-adjudication/conviction or both);
  - Number of days that makeup the justice facility’s regular school year;
  - Total number of hours per week that educational program is offered during regular school year;
  - Number of students who participated in educational program for less than 15 calendar days; 15-30 calendar days; 31-90 calendar days; 91-180 calendar days; more than 180 calendar days.
- Number of single-sex academic classes (with males only; with females only) in the following courses/subject areas:
  - Algebra I, Geometry, and/or Algebra II;
  - Other mathematics;
  - Science;
  - English/reading/language arts; and
  - Other academic subjects.
- Whether an LEA has civil rights coordinators for discrimination against students on basis of sex, race, and disability (and contact information) (LEA).
- Whether an LEA is covered by desegregation order or plan (LEA).

## *Discipline*

- Students (K-12) who received one or more in-school suspension:
  - Number of students without disabilities who received one or more in-school suspension (disaggregated by race, sex, EL); and
  - Number of students with disabilities who received one or more in-school suspension (disaggregated by race, sex, disability-504 only, EL).
- Students who received one out-of-school suspension:
  - ~~○ Number of preschool students who received one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL);~~
  - Number of K-12 students without disabilities who received one out-of-school suspension (disaggregated by race, sex, EL); and
  - Number of K-12 students with disabilities who received one out-of-school suspension (disaggregated by race, sex, disability-504 only, EL).
- Students who received more than one out-of-school suspension:
  - ~~○ Number of preschool students who received more than one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL);~~
  - Number of K-12 students without disabilities who received more than one out-of-school suspension (disaggregated by race, sex, EL); and
  - Number of K-12 students with disabilities who received more than one out-of-school suspension (disaggregated by race, sex, disability-504 only, EL).
- Students who received one or more out-of-school suspension:
  - Number of preschool students who received one or more out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL).
- Number of preschool students who were expelled (disaggregated by race, sex, disability-IDEA, EL).
- Students (K-12) who were expelled (with educational services; without educational services; because of zero-tolerance policies):
  - Number of students without disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, EL);
  - Number of students with disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, disability-504 only, EL).
- Students (K-12) who were transferred for disciplinary reasons to alternative school
  - Number of students without disabilities who were transferred for disciplinary reasons to alternative school (disaggregated by race, sex, EL);
  - Number of students with disabilities who were transferred for disciplinary reasons to alternative school (disaggregated by race, sex, disability-504 only, EL).
- Students (K-12) who were referred to law enforcement agency or official:
  - Number of students without disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, EL); and
  - Number of students with disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, disability-504 only, EL).
- Students (K-12) who were arrested for school-related activity:

- Number of students without disabilities who were arrested for school-related activity (disaggregated by race, sex, EL); and
- Number of students with disabilities who were arrested for school-related activity (disaggregated by race, sex, disability-504 only, EL).
- Students who received corporal punishment:
  - Number of preschool students (ages 3-5) who received corporal punishment (disaggregated by race, sex, disability-IDEA, EL);
  - Number of K-12 students without disabilities who received corporal punishment (disaggregated by race, sex, EL); and
  - Number of K-12 students with disabilities who received corporal punishment (disaggregated by race, sex, disability-504 only, EL).
- Number of instances of corporal punishment that preschool students received (disaggregated by all preschool students, preschool students with disabilities-IDEA).
- Number of instances of out-of-school suspensions that preschool students received (disaggregated by all preschool students, preschool students with disabilities-IDEA).
- Number of instances of corporal punishment that K-12 students received (disaggregated by students without disabilities, students with disabilities).
- Number of instances of out-of-school suspensions that K-12 students received (disaggregated by students without disabilities, students with disabilities-IDEA, students with disabilities-504 only).
- Number of school days missed by K-12 students who received out-of-school suspensions (disaggregated by race, sex, disability-IDEA, disability-504 only, EL).

### *Offenses*

- Number of documented incidents that occurred at the school of:
  - Robbery with a weapon;
  - ~~○ Robbery with a firearm or explosive device;~~
  - Robbery without a weapon;
  - Physical attack or fight with a weapon;
  - ~~○ Physical attack or fight with a firearm or explosive device;~~
  - Physical attack or fight without a weapon;
  - Threat of physical attack with a weapon;
  - ~~○ Threat of physical attack with a firearm or explosive device;~~
  - Threat of physical attack without a weapon;
  - Rape or attempted rape;
  - Sexual assault (other than rape);
  - Possession of a firearm or explosive device;
- Whether any of the school's students, faculty, or staff died as a result of a homicide committed at the school.
- Whether there has been at least one incident at the school that involved a shooting (regardless of whether anyone was hurt).
- Number of documented incidents of offenses committed by a student that occurred at the school. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)

