**Mandatory Civil Rights Data Collection**

**November 2013**

ATTACHMENT B

# CRDC Data Set for School Years 2013–14 and 2015–16: Response to Public Comment

# TABLE OF CONTENTS

# INTRODUCTION

This attachment contains the responses to public comments on the Mandatory Civil Rights Data Collection (CRDC).  The Department of Education's (ED) Office for Civil Rights (OCR) is responsible for administering the CRDC, a survey of local educational agencies (LEAs).  The survey has been administered biennially since 1968.  The data from the survey are used by OCR to aid in its enforcement efforts.  The survey is also an important source of civil rights data for other government agencies, educators, researchers, and the general public in their efforts to promote equal educational opportunities for all students.

ED received 298 comments in response to the Notice of Proposed Information Collection Requests that was published in the Federal Register on June 21, 2013, 78 Fed. Reg. 37529.  The comments included feedback on the two directed questions, specific areas of data collection that were shown in the attachments, and the information clearance process.  A variety of stakeholders provided comments, including: Members of Congress, state educational agencies (SEAs), LEAs, administrators, educators, non-profit organizations, coalitions, professional organizations, advocates, parents, and other private citizens.

ED received several comments that were generally positive and appreciative of the efforts made by ED to gather data on a variety of elements related to equal educational opportunity.  One commenter states as follows, "[The CRDC] is an essential tool for the protection of the educational rights of vulnerable children and youth, including children with disabilities.  We are pleased to support the proposed additions to the CRDC, which appear to be thoughtfully considered and constrained in their breadth and scope."  Another commenter noted the following, "The CRDC makes it possible to evaluate and monitor trends in discipline, harassment and bullying, and restraint and seclusion, among other areas, where school policy makers, parents and community members can play a powerful role in improving the lives of students—if they have the information to address the concerns… The amendments are a balanced, reasonable, and appropriate approach to ensure the nation's public schools are complying with federal anti-discrimination law."

ED appreciates each commenter's time and effort in providing thoughtful commentary in response to this proposed data collection.  ED reviewed, summarized and documented each comment prior to analyzing all comments.  This documentation will aid in the finalization of this data clearance package and will serve to inform future policy decisions regarding the CRDC.

The remainder of this document is divided into five parts:

|       |                                                                                               |
|-------|-----------------------------------------------------------------------------------------------|
| I.    | Overview of proposed significant revisions that respond to recurring comments                 |
| II.   | Responses to comments about survey scope and administration                                   |
| III.  | Responses to comments about specific aspects of the collection, including comments responding to Directed Questions |
| IV.   | Revised burden estimates                                                                      |
| V.    | Complete list of items proposed for the Civil Rights Data Collection.                         |

## I. OVERVIEW OF PROPOSED SIGNIFICANT REVISIONS THAT RESPOND TO RECURRING COMMENTS

There are three areas that ED seeks to highlight because they respond to points appearing in many of the comments submitted.

*First*, many of the commenters who raised concerns about the proposed data collection focused on the need for more notice and lead time to provide comprehensive and accurate data in response to the new CRDC items.

- ED has revised its proposal so that the mandatory collection of nearly all of the new items will be postponed for two years—that is, until the collection for the 2015–16 school year. For the 2013–14 school year collection, reporting of most new items will be optional. ED will use this time to provide intensive technical assistance to schools and school districts so they will be prepared to provide accurate data when required for the 2015–16 collection.

- Nine of the ten proposed mandatory new items for 2013–14 are comprised of yes/no or multiple choice questions that will not require school districts to report counts or disaggregated count data. Only one new item requires the reporting of disaggregated counts, but ED has determined that these data are currently collected in virtually all school data systems. The proposed mandatory new items or data groups (DG) for 2013–14 are:

  o DG 924--Whether LEA has any students enrolled in any distance education courses (Yes/No);
  o DG 916--Whether LEA has civil rights coordinators for Title VI, Title IX, 504/ADA (Yes/No and contact information for each);
  o DG 944--If offered, cost of kindergarten to participant in LEA (pick one: free; partial charge; or full charge);
  o DG954--If offered, cost of preschool to participant in LEA (pick one: free; partial charge; or full charge);
  o DG 953--If offered, whether school's preschool program serves non-IDEA students age 3, 4, 5 (Yes/No for each age);
  o DG 986--If an ungraded school, age of students in school (pick one: 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);
  o DG 918--Whether a school has any students who participate in a credit recovery program (Yes/No);
  o DG 925--Whether a school has any students enrolled in a dual enrollment/dual credit program (Yes/No);
  o DG 991--Whether a sworn law enforcement officer (including a school resource officer) was assigned to the school (Yes/No);

- o DG 978--Number of students absent 15 days or more in a school year (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP).
- In addition, ED proposes that the following new items for justice facilities only, be mandatory for the 2013–14 school year:

  - o DG 943--Type of facility (pre-adjudication/conviction; post-adjudication/conviction; or both);
  - o DG 940--Number of days that make up the regular school year;
  - o DG 942--Number of hours per week that the educational program is offered during the regular school year.

- ED continues to propose dropping two items that were collected in the 2011–12 school year CRDC. The two items are presented below.

  - o DG 478--The unduplicated number of children in the LEA who are awaiting initial evaluation for special education programs and related services under the *Individuals with Disabilities Education Act*;
  - o DG 29--Whether any students in the school are ability grouped for classroom instruction in mathematics or English/reading/language arts (Yes/No).

- ED also proposes to drop the following two new items that were originally proposed for the 2013–14 and 2015–16 CRDC, in response to comments:

  - o DG 945--Whether the LEA is required to provide full-day or part-day kindergarten by state statute or regulation;
  - o DG 962--Whether the LEA has a policy that allows retention of third grade students who are not proficient in reading.

*Second*, an overlapping point raised by many commenters was that the CRDC imposed a duplicative reporting requirement (albeit not an additional collection burden), because much of the information collected by ED in the CRDC was also collected by the commenters' state educational agencies (SEA). These commenters are referring to data that SEAs collect, but that the SEAs do not report to ED. The CRDC no longer collects the two data groups from LEAs, where previously, both the LEA and the SEA reported the same data to ED (DG 74 and DG 306).

- OCR is working with the National Center for Education Statistics (NCES) to develop a collection tool for the 2013–14 collection that will support SEAs choosing to pre-populate LEA-level CRDC surveys with duplicate data in their student information systems. If an SEA elects to do so, then its LEAs will not need to reenter that data into the tool. LEAs will be expected to review the data before certifying to its accuracy.

***Third***, numerous commenters raised concerns about ED's proposal to drop two sets of items that were in prior collections.  These items pertained to (1) harassment/bullying policies, and (2) the FTE of teachers meeting state certification/licensing requirements.

- ED proposes to reinstate a mandatory yes/no item regarding harassment/bullying policies that is consistent with the item included in the 2009–10 and 2011–12 CRDCs, and will ask for a link to the harassment/bullying policy if it is available on the internet.  (DG 988)

- ED proposes to reinstate the item regarding the FTE of teachers meeting state certification/licensing requirements, which has been used since the 2000 CRDC.  (DG 990) ED will continue to study options that will allow it to better differentiate among the population of teachers who serve different schools.

## II. COMMENTS ABOUT SURVEY SCOPE AND ADMINISTRATION

Many of the commenters had specific, useful suggestions about revisions to particular data elements, which are addressed below.  Each section below provides a summary of the public comments received, ED's response to those comments, and any resulting changes made to the proposed data collection package.  In addressing the public comments and making revisions to the package, ED focused on recommendations from the public comments that continue to move the CRDC forward in achieving the goals of consolidating collections, obtaining high quality data, and reducing burden on data suppliers.

ED also received a number of specific comments about how to display the results of the data collected to the public, including alterations of privacy protection methodologies.  Those comments will not be addressed in this document, but will be considered as plans for releasing the data collected are formulated.

Furthermore, in this document, ED does not address technical and other minor changes that were made to the information collection package for clarity, accuracy, and consistency. ED also does not address general comments that raised concerns not directly related to the Notice.

### CIVIL RIGHTS PURPOSE OF DATA COLLECTION

**1.** *Relationship to Civil Rights*
**Public Comments**
Several commenters questioned the relationship between some data elements that ED is proposing to collect and  civil rights.  A few commenters suggested that the additional data requirements are an overextension of ED's rulemaking authority, not sufficiently justified and not based on recent statutory or regulatory changes that would have precipitated the proposed data requirements.

**ED's Response**
Discussion: 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" (20 U.S.C. § 3413(c)(1)). The civil rights laws enforced by OCR 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 CFR 100.6(b), 34 CFR 106.71, and 34 CFR 104.61).  ED's Assistant Secretary for Civil Rights has determined that the proposed data elements are necessary to ensure compliance with the civil rights laws.

OCR's fundamental mission is to ensure access to equal educational opportunity for all students. The new data items represent important areas of access to equal educational opportunities and are aligned with ED's focus on providing equal access to educational opportunities to achieve college and career readiness.

OCR also works with offices within ED to help them effectively carry out programs of Federal financial assistance that the Secretary of Education is responsible for administering. For example, OCR works with ED's Office of Elementary and Secondary Education, which is responsible for administering the Elementary and Secondary Education Act of 1965 (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. Thus, in addition to OCR's authority described above, the ESEA provides authority for ED to mandate that LEAs respond to this data collection.

Changes: None.

## 2. *Public Availability of Data*
**Public Comments**
Several commenters requested that ED make the data collected on the CRDC publicly available in a timelier manner. Other commenters, who were aware of the public CRDC reporting website, indicated improvements should be made to the display of data to make the information more accessible.

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

To increase the transparency and accessibility of the CRDC data, ED launched an enhanced reporting website in March 2012 that provided the public with visually intuitive displays of the CRDC data. Following the release of this new website, the number of visits to the CRDC data site increased seven fold. The investment in enhanced reporting features has supported broad and rich conversations among educational stakeholders about improving educational access and equity, resulting in changes to practice, policy and legislation in states and school districts across the nation. As funding allows, ED will continue to make improvements to the data display based on comments and suggestions from data users.

Changes: None.

**3. *Labeling Incomplete Responses***
**Public Comments**
Commenters noted that there were notable instances with the 2009–10 collection, particularly surrounding new data items, where school districts unable to report complete and accurate data, may have reported zero students in these new data items. Commenters suggested that ED incorporate a "compliance rating" (for district responses) that notes which data groups a district failed to report and that rates the district's compliance. This would enable all educational stakeholders to urge districts to better report their data.

**ED's Response**
Discussion: The CRDC is a mandatory data collection. The failure of an LEA to respond and report accurate data can lead to enforcement actions by OCR. ED expects complete and accurate data, but understands that, in some exceptional circumstances, data may not be provided in a timely manner. In those circumstances, ED is studying ways to identify incomplete data reporters without suggesting that this is a lawful or acceptable practice.

