



February 28, 2017

Stephanie Valentine
Acting Director, Information Collection Clearance Division
U.S. Department of Education
400 Maryland Avenue SW.
LBJ, Room 224-82
Washington, DC 20202-4537

RE: Docket ID number ED-2016-ICCD-0147

Dear Ms. Valentine,

On behalf of The Leadership Conference on Civil and Human Rights and the 31 undersigned organizations, we write to comment in response to the notice published in the Federal Register on December 30, 2016 regarding the Mandatory Civil Rights Data Collection. The civil and human rights community has relied on these data since the collection began in 1968ⁱ and we believe it is vitally important that we preserve the scope, frequency and public accessibility of the information so as to support the Department of Education's work, and the work of others, in ensuring equal educational opportunity and compliance with federal law.

Disaggregated data reported in the civil rights data collection (CRDC) help us to know about students' experiences in schools and whether all students, including students of color, English learners, and students with disabilities, have equal access to education. The CRDC allows students, parents and advocates to answer questions like, "Does enrollment in calculus at this school reflect the school as a whole?" "Are White students less likely to be suspended out of school than Black students?" "Are students at this school restrained more often than students at other schools?" and "Do teachers at schools where most students are low-income have greater or fewer years of experience than teachers at schools where students are more affluent?" Answers to these questions help us all to know whether individual students or groups of students are experiencing discrimination and whether or not there is equal educational opportunity. We can answer these questions because of the current scope, frequency and availability of the CRDC.

Scope

We urge you to preserve the scope of the data collection in both the universe of questions asked, and the inclusion of all schools and districts in the collection with student data disaggregated by race, ethnicity, English learner status, sex, and disability status. We must continue to have data on all schools regarding school climate (e.g., exclusionary discipline, police contact, seclusion and restraint, bullying and harassment (including on the basis of religion and sexual orientation), corporal punishment, chronic absenteeism), college and career readiness (e.g., enrollment in preschool, AP/IB, STEM courses, gifted and talented)

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and staffing and finance (e.g., teacher experience and per-pupil expenditures). A universal collection helps to ensure that every student's experience is taken into account.

Frequency

Many of us have argued that the civil rights data collection should be conducted annually with less delay between the collecting and reporting of data. We know that a child's experience in school is cumulative and every single year counts. We need data that help us to identify encouraging and troublesome trends as soon as possible so that we may lift up and replicate positive examples and intervene to address adverse conditions for student learning. At a minimum, data should continue to be collected and reported biennially and the department should continue to investigate ways in which the data can be available annually.

Public Accessibility

Simply collecting data, without making it available to inform improved practice that effectively supports students, is a lost opportunity. The department clearly has a responsibility to use the civil rights data collection to inform its own investigation into individual complaints and for compliance reviews and investigations of systemic discrimination. In recent years, however, the availability of user-friendly data has allowed students, parents, and advocates to see data regarding their own schools as well as schools attended by others. This access has helped to shape advocacy and to build greater understanding of unequal educational opportunity. For example, in 2014, the department revealed the dramatic overuse and disproportionate use of suspension on Black children in preschool. In addition to widespread pressⁱⁱ, the public accessibility of the data allowed stakeholders to see whether schools in their own community treated children in a manner consistent with the national data and the important policy and practice changes have since been put in place.ⁱⁱⁱ

We appreciate the opportunity to share our views with you and would be happy to discuss these priorities in greater detail. While many signers of this letter will also be submitting separate comments which address other issues related to the civil rights data collection, we wanted to take this opportunity to share our general views with regard to the importance of the collection and its current structure as a whole. Any change to limit the scope, frequency, or public accessibility of the civil rights data collection would certainly hamper the ability of the department to fulfil its legal obligations and would undermine our shared interest in the best education for every child. Should you have any questions or if you would like additional information, please contact Liz King, Leadership Conference director of education policy at king@civilrights.org or (202) 466-3311.

Sincerely,

The Leadership Conference on Civil and Human Rights
Alliance for Excellent Education
American Association for Access, Equity and Diversity
American Association of University Women (AAUW)
American Federation of Teachers

American-Arab Anti-Discrimination Committee
Association of University Centers on Disabilities
Council of Parent Attorneys and Advocates
Democrats for Education Reform
Easterseals
Education Law Center-PA
The Education Trust
Human Rights Campaign
Judge David L. Bazelon Center for Mental Health Law
League of United Latin American Citizens
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Center for Learning Disabilities
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza
National Disability Rights Network
National Down Syndrome Congress
National Education Association
The National Indian Education Association
National Urban League
Poverty & Race Research Action Council
Southeast Asia Resource Action Center
TASH
Teach For America
Teach Plus
TNTF

ⁱ See, for example: <http://www.childrensdefense.org/library/archives/digital-library/school-suspensions-are-they-helping-children.html>, http://nwlc.org/wp-content/uploads/2015/08/final_nwlc_girlsfinishinglast_report.pdf or, https://www.aclupa.org/files/6914/3144/0044/2-16-2015_FINAL_64204_ACLU_ONLINE.pdf

ⁱⁱ See, for example: <http://www.npr.org/sections/codeswitch/2014/03/21/292456211/black-preschoolers-far-more-likely-to-be-suspended>

ⁱⁱⁱ See, for example: https://www.acf.hhs.gov/sites/default/files/ece/expulsion_resource_guide_11_4_16_final.pdf