- Number of documented incidents of offenses committed by a school staff member that occurred at the school. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)
- Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)
- Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a determination that the school staff member was responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)
- Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a determination that the school staff member was not responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)
- Number of allegations made against a school staff member of offenses that occurred at the school, which had a determination that remained pending. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)
- Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)

### ***Harassment or Bullying***

- Number of reported allegations of harassment or bullying of K-12 students on the basis of: sex; race, color, or national origin; disability; sexual orientation; religion.
- Number of reported allegations of harassment or bullying of K-12 students on the basis of perceived religion (disaggregated by atheism/agnosticism; Buddhist; Catholic; Eastern Orthodox; Hindu; Islamic (Muslim); Jehovah's Witness; Jewish; Mormon; multiple religions, group; other Christian; other religion; Protestant; Sikh). (Optional for 2020–21 CRDC)
- Number of K-12 students who reported being harassed or bullied on the basis of: sex; race, color, or national origin; disability (disaggregated by race, sex, disability-IDEA, disability-504 only, EL).
- Number of K-12 students disciplined for engaging in harassment or bullying on the basis of: sex; race, color, or national origin; disability (disaggregated by race, sex, disability-IDEA, disability-504 only, EL).
- Whether an LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of all of the following: sex; race, color, or national origin; disability. (LEA).
- ~~Whether an LEA has a web link to policy or policies prohibiting harassment or bullying of students on the basis of all of the following: sex; race, color, or national origin; disability (LEA).~~
- Web link to policy or policies prohibiting harassment or bullying of students on the basis of all of the following: sex; race, color, or national origin; disability (LEA).

### ***Restraint and Seclusion***

- Students (K-12) subjected to mechanical restraint:
  - Number of non-IDEA students subjected to mechanical restraint (disaggregated by race, sex, disability-504 only, EL); and
  - Number of students with disabilities (IDEA) subjected to mechanical restraint (disaggregated by race, sex, EL).
- Students (K-12) subjected to physical restraint:
  - Number of non-IDEA students subjected to physical restraint (disaggregated by race, sex, disability-504 only, EL); and
  - Number of students with disabilities (IDEA) subjected to physical restraint (disaggregated by race, sex, EL).
- Students (K-12) subjected to seclusion:
  - Number of non-IDEA students subjected to seclusion (disaggregated by race, sex, disability-504 only, EL); and
  - Number of students with disabilities (IDEA) subjected to seclusion (disaggregated by race, sex, EL).
- Number of instances of mechanical restraint, physical restraint, seclusion (disaggregated by students without disabilities, students with disabilities-IDEA, students with disabilities-504 only).

### ***Single-Sex Interscholastic Athletics***

- Number of single-sex interscholastic athletics high school sports (with males only; with females only).
- Number of single-sex interscholastic athletics high school teams (with males only; with females only).
- Number of student participants on single-sex interscholastic athletics high school sports teams (with males only; with females only).

### ***Early Childhood Education***

- ~~Whether LEA's early childhood program(s) serve non-IDEA children age birth to 2 years (LEA).~~
- ~~Whether preschool is provided to: all students, students with disabilities (IDEA), students in Title I schools, students from low income families (LEA).~~
- ~~Whether preschool serves non-IDEA students age 3 years; age 4 years; age 5 years (LEA).~~
- ~~Whether the school's preschool program serves non-IDEA students age 3 years; age 4 years; age 5 years.~~
- ~~Preschool length offered (full-day, part-day) and cost (free, partial/full charge) (LEA).~~
- Number of students served by LEA in preschool programs in LEA and non-LEA facilities (disaggregated by age – 2 years, 3 years, 4 years, 5 years) (LEA).
- Number of students ages 3-5 years enrolled in preschool (disaggregated by race, sex, disability-IDEA, EL).
- ~~Kindergarten length offered (full-day, part-day) and cost (free, partial/full charge) (LEA).~~