Changes: None.

## DATA COLLECTION TIMELINE AND BURDEN

**4. *Reporting Burden and Notification Timeline for New Data Elements***
**Public Comments**
Many commenters raised concerns regarding the added burden on LEAs because of the new data elements. Several commenters expressed concern about the overall burden and cost to LEAs to report the expanded set of data. They objected to reporting on additional data elements at a time when LEAs are facing severe budgetary challenges and resources are limited. Some commenters suggested that modifications to their student information systems would have to be made, which would require working with outside vendors. Several commenters indicated that they should have been given more notice and lead time to respond to the new CRDC items. These commenters also noted that they should not be required to report data for the 2013–14 school year, since the data elements and definitions are not yet final. Many commenters suggested giving LEAs a year within which to revise and implement the proposed new data requirements to ensure accurate collection and reporting. Nevertheless, a few commenters stressed that the utility of the CRDC far outweighs any added burden imposed by the reporting requirements.

**ED's Response**
Discussion: ED appreciates the comments received from LEAs regarding the notification of new data elements after the 2013–14 school year has begun. ED concurs with the concern raised by LEAs regarding the accuracy of data submitted without adequate time to ensure that the new data elements are appropriately added to student information systems.

ED recognizes that LEAs are facing a challenging economic environment. ED has given significant consideration to all of the proposed data requirements and the additional burden they

may impose on LEAs.  In response to comments, ED now proposes to remove two newly proposed items regarding state and LEA policies (i.e., whether LEA has policy that allows retention of third grade students who are not proficient in reading (DG 963); whether SEA requires provision of full- or part-day kindergarten (DG 945)) because ED determined that the CRDC was not an efficient method for collecting that information.  However, for the remaining proposed items, ED has determined that each is necessary to ensure compliance with the civil rights laws and that, individually and in total, the burden is justified by the need for the data.  In addition, as noted below, ED will be taking additional steps to reduce the collection burden on LEAs.

In response to the request from school districts for ED to provide adequate notice of new data elements to be collected on the CRDC, ED now proposes delaying the mandatory completion of most new items that involve the reporting of counts or disaggregated counts data until the 2015–16 CRDC.  For the 2013–14 school year collection, reporting of most new items' data will be optional.  It is ED's belief that by notifying school districts in the fall of 2013 of the new mandatory data elements for the 2015–16 school year, school districts will have sufficient time to make any necessary changes to data collection systems to report complete and accurate data for the 2015–16 CRDC.  ED will continue to work to move up timelines for announcing changes to the data collection.

Changes: ED is proposing that some of the new items be optional for the 2013–14 school year CRDC, and mandatory for the 2015–16 school year.  In addition, in an effort to refine the data collected regarding Algebra I and Geometry, ED is proposing that the questions previously asked in 2011–12 school year regarding those subjects be mandatory again in 2013–14 school year, but be replaced with refined mandatory items for the 2015–16 school year CRDC.

New data groups that ED is proposing as optional for 2013–14, and as mandatory for 2015–16 are underlined below.  The Algebra I and Geometry replacement items that ED is proposing for 2015–16 to replace existing items are at the end of the list below.

*School & District Characteristics*
- DG 989--Number of students (PS through grade 12) enrolled in LEA and served in non-LEA facilities only *(LEA)*
- For justice facility only:
  o DG 941--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.

*Discipline*
- Students (K-12) who were transferred for disciplinary reasons (to alternative school; to regular school):
  o DG 922--Number of K-12 students with disabilities who were transferred for disciplinary reasons (to alternative school; to regular school) (disaggregated by race, sex, disability-504 only, LEP)

- o DG 923--Number of K-12 students without disabilities who were transferred for disciplinary reasons (to alternative school; to regular school) (disaggregated by race, sex, LEP)
- Students who received corporal punishment:
  - o DG 921--Number of preschool students (ages 3-5) who received corporal punishment (disaggregated by race, sex, disability-IDEA, LEP)
  - o DG 917--Number of instances of corporal punishment that students (preschool through grade 12) received (disaggregated by students without disabilities, students with disabilities)
- DG 966--Number of school days missed by students who received out-of-school suspensions (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP)
- DG 952--Documented incidents that occurred at the school that would trigger discipline, including referrals to law enforcement and arrests:
  - o Number of incidents of robbery with a weapon
  - o Number of incidents of robbery with a firearm or explosive device
  - o Number of incidents of robbery without a weapon
  - o Number of incidents of physical attack or fight with a weapon
  - o Number of incidents of physical attack or fight with a firearm or explosive device
  - o Number of incidents of physical attack or fight without a weapon
  - o Number of incidents of threats of physical attack with a weapon
  - o Number of incidents of threats of physical attack with a firearm or explosive device
  - o Number of incidents of threats of physical attack without a weapon
  - o Number of incidents of rape or attempted rape
  - o Number of incidents of sexual battery (other than rape)
  - o Number of incidents of possession of a firearm or explosive device
- DG 919--Whether any of the school's students, faculty, or staff died as a result of a homicide committed at the school
- DG 927--Whether there has been at least one incident at the school that involved a shooting (regardless of whether anyone was hurt)

*Harassment or Bullying*
- DG 933--Number of reported allegations of harassment or bullying of K-12 students on the basis of: sexual orientation; religion

*Early Childhood Education*
- DG 957--Number of students served by LEA in preschool programs in LEA and non-LEA facilities (disaggregated by age – 3, 4, 5) *(LEA)*

*Pathways to College and Career*
- DG 992--Number of students who participate in at least one credit recovery program
- DG 993--Number of students enrolled in distance education courses (disaggregated by race, sex, disability-IDEA, LEP) *(LEA)*
- DG 994--Number of students enrolled in at least one dual enrollment/dual credit program (disaggregated by race, sex, disability-IDEA, LEP)

*School Finance*
- K-12 personnel FTEs and salaries at the school level (funded with state and/or local funds):
  - DG 967--Number of FTE instructional aides
  - DG 996--Amount of instructional aide salaries
  - DG 967--Number of FTE support services staff (for pupils and for instructional staff)
  - DG 971--Amount of support services staff (for pupils and for instructional staff) salaries
  - DG 967--Number of FTE school administration staff
  - DG 971--Amount of school administration staff salaries

- Preschool-12 personnel FTEs and salaries at the school level (funded with federal, state, and/or local funds):
  - DG 995--Amount of teacher salaries
  - DG 998--Number of FTE instructional aides
  - DG 997--Amount of instructional aide salaries
  - DG 998--Number of FTE support services staff (for pupils and for instructional staff)
  - DG 999--Amount of support services staff (for pupils and for instructional staff) salaries
  - DG 998--Number of FTE school administration staff
  - DG 999--Amount of school administration staff salaries
  - DG 1002--Total amount of instructional and support personnel salaries

- Total amount of non-personnel expenditures at the school level:
  - DG 1000--Amount of non-personnel expenditures (funded with federal, state, and/or local funds)

*Staff (funded with federal, state, and/or local funds)*
- DG 1003--Number of teachers (counts):
  - Number of current school year teachers (preschool through grade 12)
  - Number of previous school year teachers (preschool through grade 12)

- DG 982--Support services staff:
  - Number of FTE psychologists (preschool through grade 12)
  - Number of FTE social workers (preschool through grade 12)
  - Number of FTE nurses (preschool through grade 12)

- DG 975--Security staff:
  - Number of FTE security guards (preschool through grade 12)
  - Number of FTE sworn law enforcement officers (including school resource officers) (preschool through grade 12)

*Pathways to College and Career (replacement items for 2015–16 school year)*
- DG 950--Number of Algebra I classes in grades 9-12

- DG 906--Number of Algebra I classes in grades 7-8
- DG 907--Number of students enrolled in Algebra I in grade 7
- DG 908--Number of students enrolled in Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, LEP)
- DG 910--Number of students who passed Algebra I in grade 7
- DG 911--Number of students who passed Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, LEP)
- DG 950--Number of Geometry classes in grades 9-12
- DG 930--Number of students enrolled in Geometry in grade 8
- DG 951--Number of students enrolled in Geometry in grades 9-12 (disaggregated by race, sex, disability-IDEA, LEP)

**5.** *Summer Comment Period*
**Public Comments**
Several commenters raised concerns that the notice regarding the 60-day public comment period, from June 21, 2013 to August 20, 2013, occurred when many LEAs may be on summer break without staff to monitor and review notices from the Federal Register.

**ED's Response**
Discussion: ED greatly appreciates the time taken by commenters to read the clearance package and provide thoughtful comments on how to improve the CRDC as well as review the data collection process.  ED regrets the 60-day public comment period began during the summer months when many key school district staff may have been unavailable.  ED determined that the efforts to coordinate the proposed revisions to the CRDC with program offices across ED would result delaying the release of the package for public comment, but yield an improved clearance package that was better aligned with existing definitions and collections across ED.  The improved clearance package would also help the public better understand ED's information collection requirements.  Furthermore, ED was aware that a second 30-day public comment period would  take place when many school districts were back in session.  The Federal Register notice accompanying these responses to public comment provides notice of this second 30-day public comment period.

Changes: None.

**6.** *Annual and Universal Collection*
**Public Comments**
Several commenters suggested that ED transition the CRDC to an annual collection, stating that the biennial collection limits parents' and advocacy groups' access to timely information about educational access and equity.

**ED's Response**

<u>Discussion</u>: The CRDC has been traditionally collected as a biennial survey since 1968. Although ED concurs that the public and ED would benefit from an annual CRDC data collection, ED is aware of the significant burden of this collection on LEAs. Additionally, ED's financial constraints currently prevent it from conducting a survey that is annual.

<u>Changes</u>: None.

## 7. *Reducing LEA Reporting Burden by Collecting Data from SEAs*
**Public Comments**

Several commenters requested that ED gather data that are duplicated in SEA collections directly from SEAs to reduce the reporting burden on LEAs. A few other commenters requested that ED not allow SEAs to report CRDC data to ED, on behalf of their LEAs, to ensure the CRDC remains certified by the LEA for the purposes of civil rights monitoring.

**ED's Response**

<u>Discussion</u>: ED is continually exploring ways to reduce the reporting burden on LEAs while also maintaining a rigorous standard to ensure the quality of information submitted. ED believes it is essential that the LEAs remain the certifying entity to validate their CRDC submission. Based on feedback received from the CRDC workgroup, which includes LEA and SEA representatives, ED has explored multiple options for SEAs to support LEAs in reporting CRDC data. For example, to reduce the burden on LEAs, beginning with the 2009–10 CRDC, the CRDC no longer collects disaggregated school data on the number of students served under the *Individuals with Disabilities Education Act* (*IDEA*) by disability category or educational environment. Instead, the CRDC uses the data that LEAs submit to the applicable SEA for the purpose of reporting required data under *IDEA*. Likewise, high school completer data are no longer collected by the CRDC because ED already collects those data from SEAs through the ED*Facts* collection. The 2013–14 and 2015–16 CRDC will continue to leverage the data submitted through ED*Facts* to reduce the burden on LEAs.

For the 2011–12 CRDC, ED improved the CRDC submission system to allow SEAs to provide LEAs with flat-files of any duplicate data collected by the SEAs. While the LEA could choose to pre-load SEA supplied data files, the LEA was still required to review the accuracy of the data for the purposes of CRDC reporting. This option was used in various forms by five SEAs to support their LEAs.

For the 2013–14 CRDC, ED has been contacted by several SEAs looking for ways to support their LEAs in meeting the reporting requirements for the CRDC. Additionally, OCR is working with the National Center for Education Statistics to develop a collection tool for the 2013–14 collection that will allow SEAs to voluntarily pre-populate LEA-level CRDC surveys with duplicate data found in the SEAs' student information systems. If an SEA elects to do this, then LEAs will not be required to reenter that data into the tool, but simply certify its accuracy.

<u>Changes</u>: None.

**8.** *Coordination with Other Department Data Collections*
**Public Comments**
A few commenters requested that the CRDC and the ED*Facts* collection be better aligned to eliminate the duplicative reporting of data.  In addition, a few commenters requested that the CRDC align its reporting timeframes and definitions with the ED*Facts* dataset.

**ED's Response**
Discussion: For the 2013–14 and 2015–16 CRDC, OCR met with program offices across ED to eliminate any duplication of data items and, where possible, to ensure that the CRDC uses definitions consistent with those used by other program offices.  For example, OCR worked closely with the National Center for Education Statistics (NCES) to align the definitions used for the collection of school-level expenditures with the personnel account codes used by NCES and the U.S. Census Bureau in the collection of district-level expenditures.  To consolidate and centralize preschool-grade 12 data collections, the same definitions of terms are used whenever possible to minimize the reporting burden on LEAs.

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 and 2015–16 CRDC.  This cross-program office coordination provided an opportunity for experts in content areas and survey design to raise potential areas of overlap.

Wherever possible, ED aligned the CRDC reporting periods and definitions with the ED*Facts* data set.  For example, for the 2013–14 CRDC student enrollment counts, ED originally proposed an October 1 snapshot reporting period—which was a date that was consistent with the October 1 date used by ED*Facts*.  However, in response to some of the commenter's concerns regarding the timeline for reporting CRDC data, ED now proposes to expand the snapshot date for many of the data groups to as late as December 31, 2013. For the 2015–16 CRDC collection, ED continues to propose the use of the same reporting period for fall enrollment snapshots and *IDEA* counts as used by the ED*Facts* collection (i.e., October 1).

Changes: For the 2013–14 CRDC, the fall snapshot reporting period for most data groups has been changed to a single day between September 27, 2013, and December 31, 2013.  See Attachment A2.

**9.** *Resources to Support School Districts*
**Public Comments**
Several commenters requested that ED increase resources and technical assistance to states and school districts to support the accurate completion of the CRDC.

**ED's Response**
Discussion: ED has traditionally provided a Partner Support Center (PSC) to offer LEAs guidance and technical assistance in submitting their CRDC data.  For both the 2009–10 and the 2011–12 CRDC collection, over 79 percent of participating LEAs received direct technical assistance from the PSC upon their request.  Additionally, the PSC has provided frequent

communications and reminders to all participating LEAs.  ED is committed to working with LEAs to ensure accurate reporting of CRDC data and to improve the quality of this information for use by LEAs to improve educational access and opportunity.  ED plans to improve the web submission system to both reduce the burden on LEAs of reporting this data, and to improve the accuracy of the data submitted.

Changes. None.

## 10. *Data Submission System*
**Public Comments**
Several commenters expressed frustration with the amount of time required to submit CRDC data and resolve error messages.

**ED's Response**
Discussion: To reduce the potential burden, ED is developing a more interactive, user-friendly tool that will make it easier for LEAs to provide the data.  The tool takes into consideration features that past users have suggested and will include increased flexibility to create customized skip patterns, eliminating the reporting burden of entering zeros to non-applicable cells or tables.  Thus, for example, a school district that says that it has not administered corporal punishment will be able to skip all tables addressing corporal punishment.  In addition, as noted above, ED is working develop a collection tool for the 2013–14 collection that will allow SEAs to voluntarily pre-populate LEA-level CRDC surveys with duplicate data in their student information systems.

Changes: None.

## 11. *Privacy Protection of Data*
**Public Comments**
Several commenters noted that much of the student data sought in the CRDC requires the highest possible privacy protection.  One commenter suggested that personal information linked to individual students should be limited to predetermined purposes and students should have notice about the information collection.  In addition, the commenter stated that controls should be established over who can view the personally identifiable information and audit logs be kept to track this access.  Finally, the commenter said that any outsourcing of this information should be strictly governed by contract with penalties for misuse, and that the information should be discarded after the applicable time period.

**ED's Response**
Discussion: ED is extremely sensitive to the concern raised by the commenters, and agrees that appropriate privacy protection should be maintained for any data collected. The Privacy Act of 1974, the Family Education Rights and Privacy Act (FERPA) and other applicable laws and regulations govern ED's use of data collected.  ED already has numerous protocols in place to ensure that privacy breaches do not occur.  Any information that is available on ED's Web site that reports the CRDC data goes through an intensive review to ensure that the data posted does not reveal any personally identifiable information.

Changes: None.

COLLECTION OF DATA WITH ADDITIONAL DISAGGREGATION

**12.** *Disaggregating by Additional Racial/Ethnic Categories*
**Public Comments**
A few commenters requested additional disaggregation of certain race/ethnicity categories.  A few commenters requested that the Asian and Native Hawaiian/Pacific Islander categories be further disaggregated to report by three separate categories, "Asian, "Native Hawaiian", and "Pacific Islander."  Other commenters requested that ED pilot collecting data using the U.S. Census Bureau's major ethnicities.

**ED's Response**
Discussion: ED recognizes the diversity within the Asian and Native Hawaiian/Pacific Islander categories.  On May 4, 2012, ED released a request for information to gather and share information about practices and policies regarding existing education data systems that disaggregate data on subgroups within the Asian and Native Hawaiian or Other Pacific Island (ANHPI) student population.  ED anticipates making use of this information to help SEAs and LEAs identify, share, and implement promising practices and policies for identifying and overcoming challenges to gathering and disaggregating data on subgroups within the ANHPI student population.  SEAs and LEAs might then use those data to improve their ability to respond to the unique needs and issues that might exist for these subgroups.

However, for CRDC reporting purposes, ED's October 2007, "Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education," 72 Fed. Reg. 59,266 (Oct. 19, 2007), states that recipients are required to report by seven racial/ethnic categories (i.e., Asian, Native Hawaiian or Pacific Islander, Native Alaskan or American Indian, Black, Hispanic, or White).  While school districts may choose to disaggregate these categories further, they are only required to comply with the requirements of ED's guidance.  *See id*. at 59,278.  The 2011–12 CRDC was an important milestone for full implementation of the ED October 2007 guidance, in that every school district reporting CRDC data for the 2011–12 school year was required to report data on Asian students separately from Native Hawaiian or Pacific Islander students.  This finer grain of disaggregation gives ED greater insight to the educational opportunities for Native Hawaiian and Pacific Islander students that may have been previously concealed with the reporting of data within the broader category of Asian/Pacific Islander.

Changes: None.

**13.** *Disaggregating by Socioeconomic Status*
**Public Comments**
A few commenters requested that the CRDC collect data disaggregated by socioeconomic status. One commenter suggested including economically disadvantaged data collected through ED's ED*Fact*s initiative.

**ED's Response**
Discussion: While ED believes disaggregation by socioeconomic status for CRDC data elements would be a useful data point for ED in general, reporting on these items in the CRDC would

significantly increase the scope and burden of the data collection. To provide important contextual information, ED has incorporated data on percent of students eligible for free or reduced priced lunch, which is collected by NCES, on its OCR website. Additionally, ED has provided information regarding each school's Title I status on its OCR website, to view alongside the educational access and equity data collected on the CRDC.

Changes: None.

## 14. *Disaggregating by Pregnant and Parenting Student Status*
### Public Comments
Several commenters sought additional data related to pregnant and parenting students. The proposed additions included: (1) the number of students who are pregnant or parenting; (2) whether the LEA or school offers a charter, separate, or alternative school or program exclusively or primarily for pregnant and parenting students; (3) whether the LEA or school has personnel assigned to pregnant and parenting student service coordination; (4) the number of students suspended, expelled, or removed for disciplinary reasons disaggregated by pregnancy and parenting status; (5) the number of reported allegations of harassment or bullying on the basis of pregnancy or parenting status; and (6) the number of pregnant and parenting students enrolled in any of the "college and career pathway" programs reported in the CRDC.

### ED's Response
Discussion: While several of the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection. Furthermore, except for the items involving the existence of separate schools and harassment, these items raise privacy concerns regarding the LEA's identification of and record-keeping about pregnant and parenting students.

Changes: None.

## 15. *Disaggregating by Status as Foster Youth, Migrant, and Homeless Students*
### Public Comments
A few commenters requested the collection of CRDC data disaggregated by foster, migrant, and homeless students, as these groups of students are particularly vulnerable and likely to receive differential treatment.

### ED's Response
Discussion: While ED believes collecting data disaggregated by these categories would be a useful data point for ED, collecting this information as part of the CRDC would greatly increase the reporting burden on LEAs and would not substantially further the core civil rights mission of the collection.

Changes: None.

## III.    COMMENTS ABOUT SPECIFIC ASPECTS OF THE COLLECTION

### SCHOOL AND DISTRICT CHARACTERISTICS

**16.** *Limited English Proficient Student Data*
**Public Comments**
Several commenters requested that ED collect more detailed data regarding educational opportunities for students who are limited English proficient (LEP).

**ED's Response**
Discussion: While ED believes more detailed disaggregation by LEP status for CRDC data elements would be a useful data point for ED, collecting this type of information as part of the CRDC would greatly increase the reporting burden on LEAs.  Additionally, much of this information is reported by SEAs through the ED*Facts* initiative and Consolidated State Performance Reports.  For example, on an annual basis, each SEA reports the most commonly spoken languages, other than English, for each school district and the number of students speaking each of the languages listed. Furthermore, each state is required to report the number of newly arrived English Language Learners who are exempted from participating in the reading/language arts assessment under *ESEA* (34 CFR 200.6 (b)(i)(C)).

Changes: None.

**17.** *Charter School Status*
**Public Comments**
ED received several comments about the importance of collecting data on charter schools.  A few commenters requested that ED consider the special context of charter schools and the additional burden the collection may impose given that their student information systems are often separate from more traditional LEAs and schools.