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

- Number of students enrolled in gifted & talented programs (disaggregated by race, sex, disability-IDEA, EL).
- Number of students enrolled in distance education courses (disaggregated by race, sex, disability-IDEA, EL) (LEA).
- Number of students enrolled in at least one dual enrollment/dual credit program (disaggregated by race, sex, disability-IDEA, EL).
- ~~Number of students who participate in at least one credit recovery program that allows them to earn missed credit to graduate from high school.~~
- Number of students ages 16-19 years who participated in LEA-operated high school equivalency exam preparation program (disaggregated by race, sex, disability-IDEA, EL) (LEA).
- Number of students enrolled in the International Baccalaureate (IB) Diploma Programme (disaggregated by race, sex, disability-IDEA, disability-504 only, EL). (Expansion optional for 2020–21 CRDC)
- Number of different Advanced Placement (AP) courses provided.
- Whether students are allowed to self-select for participation in AP courses.
- Number of students enrolled in at least one AP course (disaggregated by race, sex, disability-IDEA, disability-504 only, EL). (Expansion optional for 2020–21 CRDC)
- Number of students enrolled in at least one AP course in specific subject area (disaggregated by race, sex, disability-IDEA, EL):
  - AP math of any kind;
  - AP science of any kind; and
  - AP computer science of any kind;
  - ~~Other AP subjects of any kind (including world languages and cultures).~~
- ~~Number of students who took one or more AP exams for one or more (which may include all) AP courses enrolled in (disaggregated by race, sex, disability-IDEA, EL).~~
- ~~Number of students who were enrolled in one or more AP courses but who did not take any AP exams (disaggregated by race, sex, disability-IDEA, EL).~~
- Number of Algebra I classes in grades 7-8.
- Number of Algebra I classes in grades 7-8 taught by teachers with a mathematics certification.
- Number of students enrolled in Algebra I in grade 7.
- Number of students enrolled in Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, EL).
- Number of students enrolled in Geometry in grade 8.
- Number of students who passed Algebra I in grade 7.
- Number of students who passed Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, EL).
- Number of math classes in grades 9-12 (Algebra I, Geometry, Algebra II, Advanced Math, Calculus).
- Number of math classes in grades 9-12 taught by teachers with a mathematics certification (Algebra I, Geometry, Algebra II, Advanced Math, Calculus).
- Number of students enrolled in Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex, disability-IDEA, EL).
- Number of students who passed Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex,

disability-IDEA, EL).

- Number of students enrolled in math courses in grades 9-12 (Geometry, Algebra II, Advanced Math, Calculus) (disaggregated by race, sex, disability-IDEA, EL).
- Number of science classes in grades 9-12 (Biology, Chemistry, Physics).
- Number of science classes in grades 9-12 taught by teachers with a science certification (Biology, Chemistry, Physics).
- Number of students enrolled in science classes in grades 9-12 (Biology, Chemistry, Physics) (disaggregated by race, sex, disability-IDEA, EL).
- Number of computer science classes in grades 9-12.
- Number of computer science classes in grades 9-12 taught by teachers with a computer science certification.
- Number of students enrolled in computer science classes in grades 9-12 (disaggregated by race, sex, disability-IDEA, EL).
- Number of students who took SAT, ACT, or both, anytime during school year (disaggregated by race, sex, disability-IDEA, EL).
- Number of students retained in specified grade, by grade (K-12) (disaggregated by race, sex, disability-IDEA; disability-504 only, EL).
- Whether the school is connected to the Internet through fiber-optic connection.
- Whether the school has Wi-Fi access in every classroom.
- Whether the school allows students to take home school-issued devices that can be used to access the Internet for student learning.
- Whether the school allows students to bring to school student-owned devices that can be used to access the Internet for student learning.
- Number of Wi-Fi enabled devices provided by the school to students for student learning use.

### ***School Finance***

- ~~K-12 personnel FTEs and salaries at the school level (funded with state and/or local funds):~~
  - ~~Number of FTE teachers and amount of their salaries;~~
  - ~~Number of FTE instructional aides and amount of their salaries;~~
  - ~~Number of FTE support services staff (for pupils and for instructional staff) and amount of their salaries;~~
  - ~~Number of FTE school administration staff and amount of their salaries; and~~
  - ~~Total amount of total personnel (instructional, support services, and school administration) salaries.~~
- ~~Preschool-12 personnel FTEs and salaries at the school level (funded with federal, state, and/or local funds):~~
  - ~~Amount of teacher salaries;~~
  - ~~Number of FTE instructional aides and amount of their salaries;~~
  - ~~Number of FTE support services staff (for pupils and for instructional staff) and amount of their salaries;~~
  - ~~Number of FTE school administration staff and amount of their salaries; and~~
  - ~~Total amount of total personnel (instructional, support services, and school administration) salaries.~~



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- ~~Total amount of non-personnel expenditures at the school level:~~
  - ~~Amount of non-personnel expenditures (funded with state and/or local funds); and~~
  - ~~Amount of non-personnel expenditures (funded with federal, state, and/or local funds).~~

***Teachers and other Personnel (funded with federal, state, and/or local funds)***

- Number of FTE teachers.
- Number of FTE of teachers meeting all state licensing/certification requirements.
- Number of FTE of teachers not meeting all state licensing/certification requirements.
- ~~Number of FTE first-year teachers.~~
- ~~Number of FTE second-year teachers.~~
- ~~Number of FTE teachers absent more than 10 school days (excluding professional development).~~
- ~~Number of current school-year teachers.~~
- ~~Number of current and previous school-year teachers.~~
- Number of FTE school counselors.
- Number of FTE psychologists.
- Number of FTE social workers.
- Number of FTE nurses.
- Number of FTE security guards.
- Number of FTE sworn law enforcement officers (including school resource officers).