**ED's Response**
Discussion: ED recognizes that charter schools may be operating separate student information systems from traditional LEAs.  Collecting data from all charter schools, including charter schools that are separate from traditional LEAs, provides data on college and career readiness, discipline and other civil rights issues. Each charter school that fills out the survey provides disaggregated data in all the areas required by the CRDC, which enables the monitoring of the school's civil rights obligations.  ED has been working to address issues related to the collection of CRDC data from all charter schools and will continue to provide outreach and assistance to charter schools to facilitate the collection of all CRDC data.

Changes: None.

## 18. *Justice Facilities*
**Public Comments**

Many commenters supported expanding the information collection about education that youth receive while in justice facilities.  They noted that there is a clear need for better data on how educational needs are met while youth are confined in correctional facilities.  One commenter recommended that the data be collected from LEAs and SEAs, rather than from schools. Another commenter recommended that information about participants be disaggregated because it will provide a more complete picture of the students in justice facility education programs, and aid in identifying trends and practices that may violate students' civil rights.  Some commenters also suggested additional questions about: (1) the facility regarding recognition/award of credits; transfer of records; alignment of curriculum; and reentry support, and (2) the treatment of students after their release.

**ED's Response**

Discussion: Significant numbers of students are being educated, at least for certain periods of time, in juvenile justice facilities.  Data from the 2009–10 and 2011–12 CRDCs revealed important information about the students served in long-term secure and boot camp juvenile justice facilities.  For 2013–14, ED will expand its collection to include additional justice facilities types beyond long-term secure facilities and boot camps, such as pre-adjudication detention centers.

While several of the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.  Therefore, ED will not add any of the commenters' proposed new items to the CRDC at this time.

In response to some of the commenters' general concerns regarding the timeline for reporting CRDC data (see Section II above), ED is now proposing that some of the new items specifically intended for juvenile justice facilities be optional for 2013–14.

Changes: For the 2013–14 CRDC, ED is proposing the collection of data on type of juvenile justice facility (DG 943), number of days that make up the regular school year (DG 940), and number of hours per week that the educational program is offered during the regular school year (DG 942) as mandatory, and number of students who participated in the educational program, disaggregated by number of calendar days (DG 941) as optional.  ED proposes no changes to the data elements for the 2015–16 CRDC.

## 19. *Coordinators*
**Public Comments**

Many of the commenters supported the addition of the collection of information regarding civil rights coordinators in all three statutory areas (race, sex, and disability).  A few of those who supported these data elements also supported collecting data on number of complaints received by the coordinators, their training, the overlap between coordinators assigned to various topics, and other variables.  One commenter questioned ED's authority to collect information on a Title VI coordinator, arguing that such a coordinator is not required under the regulations.  The same

commenter argued that the information on coordinators was already available on LEAs' websites and that ED should not collect contact information on coordinators because ED should not contact coordinators directly.

**ED's Response**
Discussion: ED's regulations implementing Title IX and Section 504 require that public school districts that receive federal financial assistance to appoint a "coordinator" to coordinate efforts to comply with the law, including investigation of any complaint. 34 C.F.R. 106.8(a), 104.7(a). A recipient must notify all its students and employees of the name, office address, and telephone number of the Title IX coordinator.  34 C.F.R. 106.8(a).  ED has found that compliance with these regulations is not universal, and public reports of non-compliance persist.  Asking each district to answer whether they have complied with these regulations is one appropriate step for ensuring compliance.

Although no similar obligation is reflected in the Title VI regulations, ED believes many districts have appointed employees to serve a similar coordination function for issues involving race, color, and national origin.  It is valuable to learn how many districts have done so in an effort to promote compliance with Title VI to determine the personnel resources districts are devoting to this issue or whether further regulation is required.

Collecting the name and contact information of the coordinator is appropriate for four reasons. First, it provides useful confirmation that the coordinator position is actually filled.  Second, it allows ED to learn whether the same or different staff are being used for the different coordinator positions.  Third, it will allow ED to assist in connecting members of the school community with existing coordinators (for whom, as a commenters note, the contact information is already supposed to be publicly available).  Finally, it will allow ED to keep coordinators informed as civil rights guidance and technical assistance is made available.

While several of the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: None.

## 20. *Single-Sex Classes*
**Public Comments**
Several commenters sought additional data related to single-sex classes.  The proposed additions included reporting not only the absolute number of single-sex academic classes in the subjects listed by males/females only, but also the number of coeducational class sections within each of those subjects, as well as the grade level.  Commenters also requested that single-sex classes items be disaggregated by race/ethnicity and disability, in a manner that may be fully cross-tabulated, to enable analysis of whether students of color and students with disabilities are disproportionately channeled into either single-sex or coeducational classrooms.  Furthermore, commenters requested clarification of what counts as a single-sex class, and specified that if the class is selected by sex-neutral factors, such as skill or ability (e.g., vocal range) resulting in it

being incidentally limited to members of one sex, then it should not be considered a single-sex class for CRDC reporting purposes.

**ED's Response**
Discussion: While several of the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection. ED, however, has amended the definition of "single sex class" to make clear that a class should be counted as a single-sex class only if it excludes students of one sex from enrolling or otherwise participating in that class because of their sex.

Changes: The definition of "single-sex class" (see DG 976) has been amended to make clear that a class should be counted as a single-sex class only if it excludes students of one sex from enrolling or otherwise participating in that class because of their sex. A class is not considered single-sex so long as it is open to members of both sexes, even if students of only one sex, or a disproportionate number of students of one sex, enroll. The Title IX regulations acknowledge two common examples of such classes: physical education classes that group students on the basis of ability, and vocal choruses that group students based on vocal range.

## 21. *Students Awaiting Evaluation for Special Education*
**Public Comments**
A few commenters requested that ED continue to collect the number of students awaiting evaluation for special education services.

**ED's Response**
Discussion: The obligation to evaluate a student for special education services arises under both 504 and the *Individuals with Disabilities Education Act.* ED's Office of Special Education and Rehabilitative Services already monitors data on the timeliness of evaluations and *IDEA*'s Annual Performance Report (Indicator 11) provides the public with data on the state's adherence to the timeline for an initial evaluation for *IDEA* students. Continuing to collect this data would provide only marginally more information and its utility does not warrant the additional burden on LEAs.

Changes: None.

## 22. *Ability Grouping*
**Public Comments**
A few commenters requested that ED continue to collect data on ability grouping. One commenter requested additional information on ED's justification not to collect data on whether the school had classes that were ability grouped for English/reading/language arts. The commenter suggested that ED collect disaggregated ability grouping data by race/ethnicity. Another commenter suggested that ED report tracking/ability grouping by campus. One commenter suggested that ED collect ability grouping data by honors, regular or remedial coursework, and by which subjects students are ability grouped. The commenter also proposed that ED collect data on how schools define ability grouping.

**ED's Response**
Discussion: ED acknowledges that continuing to collect data on whether students are ability grouped would provide useful information, but it would also impose an additional burden on LEAs.  The proposed survey seeks disaggregated data in a number of other areas related to class participation.  ED believes that collecting data on ability grouping on the CRDC is not necessary at this time.

Changes: None.

### 23. *School Facilities and School Health*
**Public Comments**
A few commenters recommended that ED collect information about school facilities and maintenance.  One commenter also recommended that the CRDC include measures related to school health and wellness, including information about food and fitness, and health services.

**ED's Response**
Discussion: ED acknowledges that collecting information about school facilities and maintenance would be useful.  However, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.  Nevertheless, in response to the commenter's request for information related to school health and wellness (and other commenters' specific requests for nurse information as described under "Support Staffing" below), ED proposes to collect number of FTE nurses using the CRDC.

Changes: ED proposes to add number of FTE nurses (DG 982) to the CRDC.

### 24. *Learning Time*
**Public Comments**
One commenter recommended that the CRDC collect school time data to determine whether low-income and minority children are being systematically disadvantaged by having access to fewer hours of school learning time.

**ED's Response**
Discussion: ED acknowledges that the collection of information on school learning time would be useful.  However, because measurement of instructional time at a school or student level raises difficult technical issues that require further study, ED has determined not to propose such a set of items at this time.  Nevertheless, ED recognizes that many of the items to be collected – including for example data regarding student absenteeism and exclusionary discipline – cover school instructional time information. In addition, ED will continue to explore possible learning time measures to include in the CRDC that may be useful for the purposes of identifying disparities in educational opportunities.

Changes: None.

### 25. *Other Policies and Monitoring*
**Public Comments**
One commenter suggested that ED add indicators of a positive school climate, including: how the school district has adopted coursework requirements for social and emotional learning; whether the school district has a policy or procedure to (1) monitor attendance, behavior, and

course performance, or (2) determine whether a student needs additional support services; whether the school district has formal mechanisms of conflict resolution and discipline; and whether the school district has a policy on teen dating violence.

**ED's Response**
Discussion: ED acknowledges the importance of collecting data on indicators related to school climate. However, because of the need to balance the utility of data with the overall burden of the CRDC, ED has decided not to collect these data at this time.

Changes: None.

## DISCIPLINE

**26.** *Expulsions - Transfers for Disciplinary Reasons*
**Public Comments**
Many commenters supported ED's proposal to collect data about students who are removed for the remainder of the school year to another school for disciplinary reasons—whether to another regular school or an alternative school. These commenters suggested that ED refer to these types of expulsions as "transfers" and not "removals." Several commenters pointed to a 2012 report by the Georgetown Law Human Rights Institute Fact-Finding Mission, which found that "disciplinary transfers" to other regular or alternative schools within a school district are common, and can have the same disruptive effect on the student as other forms of expulsions with educational services. These commenters believed that collecting this data would permit ED to learn which students experience a greater number of transfers and which schools have a high transfer rate.

**ED's Response**
Discussion: The CRDC items regarding expulsion were always intended to capture all situations where a child was no longer able to attend his or her regular school for the remainder of the school year (if not longer) for disciplinary reasons, regardless of the name used by the school district to describe the result. Recognizing that some school districts "expelled" children from a school but continued to provide educational services in another school or a home setting, the CRDC has previously collected separate counts of children expelled with and without educational services. The proposed changes to the CRDC were intended to get a clearer picture of where children who were expelled with educational services were receiving such services.

For the proposed CRDC, ED agrees with the commenters' suggestion to use the term "transfers" instead of "removals" when referring to expulsions to another school. Therefore, ED has revised the Discipline Method category in Attachment A3 accordingly. ED will also make clearer in the survey instructions that all disciplinary transfers for the remainder of the school year (or longer) constitute "expulsions" for purposes of the collection.

Changes: ED has adopted the term "transfers" when referring to expulsions to another school. See revisions to the Discipline Method category in Attachment A3.

**27.** *Number of School Days Missed by Students Who Receive Out-of-School Suspensions*
**Public Comments**
Several commenters supported ED's proposal to collect the number of school days missed by students who received out-of-school suspensions. These commenters contended that the time spent out-of-school, including short periods of removal, speeds the disengagement process and can be a key entry into the "school-to-prison" pipeline. One commenter suggested that the information be collected in a more detailed format (i.e., the number of students suspended 1 day, 2-5 days, 6-9 days, and 10 days or more). The same commenter requested that ED measure the amount of class time missed due to in-school suspensions.

**ED's Response**
Discussion: Although the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: None.

**28.** *Out-of-School Suspensions*
**Public Comments**
Many commenters recommended that ED define out-of-school suspension uniformly for students with and without disabilities as "at least half a day." They contended that this change would enable educators, parents and advocates to compare suspension rates for student with disabilities to their non-disabled peers. They also contended that the change would ease the collection burden by not requiring districts to count suspensions in different ways for different groups of students. Furthermore, some commenters suggested that ED report the total number of suspensions issued, rather than just the number of students suspended once, or more than once.

**ED's Response**
Discussion: Historically, out-of-school suspensions under the *Individuals with Disabilities Education Act (IDEA)* have been measured as "at least half a day," while out-of-school suspensions under the CRDC have been measured as "at least a day." To align the definitions for students with disabilities across collections, ED proposed adopting the *IDEA* definition for *IDEA* students. At the same time, ED proposed retaining its traditional definition of "at least a day" for all other students so as to make it easier for users to compare out-of-school suspension numbers to past CRDC collections (spanning back decades). In light of the commenters' suggestions, and in light of the growing concern regarding disruption in learning caused by even partial day suspensions, ED agrees that the definition of out-of-school suspension should be defined uniformly for all students in the CRDC as "at least half a day."

ED already collects sufficient suspension information to allow it to report on students receiving at least one suspension. ED will seriously consider computing this number and reporting it so that all stakeholders can easily understand precisely how many individual students are being suspended.

Changes: ED has revised the day length reference in the "out-of-school suspension" definition to "at least half a day." See revisions to the Discipline Method and Discipline Method (Preschool) categories in Attachment A3.

**29.** *Referral to Law Enforcement*
**Public Comments**
Some commenters urged ED to add more items extending to formal law enforcement interactions short of arrest, such as court referrals, citations, or tickets. These commenters noted that a first court appearance can quadruple the odds that a student will drop out of school.

**ED's Response**
Discussion: In many jurisdictions, it is apparently far more common for students to receive citations, court referrals, or tickets than to be arrested, yet these punishments are practically as severe and can result in missed school time, court fees and fines, and a criminal record. ED has always intended that the term "referral to law enforcement" include citations, tickets, and court referrals. Therefore, for the proposed CRDC, ED has amended the "referral to law enforcement" definition to clarify that these activities are included.

Changes: ED has amended the definition of "referral to law enforcement" to include citations, tickets, and court referrals. See revision to the Discipline Method category in Attachment A3.

**30.** *Offenses*
**Public Comments**
Many commenters supported ED's proposed collection of school-based offenses. Some were concerned, however, that the offenses were not linked to whether disciplinary action was taken (and, indeed, that the offenses could involve non-students). Many commenters urged ED to add more items, such as "disorderly conduct," "willful defiance," and "disrupting public school." These commenters considered these items the acts for which most students are disciplined, arrested, or referred to law enforcement. Some commenters also suggested that ED collect disciplinary action data for the offenses categories.

**ED's Response**
Discussion: Most of the school-based offenses categories proposed for the CRDC were adopted from the School Survey on Crime and Safety (SSOCS). SSOCS is a survey of a nationally representative sample of public schools in the U.S., sponsored by the National Center for Education Statistics (NCES). These types of offenses help to provide an overall picture of school crime and safety in the U.S. Although they do not correspond with the proposed disciplinary action items for the CRDC, they do give a measure (comparable through SSOCS to historical data) of school safety, and they allow ED to correlate school safety rates to school discipline rates.

ED appreciates the commenters' suggestion that ED add non-violent offenses to the collection, and acknowledges that these types of offenses would provide useful additional information. However, ED has determined that reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: None.

## HARASSMENT OR BULLYING

**31.** *Harassment or Bullying Motivated By Students' Perceived Sexual Orientation or Religion*
**Public Comments**
Many commenters expressed support for ED's proposed addition of items involving incidents of harassment or bullying based on sexual orientation or religion.  In addition, several of these commenters recommended that ED collect harassment or bullying data based on gender identity or transgender status, or clarify that such harassment or bullying falls within the definition of harassment or bullying based on sex. A few commenters opposed the addition of these items because they believed: (1) it exceeded ED's authority, and (2) it would be difficult or impossible to determine the motive for the harassment or bullying without an investigation of the sexual orientation or religion of the student.

**ED's Response**
Discussion: ED has determined it has authority to collect these data items under the *Department of Education Organization Act*, Title VI, Title IX, and *ESEA*.  ED has concluded that determining whether the motive for reported harassment is based on sexual orientation or religion is no more difficult than determining whether the motive is based on sex, race/color/national origin, or disability.  No commenter identified such problems in any of the more than 10 states that currently collect this information about the harassment or bullying based on sexual orientation from their LEAs.  Moreover, Congress currently requires institutions of higher education to collect and report data to ED on reported incidents in which the victim was selected because of actual or perceived sexual orientation or religion, so this is clearly within the ambit of educational institutions' competence.  ED has issued guidance to institutions of higher education of how to collect this data.  OCR will provide similar guidance to school districts.

The commenters' request to require separate reporting of harassment or bullying on the basis of gender identity or transgender has strong appeal, but ultimately does not warrant any additional disaggregation at this time.  There is no doubt, as research identified by the commenters confirms, that students are often subjected to harassment or bullying based on their gender identity or transgender status.  Congress currently requires institutions of higher education to collect and report data to ED on reported incidents in which the victim was selected because of actual or perceived gender identity, which suggests that it is something that educational institutions can report.

ED is interested in collecting information about this serious problem.  ED has intended for this type of harassment or bullying to be included within the existing definition of "harassment or bullying on the basis of sex."  At the behest of commenters, ED has amended the definition of "harassment or bullying on the basis of sex," to clarify that it includes harassment or bullying based on gender identity, gender expression, and nonconformity with gender stereotypes.  However, estimates suggest that at most 1.3 percent of students identify as transgender, which is

about three times smaller than the population of gay, lesbian, and bisexual students.[1]  Those estimates suggest that the number of reports of harassment or bullying would be comparatively small at the school level, and would not yield numbers that would assist ED in identifying patterns of potential violations of Title IX.  In addition, very few states are currently collecting or reporting this harassment or bullying data disaggregated by gender identity, and so adding this item would impose a new burden on a larger number of districts.

Changes: ED has amended the definition of "harassment or bullying on the basis of sex" to clarify that it includes harassment or bullying based on gender identity, gender expression, and nonconformity with gender stereotypes.  See revisions to the civil rights allegations and student counts categories in Attachment A3.

**32.** *Harassment and Bullying Policies*
**Public Comments**
Several commenters urged ED not to drop the item regarding harassment or bullying policies. These commenters uniformly contended that collecting information about school districts' harassment and bullying policies continues to provide significant information relevant to school climate and the school districts' responsiveness to complaints.  One commenter suggested that ED ask school districts to provide a link to their harassment policies if they were available on the internet.

**ED's Response**
Discussion: ED concurs with the commenters' recommendations.  The existence of policies prohibiting harassment or bullying on the basis of prescribed bases (including race, color, national origin, sex, and disability), and the dissemination of such policies, are important components of school districts' efforts to establish and maintain an educational climate that does not impede the ability of all students to learn.  ED's analysis of the 2009–10 CRDC data suggests that very few school districts indicated that they have a policy that prohibits one type of harassment or bullying and not the others.  Therefore, in an effort to continue to reduce burden, ED proposes to reinstate the harassment or bullying policies item used in the 2009–10 and 2011–12 CRDC, but collapse the three types of harassment or bullying bases (i.e., race, color, national origin; sex; and disability) into one category.  In addition, ED proposes to ask school districts that have posted their policies on the internet to provide a link so that ED and the public will be able to easily locate district policies and compare the policies of different districts.  Furthermore, ED will clarify in the CRDC survey instructions that for the purposes of the CRDC, in order to qualify, the school district's policies must address harassment or bullying of students, and that policies limited to harassment or bullying of employees or by employees will not be sufficient.

Changes: ED proposes to reinstate the harassment or bullying policies item (DG 988) used in previous collections in modified form.  ED also proposes to collect web links to the school districts' harassment and bullying policies.

---

[1] See JP Shields et al (Feb 2013).  *Estimating Population Size and Demographic Characteristics of Lesbian, Gay, Bisexual, and Transgender Youth in Middle School*. J. Adolesc. Health, pp. 248-250.  (Report for San Francisco public middle schools); Also see G Gates (April 2011).  *The Williams Institute: How Many People Are Lesbian, Gay, Bisexual, And Transgender*? pp. 5-6 (Report estimates that 0.3 percent of American adults are transgender and 3.5 percent are gay, lesbian, and bisexual).

RESTRAINT AND SECLUSION

**33.** *Restraint and Seclusion*
**Public Comments**
One commenter suggested that the definition of "mechanical restraint," which was carried over from the previous collections, be revised to clarify whether school districts should report the use of handcuffs by law enforcement personnel as type of mechanical restraint. The same commenter requested additional examples and interpretative guidelines on the difference between "physical restraint" and "physical escort" or a "temporary touching or holding a student" for transportation purposes. The commenter also requested clarification between "seclusion" and traditional "time outs," and clarification of what constitutes being "physically prevented from leaving."

**ED's Response**
Discussion: ED's previous definitions for restraint and seclusion were drawn from the definition in the *Children's Health Act* and accompanying regulations. See 42 U.S.C. § 290JJ(d)(1)-(4). These definitions have been relied on by ED in its Resource Guidance on restraint and seclusion (available at http://www2.ed.gov/policy/seclusion/index.html). They serve as the model for many state and local administrative policies.

Nonetheless, ED agrees that additional clarification would yield more accurate data about the scope of mechanical and physical restraint and seclusion. Therefore, ED will amend the CRDC survey instructions and provide technical assistance materials that make clear that the use of handcuffs by law enforcement personnel during an arrest should not be reported in this item, to avoid double counting with the count of students who are arrested. However, if the student is handcuffed and no arrest is made, then the mechanical restraint of the student should be included in the item. Other clarifications on these topics will be provided in the instructions and technical assistance materials.

Changes: None.

SINGLE-SEX INTERSCHOLASTIC ATHLETICS

**34.** *Data Related to Single-sex Interscholastic Athletics*
**Public Comments**
Several comments were submitted which, while expressing support for the CRDC elements, sought additional data related to women and girls' sports. The proposed additions included: more significant information related to athletics, including participants' race and ethnicity; whether there are co-ed teams; expenditures for travel, equipment, uniforms, and facilities; the number and payment of coaches and assistant coaches; annual revenue generated by each team; benefits provided by non-school sources (e.g., booster clubs, donations, and fundraisers); and total number of competitions and practices scheduled.

**ED's Response**

Discussion: While several of the data collection items proposed by commenters would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Changes: None.

## EARLY CHILDHOOD EDUCATION

### 35. *State Law Requiring Full-Day or Part-Day Kindergarten*
**Public Comments**

Some commenters suggested that it was not appropriate to use the CRDC to collect information about state law or regulation requirements for full-day or part-day kindergarten from LEAs because the information was probably already available to the public. These commenters also noted that even if the information was not readily available, requesting all LEAs in a state to complete the same item would not be an efficient method for collecting the information.

**ED's Response**

Discussion: Requesting information from LEAs about state law or regulation requirements can be useful to gauge their understanding of the requirements. However, ED concurs that this specific information should not be obtained using the CRDC, given that the information may be obtained through other sources. The burden on school districts is not warranted.

Changes: ED will not include this item (DG 945) in the CRDC.

### 36. *Non-LEA Facilities*
**Public Comments**

One commenter questioned whether ED's reference to "non-LEA facilities" was intended to require an LEA to do a census of all private pre-school providers.

**ED's Response**

Discussion: ED's reference to "non-LEA facilities" is not intended to require an LEA to do a census of all preschool providers if the students served by those pre-school providers are not the responsibility of the LEA. ED has revised the data group that collects LEA membership (for 2015–16) to obtain counts of students enrolled in LEAs, who are served in non-LEA facilities (DG 989). In this data group, ED clarifies that school districts are being asked to report on only those students who are the responsibility of the LEA, but who are served in non-LEA facilities only.

Changes: ED proposes to collect the number of students enrolled in LEAs, who are served in non-LEA facilities (DG 989).

PATHWAYS TO COLLEGE AND CAREER

**37.** *Credit Recovery*
**Public Comments**
One commenter requested that ED collect data on the number of students who participate in at least one credit recovery program, disaggregated by race/ethnicity, disability status, and LEP status.

**ED's Response**
Discussion: ED acknowledges that data counts of students who participate in credit recovery programs, disaggregated by specific demographic subgroups would be useful to ED. However, because of the need to balance the utility of data with the overall burden of the CRDC, ED proposes to add to the CRDC a new item that collects from schools the total count of students who participate in credit recovery programs, and no disaggregated data.

Changes: ED proposes a new item for the CRDC that collects from schools the number of students who participate in at least one credit recovery program (DG 992).

**38.** *Distance Education*
**Public Comments**
One commenter urged ED to collect data on computer access and utilization, and high-speed internet access. Another commenter requested that the distance learning courses be disaggregated by dual enrollment/dual credit, credit recovery, International Baccalaureate and Advanced Placement courses, subjects not offered, test preparation, and GED preparation.

**ED's Response**
Discussion: While the items proposed by the commenters would yield useful additional information, ED has determined that reporting on these items in the CRDC would significantly increase the scope and burden of the data collection. Nevertheless, because of the importance of this topic, ED proposes to add to the CRDC a new item that collects information on whether LEAs have any students enrolled in any distance education courses.

Changes: ED proposes a new item that serves as an indicator of whether an LEA has any students enrolled in any distance education courses (DG 924).

**39.** *Dual Enrollment*
**Public Comments**
Numerous commenters supported the collection of dual enrollment data, noting that students who take college-level courses while in high school are more than one and a half times more likely to enroll in, persist through, and complete college. One commenter suggested that schools be asked to distinguish between dual enrollment courses related to accelerated academics and those related to vocational matters.

**ED's Response**
Discussion: Although the items proposed by the one commenter would provide useful additional information to ED, reporting on these items in the CRDC would significantly increase the scope

and burden of the data collection.  Nevertheless, because of the importance of this topic, ED proposes to add to the CRDC a new item that collects information on whether schools have any students enrolled in any dual enrollment/dual credit programs.

Changes: ED proposes a new item that serves as an indicator of whether a school has any students enrolled in any dual enrollment/dual credit programs (DG 925).

**40.** *Student Chronic Absenteeism*
**Public Comments**
Many commenters supported collecting data about student absenteeism because chronic absenteeism can be a sign of school climate issues that are driving children out of school, and of future problems for the child (e.g., dropping out).  Some commenters supported counting those students absent 15 or more school days, particularly because it would permit easy cross-state and district-to-district comparisons.  However, a greater number of commenters urged ED to adopt a percentage measurement, which was more consistent with existing state measures.  In addition, some commenters recommended that ED disaggregate the data by excused and unexcused absences.

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

By contrast, the CRDC collects data after the close of the school year.  ED is seeking to determine whether in the aggregate there are disparities in student absenteeism among protected classes, not to measure the need for individual interventions.  Thus, the use of percentages is not as pressing.  Moreover, ED has determined that school districts in all states could report the number of students who  were absent for a total of 15 or more days during the school year.  LEAs can collect and report data on the number of days missed by each individual student more easily than they can calculate percentages.  By collecting days, rather than percentages, ED will be making it simpler for LEAs to provide the data, which will improve accuracy.

Changes: None.

**41.** *LEA Policy that Allows Retention of Third Grade Students*
**Public Comments**
Many commenters supported collecting data about retention policies.  However, other commenters indicated that specific information about retention of students in third grade who are not proficient in reading does not provide useful information.

**ED's Response**
Discussion: ED has considered the comments and has determined that because ED is continuing to collect data on retention on a disaggregated basis, and the collection of information on

retention policies for third grade reading provides non-disaggregated data for all students, the additional burden needed to collect information on these types of retention policies outweighs the benefit of collecting these data.

Changes: ED proposes to drop from the CRDC the item that collects data on whether the LEA has a policy that allows retention of third grade students who are not proficient in reading (DG 962).

## SCHOOL FINANCE

### 42. *Non-Personnel Expenditures*
**Public Comment**
Several LEAs and a few SEAs requested that ED eliminate, delay, or clarify the collection of non-personnel expenditures.  In particular, a few commenters requested that ED cease collecting data on non-personnel expenditures, while several commenters expressed concern with the level of difficulty in reporting non-personnel expenditures, and questioned whether the data would provide an accurate picture of school resources.  In addition, several commenters requested that ED clarify the types of expenditures that school districts should include and exclude in this category.

Some commenters also expressed their support for ED's collection of data on non-personnel expenditures, and requested that ED expand its collection on non-personnel expenditures at the school-level.  A few commenters specifically noted their support for the collection of non-personnel expenditures data because they considered the data a lens that could be used to evaluate resource equity within school districts.  One commenter requested that ED expand its data collection of non-personnel expenditures to include facility and maintenance costs at the school level.  Another commenter expressed support for ED's proposed continued collection of total non-personnel expenditures from state and local funds, and requested that ED also collect total non-personnel expenditures from federal, state, and local funds.

**ED's Response**
Discussion: ED began collecting non-personnel expenditures in the 2008–09 school year with the school finance data collection mandated by the American Recovery and Reinvestment Act (ARRA).  See 74 Fed. Reg. 45,431 (Sept. 2, 2009).  The 2009–10 and 2011–12 CRDC's school finance data collection mirrored the data collected under the ARRA.  ED recognizes the challenges in reporting non-personnel expenditures at the school-level and posed a directed question to explore alternatives that would provide a measure of resource equity at the school-level.  ED appreciates the responses received to this question.

ED's collection of non-personnel expenditures has focused on the measurement of intra-district resource equity.  ED appreciates and understands that without more standardized school-level accounting systems shared among school districts, the data on non-personnel expenditures may not be comparable across districts.  To address the commenters' concerns, ED has revised its definition of non-personnel expenditures to clarify the types of expenditures to be included or excluded.

ED appreciates the commenters' suggestion to expand the non-personnel expenditures data collection. At this time ED remains interested in focusing only on non-personnel expenditures associated with instruction, pupil support, instructional support, and administration. Therefore, the non-personnel expenditures definition will not be amended to include facility and maintenance costs. However, in an effort to obtain a more complete picture of a school's resources, and a deeper understanding of the distribution of resources among schools within a district, ED has added the collection of total non-personnel expenditures from federal, state, and local funds as a proposed new data group.

Changes: Additional clarification has been added to the definition of non-personnel expenditures. Also, a new proposed total non-personnel expenditures from federal, state, and local funds data group (DG 1000) has been added to the CRDC.

### 43. *Categories of Personnel and Personnel Expenditures*
**Public Comment**
A few commenters requested that ED eliminate the collection of school-level personnel expenditures given the limited number of school districts tracking expenditures at the school building level and absence of standardized protocols for attributing expenditures to individual schools. A few other commenters suggested that ED expand the collection of school expenditure data to include further disaggregation within the support personnel for pupils and the support personnel for instructional staff. Other commenters requested that ED rename "support services staff for pupils" to "specialized instructional support personnel" to minimize confusion and align the definition with draft reauthorizations of the *Elementary and Secondary Education Act (ESEA)*. Another commenter requested that ED reduce the number of categories of personnel, and collect separately total funds, in addition to state and local funds, spent on these categories. In particular, this commenter requested that the personnel categories be limited to teachers, support services staff, and school administration staff.

**ED's Response**
Discussion: ED appreciates the commenters' suggestion to further disaggregate the "support services staff for pupils" and the "support services staff for instructional staff" categories, and the request to align the "support services staff for pupils" category with the currently proposed definition in the *ESEA* reauthorization. The categories of "support services staff for pupils" and "support services staff for instructional staff" align with the LEA-level expenditure categories collected by NCES and the U.S. Census Bureau's F-33 survey. The F-33 provides extensive supporting documentation to LEAs regarding the types of functions and codes used in accounting systems to track personnel expenditures. In an effort to minimize the burden on LEAs for reporting this data at the school-level, ED has tried to maintain, and will continue to try to maintain as close an alignment as possible to the F-33. ED, however, does intend to closely monitor the staffing categories used in the reauthorization of *ESEA*, and work on aligning or clearly mapping the definitions used in *ESEA* to the school-level personnel expenditure categories proposed in the future for the CRDC.

In an effort to obtain a more complete picture of a school's instructional and support personnel resources, reduce the reporting burden where possible, and improve the quality of information

reported by LEAs at the school level, ED has revised the personnel categories, and has expanded the collection to include total funds (i.e., federal, state, and local funds), spent on specific personnel. In particular, the personnel categories are now limited to teachers, instructional aides, support services staff, and school administration staff. Total FTEs and total salary expenditures for each personnel category, funded with state and local funds only, and funded with total federal, state, and local funds, are currently included in the proposed school finance data collection.

Changes: The personnel categories have been revised to include teachers, instructional aides, support services staff, and school administration staff. The non-instructional staff category has been dropped. The collection has been expanded to include total funds spent on specific personnel categories. See DGs 967-969, 971-972, 995-999, and 1001-1002.

## TEACHERS AND OTHER STAFF

**44. *Certified Teachers***
**Public Comments**
Several commenters strongly opposed ED's proposed removal of the collection of the FTE of teachers in schools meeting all state certification/licensing requirements. In addition, many commenters requested that ED collect the FTE of teachers deemed highly qualified but who were still enrolled in an alternative route-to-certification program.

**ED's Response**
Discussion: Data on the FTE of teachers meeting all state certification/licensing requirements has served as an important measure of whether students have access to fully trained teachers. The past two administrations of the CRDC have revealed that nearly all teachers are reported as meeting state certification and licensing requirements. This may be the result of a misunderstanding that the certification and licensing requirement is identical to the "highly qualified teacher" (HQT) standard used in *No Child Left Behind (NCLB)*. However, this CRDC item was never intended to measure HQT, and the instructions will be revised accordingly to make that clear.

Although most schools and districts report high percentages of certified teachers, ED acknowledges that identifying those that do not serves a valuable purpose. Therefore, ED proposes to reinstate the teacher certification data element into the CRDC. ED is also giving serious consideration to how this data element may be revised to gather more useful information about students' access to certified teachers.

Congress has already required ED to collect data about so-called "alternative certification" teachers under Section 145(b) of Public Law No. 112-175. ED determined that the most practical and least burdensome approach to respond to the data reporting requirement was to collect this information through the ED*Facts* initiative. On September 12, 2013, ED published a notice in the Federal Register soliciting public comment on that proposed data collection. Because ED intends to collect this data through a separate collection, and given that duplication of data collection place a great burden on LEAs, ED will not add this data element to the 2013–

14 CRDC.  Depending on the results of this separate collection, ED will consider whether to add the same or similar items to the 2015–16 CRDC.

Changes: ED proposes to reinstate the certification and licensing item (DG 990) used in prior collections.

**45.** *Teachers*
**Public Comments**
Several commenters strongly supported ED's continued collection of data on teachers' FTEs, length of experience, and absenteeism. In general, commenters suggested that ED continue to explore how teacher data elements could be used as measures of educational equity.

**ED's Response**
Discussion: Given the commenters' overwhelming support of teacher data elements for the CRDC, ED proposes to gauge teacher turnover from one year to the next at a school by collecting the number  of teachers employed at a school in the current school year and asking how many of those teachers were also employed at that school during the prior school year.  .

Changes: ED proposes to add a new item that collects information on the number of (1) current school year teachers and (2) previous school year teachers (DG 1003).

**46.** *Support Staff – Psychologists, Social workers, and Nurses*
**Public Comments**
Several commenters requested that ED expand the current permitted values of "psychologist" and "social worker" to include "school psychologist" and "school social worker."  Commenters expressed that these professionals are specifically trained to work in school settings and the CRDC should reflect the number of personnel with this type of specific training employed by school districts.  One commenter urged ED to collect data on what percentage of these school personnel have received training to work with youth who are lesbian, gay, bisexual, or transgender.  Several commenters also expressed their support for ED's expanded collection of educational support professionals on the CRDC.  Furthermore, numerous commenters urged ED to collect information regarding nurses.  Other commenters recommended that ED not collect this data because such data can be inherently misleading.

**ED's Response**
Discussion: ED concurs with the commenters who seek to clarify these categories.  The intent of the support staff item is to collect the number of FTE psychologists and the number of FTE social workers—inclusive of school psychologists and school social workers.  ED appreciates the comments received and has made this clarification to the categories in Attachment A3. In addition, ED agrees that nurses should be added as a separate category.

While collecting and reporting data by more nuanced categories would provide useful additional information, reporting on these items in the CRDC would significantly increase the scope and burden of the data collection and would make it more difficult to compare aggregate support staff numbers.  ED's more general support staff categories are considered appropriate for the

purpose for identifying inequitable distribution of critical personnel, which would raise civil rights concerns.

Changes: ED has clarified the definitions for psychologists and social workers in Attachment A3. Also, ED proposes to add a new item to the CRDC that collects the number of FTE nurses (DG 982).

### 47. *Security Staff*
**Public Comments**
Several commenters requested additional information about school resource officers (SROs) or other law enforcement on campus. These commenters cautioned that the definition proposed by ED for SRO did not align with definitions in Federal funding statutes. They also suggested that ED add juvenile probation officers and truancy officers to the type of security staff included. Other suggested additions were items on (1) whether the security staff was armed, and (2) instances in which force was used against students.

**ED's Response**
Discussion: ED concurs with the commenters that the definition of SRO originally proposed does not align with other collections, and may be difficult to distinguish from the sworn law enforcement officer definition. Therefore, ED proposes to eliminate the separate category of SROs, and revise the sworn law enforcement officer category to include SROs. In addition, ED is proposing for the 2013–14 collection to add a yes/no item on whether a sworn law enforcement officer was assigned to a school, and postpone mandatory collection of FTE data about sworn law enforcement officers and security guards until the 2015–16 collection.

Changes: ED has dropped the SRO category and has revised the sworn law enforcement officer definition to include SROs in Attachment A3. ED also proposes a new item for the 2013–14 CRDC only that collects information on whether sworn law enforcement officers were assigned to a school (DG 991).

## IV.   REVISED BURDEN ESTIMATES

ED's revisions to the CRDC, in response to the public comments received during the 60-day comment period, have resulted in changes to the estimates of burden hours for CRDC respondents.  The changes to the estimates are described below, and are consistent with the revised responses to Questions 12 and 15 in Supporting Statement A.

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 school year (SY) 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 SY 2013–14 CRDC survey content will remain about the same compared to the SY 2011–12 CRDC survey for Preschool-12 schools.  The total burden estimate is 1,342,818 hours.  For elementary schools, the burden is estimated to be 8.3 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 14.6 hours per school survey.  By combining several data elements on Advanced Placement, the overall reporting burden for secondary schools decreases slightly from SY 2011–12 to SY 2013–14. 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 2.8 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 2.8 hours on the LEA survey and average 12.7 hours on each of the school surveys, for a total of 129.8 hours.

The SY 2015–16 CRDC survey content will increase by approximately 17 percent compared to the SY 2013–14 CRDC survey for Preschool-12 schools, based on a total burden estimate of 1,510,075 hours.  For elementary schools, the burden is estimated to be 9.3 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 15.8 hours per school survey.  Because  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 4.2 hours for the LEA survey and 14.1 hours for the school survey, for a total of 18.3 hours.  An LEA with 10 schools would take 4.8 hours on the LEA survey and average 14.1 hours on each of the school surveys, for a total of 145.8 hours.

|  | Respondents | Hours/Response | Total Hours |
|---|---|---|---|
| Previous – CRDC (2011) | Schools: 96,523<br><br>LEAs: 16,785 | Schools: 12.8<br><br>LEAs: 2.8 | Schools:1,235,494<br><br>LEAs:46,998<br><br>Total: 1,282,492 |
| New – CRDC (2013) | Schools:101,849<br><br>LEAs: 17,620 | Schools: 12.7<br><br>LEAs: 2.8 | Schools: 1,293,482<br><br>LEAs: 49,336<br><br>Total: 1,342,818 |
| New – CRDC (2015) | Schools:101,849<br><br>LEAs: 17,620 | Schools: 14.1<br><br>LEAs:4.2 | Schools: 1,436,071<br><br>LEAs: 74,004<br><br>Total: 1,510,075 |
| **New Burden** (2015-2011) |  | Schools:+1.6hrs/ survey<br><br>LEAs: +1.4hrs/survey | Schools:200,577<br><br>LEAs: 27,006 |

The total respondent cost for the SY 2013–14 CRDC is estimated to be $60,426,810 (1,342,818 hours multiplied by an average wage of $45 per hour). The total respondent cost for the SY 2015–16 CRDC is estimated to be $67,953,375 (1,510,075 hours multiplied by an average wage of $45 per hour). There is a wide range of hourly salaries associated with the professionals that will provide this data, but $45/hour is a reasonable average.

The SY 2013–14 and SY 2015–16 CRDC survey content revisions are a result of program change due to agency discretion. Approximately 17,620 LEAs will respond for themselves and their 101,849 schools to the request for data. This results in a total burden estimate of 1,342,818 hours for SY 2013–14 and 1,510,075 hours for SY 2015–16.

The annual government cost is similar to the cost of previous surveys, the last of which was the 2011–12 CRDC, conducted in 2012.

## V. COMPLETE LIST OF ITEMS PROPOSED FOR THE CIVIL RIGHTS DATA COLLECTION

All of the items that ED is proposing for the CRDC are presented below. New items that ED is proposing to add as mandatory for the 2013–14 school year CRDC are **<u>underlined and bolded</u>**. New items that ED is proposing to add as mandatory for the 2015–16 CRDC are just **bolded**. New items that ED is proposing to add as optional for the 2013–14 CRDC and as mandatory for the 2015–16 CRDC are just <u>underlined</u>. Items without formatting were previously collected in the 2009–10 CRDC and the 2011–12 CRDC, and are proposed for continued collection.

*School & District Characteristics*
- Number of public schools *(LEA)*
- Grades offered (PS-12) **<u>(PS refers to preschool and excludes birth-2)</u>**
- **<u>Whether 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</u>**
- Number of students (PS through grade 12) served in LEA and non-LEA facilities *(LEA) (for 2013–14 only)*
- <u>Number of students (PS through grade 12) enrolled in LEA and served in non-LEA facilities only *(LEA)*</u>
- Total number of students (preschool through grade 12) enrolled in school (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP)
- Number of students with disabilities (disaggregated by race, sex, LEP)
- Number of LEP students and number of students enrolled in LEP 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
- **<u>For justice facility only:</u>**
  - o **<u>Type of facility (pre- or post-adjudication/conviction or both)</u>**
  - o **<u>Number of days that makeup the justice facility's regular school year</u>**
  - o **<u>Total number of hours per week that educational program is offered during regular school year</u>**
  - o <u>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.</u>
- Number of single-sex academic classes (with males only; with females only) in the following courses/subject areas:
  - o Algebra I, Geometry, and/or Algebra II

- o  Other mathematics
- o  Science
- o  English/reading/language arts
- o  Other academic subjects
- **Whether LEA has civil rights coordinators for discrimination against students on basis of sex, race, and disability (and contact information)** *(LEA)*
- Whether LEA is covered by desegregation order or plan *(LEA)*

*Discipline*
- Students (K-12) who received one or more in-school suspension:
  - o  Number of K-12 students without disabilities who received one or more in-school suspension (disaggregated by race, sex, LEP)
  - o  Number of K-12 students with disabilities who received one or more in-school suspension (disaggregated by race, sex, disability-504 only, LEP)
- Students who received one out-of-school suspension:
  - o  Number of preschool students who received one out-of-school suspension (disaggregated by race, sex, disability-IDEA, LEP)
  - o  Number of K-12 students without disabilities who received one out-of-school suspension (disaggregated by race, sex, LEP)
  - o  Number of K-12 students with disabilities who received one out-of-school suspension (disaggregated by race, sex, disability-504 only, LEP)
- Students who received more than one out-of-school suspension:
  - o  Number of preschool students who received more than one out-of-school suspension  (disaggregated by race, sex, disability-IDEA, LEP)
  - o  Number of K-12 students without disabilities who received more than one out-of-school suspension (disaggregated by race, sex, LEP)
  - o  Number of K-12 students with disabilities who received more than one out-of-school suspension (disaggregated by race, sex, disability-504 only, LEP)
- Number of preschool students who were expelled (disaggregated by race, sex, disability-IDEA, LEP)
- Students (K-12) who were expelled (with educational services; without educational services; because of zero-tolerance policies):
  - o  Number of K-12 students without disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, LEP)
  - o  Number of K-12 students with disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, disability-504 only, LEP)
- Students (K-12) who were transferred for disciplinary reasons (to alternative school; to regular school):
  - o  Number of K-12 students without disabilities who were transferred for disciplinary reasons (to alternative school; to regular school) (disaggregated by race, sex, LEP)

- o Number of K-12 students with disabilities who were transferred for disciplinary reasons (to alternative school; to regular school) (disaggregated by race, sex, disability-504 only, LEP)
- Students (K-12) who were referred to law enforcement agency or official:
  - o Number of K-12 students without disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, LEP)
  - o Number of K-12 students with disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, disability-504 only, LEP)
- Students (K-12) who were arrested for school-related activity:
  - o Number of K-12 students without disabilities who were arrested for school-related activity (disaggregated by race, sex, LEP)
  - o Number of K-12 students with disabilities who were arrested for school-related activity (disaggregated by race, sex, disability-504 only, LEP)
- Students who received corporal punishment:
  - o Number of preschool students (ages 3-5) who received corporal punishment (disaggregated by race, sex, disability-IDEA, LEP)
  - o Number of K-12 students without disabilities who received corporal punishment (disaggregated by race, sex, LEP)
  - o Number of K-12 students with disabilities who received corporal punishment (disaggregated by race, sex, disability-504 only, LEP)
- Number of instances of corporal punishment that students (preschool through grade 12) received (disaggregated by students without disabilities, students with disabilities)
- Number of school days missed by students who received out-of-school suspensions (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP)
- Documented incidents that occurred at the school that would trigger discipline, including referrals to law enforcement and arrests:
  - o Number of incidents of robbery with a weapon
  - o Number of incidents of robbery with a firearm or explosive device
  - o Number of incidents of robbery without a weapon
  - o Number of incidents of physical attack or fight with a weapon
  - o Number of incidents of physical attack or fight with a firearm or explosive device
  - o Number of incidents of physical attack or fight without a weapon
  - o Number of incidents of threats of physical attack with a weapon
  - o Number of incidents of threats of physical attack with a firearm or explosive device
  - o Number of incidents of threats of physical attack without a weapon
  - o Number of incidents of rape or attempted rape
  - o Number of incidents of sexual battery (other than rape)
  - o Number of incidents of possession of a firearm or explosive device
  - o Whether any of the school's students, faculty, or staff died as a result of a homicide committed at the school
  - o Whether there has been at least one incident at the school that involved a shooting (regardless of whether anyone was hurt)

*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; <u>sexual orientation</u>; <u>religion</u>
- Number of K-12 students reported as harassed or bullied on the basis of: sex; race, color, or national origin; disability (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP)
- 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, LEP)
- Existence of harassment or bullying policy on the basis of race, sex, or disability

*Restraint and Seclusion*
- Students (K-12) subjected to mechanical restraint:
    o Number of non-IDEA K-12 students subjected to mechanical restraint (disaggregated by race, sex, disability-504 only, LEP)
    o Number of K-12 students with disabilities (IDEA) subjected to mechanical restraint (disaggregated by race, sex, LEP)
- Students (K-12) subjected to physical restraint:
    o Number of non-IDEA K-12 students subjected to physical restraint (disaggregated by race, sex, disability-504 only, LEP)
    o Number of K-12 students with disabilities (IDEA) subjected to physical restraint (disaggregated by race, sex, LEP)
- Students (K-12) subjected to seclusion:
    o Number of non-IDEA K-12 students subjected to seclusion (disaggregated by race, sex, disability- 504 only, LEP)
    o Number of K-12 students with disabilities (IDEA) subjected to seclusion (disaggregated by race, sex, LEP)
- 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 birth-2 *(LEA)*
- Preschool length offered (full-day, part-day) and **cost (free, partial charge, full charge)** *(LEA)*
- Number of students served by LEA in preschool programs in LEA and non-LEA facilities (disaggregated by age – 3, 4, 5) *(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; age 4; age 5 *(LEA)*
- Number of students ages 3-5 enrolled in preschool (disaggregated by race, sex, disability-IDEA, LEP)
- **Whether the school's preschool program serves non-IDEA students (Yes/No by age-- 3, 4, 5)**
- Kindergarten length offered (full-day, part-day) **and cost (free, partial charge, full charge)** *(LEA)*

*Pathways to College and Career*
- Number of students enrolled in gifted & talented programs (disaggregated by race, sex, disability-IDEA, LEP)
- **Whether LEA has any students enrolled in any distance education courses (Yes/No)**
- Number of students enrolled in distance education courses (disaggregated by race, sex, disability-IDEA, LEP) *(LEA)*
- **Whether school has any students enrolled in dual enrollment/dual credit program (Yes/No)**
- Number of students enrolled in at least one dual enrollment/dual credit program (disaggregated by race, sex, disability-IDEA, LEP)
- **Whether the school has any students who participate in at least one credit recovery program that allows them to earn missed credit to graduate from high school (Yes/No)**
- Number of students who participate in at least one credit recovery program
- **Number of students absent 15 or more school days (disaggregated by race, sex, disability-IDEA, disability-504 only, LEP)**
- Number of students enrolled in the International Baccalaureate (IB) Diploma Programme (disaggregated by race, sex, disability-IDEA, LEP)
- Number of different 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, LEP)
- Number of students enrolled in at least one AP course in specific subject area (disaggregated by race, sex, disability, LEP)
  - AP math of any kind
  - AP science of any kind
  - Other AP subjects of any kind **(including foreign language)**
- 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, LEP)

- 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, LEP)
- Number of students who received a qualifying score on one or more AP exams for one or more **(which may include all)** AP courses enrolled in (disaggregated by race, sex, disability-IDEA, LEP)
- Number of students who did not receive a qualifying score on any AP exams for the one or more AP courses enrolled in (disaggregated by race, sex, disability-IDEA, LEP)
- Number of science classes in grades 9-12 (Biology, Chemistry, Physics)
- Number of students enrolled in science classes in grades 9-12 (Biology, Chemistry, Physics) (disaggregated by race, sex, disability-IDEA, LEP)
- Number of math classes in grades 9-12 (Algebra II, Advanced Math, Calculus)
- **Number of Algebra I classes in grades 9-12 (for 2015–16 only)**
- Number of Algebra I classes in grades 7-12 (for 2013–14 only)
- **Number of Algebra I classes in grades 7-8 (for 2015–16 only)**
- **Number of students enrolled in Algebra I in grade 7 (for 2015–16 only)**
- **Number of students enrolled in Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, LEP) (for 2015–16 only)**
- Number of students enrolled in Algebra I in grades 7-8 (disaggregated by race, sex, disability-IDEA, LEP) (for 2013–14 only)
- Number of students enrolled in Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex, disability-IDEA, LEP)
- **Number of students who passed Algebra I in grade 7 (for 2015–16 only)**
- **Number of students who passed Algebra I in grade 8 (disaggregated by race, sex, disability-IDEA, LEP) (for 2015–16 only)**
- Number of students who passed Algebra I in grades 7-8 (disaggregated by race, sex, disability-IDEA, LEP) (for 2013–14 only)
- Number of students who passed Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex, disability-IDEA, LEP)
- Number of Geometry classes in grades 7-12 (for 2013–14 only)
- **Number of Geometry classes in grades 9-12 (for 2015–16 only)**
- **Number of students enrolled in Geometry in grade 8 (for 2015–16 only)**
- Number of students enrolled in Geometry in grades 7-12 (disaggregated by race, sex, disability-IDEA, LEP) (for 2013–14 only)
- **Number of students enrolled in Geometry in grades 9-12 (disaggregated by race, sex, disability-IDEA, LEP) (for 2015–16 only)**
- Number of students enrolled in math courses in grades 9-12 (Algebra II, Advanced Math, Calculus) (disaggregated by race, sex, disability-IDEA, LEP)
- Number of students who took SAT, ACT, or both, anytime during school year (disaggregated by race, sex, disability-IDEA, LEP)
- GED preparation program *(LEA)*:
  o Number of students ages 16-19 who participated in LEA-operated GED prep program (disaggregated by race, sex, disability-IDEA, LEP)
  o Number of students ages 16-19 who participated in LEA-operated GED prep program, succeeded on GED test, and received high school equivalency credential (disaggregated by race, sex, disability-IDEA, LEP)

- Number of students retained in specified grade, by grade (K-12) (disaggregated by race, sex, disability-IDEA; disability-504 only, LEP)

*School finance*
- K-12 personnel FTEs and salaries at the school level (funded with state and/or local funds)
    o Number of FTE teachers and amount of their salaries
    o Amount of instructional staff (teachers and aides) salaries (for 2013–14 only)
    o Number of FTE instructional aides and amount of their salaries
    o Number of FTE support services staff (for pupils and for instructional staff) and amount of their salaries
    o Number of FTE school administration staff and amount of their salaries
    o Total amount of instructional and support personnel salaries

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

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

*Teachers (funded with federal, state, and/or local funds)*
- Number of current school year teachers (preschool through grade 12)
- Number of previous school year teachers (preschool through grade 12)
- Number of FTE teachers (preschool through grade 12)
- Number of FTE first-year teachers (preschool through grade 12)
- Number of FTE second-year teachers (preschool through grade 12)
- FTE of teachers meeting all state licensing/certification requirements
- Number of FTE teachers absent more than 10 school days (excluding professional development) (preschool through grade 12)
- Number of FTE school counselors (preschool through grade 12)
- Number of FTE psychologists (preschool through grade 12)
- Number of FTE social workers (preschool through grade 12)
- Number of FTE nurses (preschool through grade 12)
- Number of FTE security guards (preschool through grade 12)
- **Whether a sworn law enforcement officer (including school resource officer) was assigned to the school (Yes/No) (for 2013–14 only)**

- Number of FTE sworn law enforcement officers (including school resource officers) (preschool through grade 12)