

PAPERWORK REDUCTION ACT SUBMISSION SUPPORTING STATEMENT

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**Mandatory Civil Rights Data Collection**

**February 2014**

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**ATTACHMENT C**

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

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## TABLE OF CONTENTS

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<b>Introduction.....</b>	<b>2</b>
Public Reporting Of Data Collection.....	2
1. Public Availability of Data.....	2
2. Labeling Incomplete Responses.....	3
Data Collection Timeline and Burden.....	3
3. Reporting Burden and Notification Timeline.....	3
4. Delay of New Data Items.....	4
5. Winter Comment Period.....	5
6. Annual and Universal Collection.....	5
7. Reducing LEA Reporting Burden by Collecting Data from SEAs.....	6
8. Fall Snapshot Date.....	7
Collection of Data with Additional Disaggregation.....	7
9. Disaggregating by Multiracial Category.....	7
10. Disaggregating by Pregnant and Parenting Student Status.....	8
School and District Characteristics.....	8
11. Charter School Status.....	8
12. Justice Facilities.....	9
13. Coordinators.....	9
14. Single-Sex Classes.....	10
Discipline.....	11
15. Expulsions – Transfers for Disciplinary Reasons.....	11
16. Referral to Law Enforcement.....	12
17. Offenses.....	12
Harassment or Bullying.....	14
18. Harassment or Bullying Motivated By Students' Perceived Sexual Orientation or Religion.....	14
19. Harassment and Bullying Policies.....	15
Pathways To College And Career.....	15
20. Student Chronic Absenteeism.....	15
Teachers and Other Staff.....	15
21. Certified Teachers.....	15
22. Support Staff – Psychologists, Social Workers, and Nurses.....	17

## INTRODUCTION

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

ED received 52 comments in response to the Notice of Proposed Information Collection Requests that was published in the *Federal Register* on December 4, 2013, 78 Fed. Reg. 72872. ED reviewed, summarized and documented each comment prior to analyzing all comments.

### PUBLIC REPORTING OF DATA COLLECTION

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#### **1. *Public Availability of Data***

##### **Public Comments**

Several commenters requested that ED make the data collected on the CRDC publicly available in a more timely 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. Specific suggestions included: displaying data to allow for simple comparisons of raw numbers and percentages; making the data easily downloadable via Excel; making data totals for each district more readily available; aggregating data on discipline (including aggregation of in-school suspensions, out-of-school suspensions, expulsions, referrals, and arrests); and publishing additional information about the data, including a more comprehensive user's guide, and annual analytical reports.

##### **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.

ED already reports sufficient disaggregated discipline information to allow the public to aggregate data on discipline. Therefore, at this time, ED does not believe it is necessary to report aggregate counts for specific discipline categories.

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 and to posting additional documents regarding the data on the CRDC Website based on comments and suggestions from data users.

Changes: None.

## **2. 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; commenters also suggested that ED more clearly distinguish between districts that are failing to report data, and district that are reporting occurrences as zeroes. 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 ED. 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.

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## **DATA COLLECTION TIMELINE AND BURDEN**

## **3. Reporting Burden and Notification Timeline**

### **Public Comments**

Several commenters raised concerns regarding the overall burden and cost to LEAs to collect, report, and review the accuracy of CRDC data. They objected to reporting the breadth of CRDC data 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 CRDC items. A few commenters suggested the survey submission system could be improved to ensure schools would only be required to answer applicable questions. 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 recognizes the burden of reporting CRDC data and that LEAs are facing a challenging economic environment. ED has given significant consideration to all of the proposed data requirements and the burden they may impose on LEAs. In response to comments during the 60-day public comment period, ED removed two new items regarding state and LEA policies [i.e., whether LEA has a policy that allows retention of third grade students who are not proficient in reading (DG 963); whether state educational agency (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 response to the request from school districts for ED to provide adequate notice of new data elements to be collected on the CRDC, ED has proposed to delay 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 early spring of 2014 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.

ED has begun work to redesign the CRDC survey submission system to reduce the burden of reporting and reviewing the accuracy of CRDC data. As part of this process, ED plans to enhance the system to ensure school districts are only required to answer applicable questions. For example, an LEA may be prompted with a guiding question on whether students were retained at a school and in which grade levels to ensure the LEA is only required to enter data for the applicable retention tables. Additionally, ED is designing an improved survey interface for non-traditional schools, such as juvenile justice facilities and alternative schools.

Changes: None.

### **4. *Delay of New Data Items***

#### **Public Comments**

A few commenters objected to delaying the implementation of new data elements until the 2015–16 CRDC. Some of these commenters suggested making a subset of the new items mandatory for the 2013–14 CRDC, including total count of days lost due to out-of-school suspension (DG 966), security staff (DG 975), disciplinary transfers of students with disabilities (DG 922), and the number of students enrolled in justice facilities who participated in the education program disaggregated by calendar days (DG941). These commenters suggested that LEAs may already be collecting data on new data elements and have the information available to report for the 2013–14 school year.

### **ED’s Response**

Discussion: By making most of the new items optional for the 2013–14 school year, ED will be able to reduce the burden on school districts while also gathering information from LEAs that

Attachment C – Response to Second Round Public Comment  
CRDC Data Set for School Years 2013–14 and 2015–16

have available data on the new items. ED also believes that without sufficient advance notice of the new data items to be collected, the data reported for new items for the 2013–14 school year would likely have increased reporting errors and decreased data quality. A 2013–14 mandatory data collection of new data items would compromise the usability of these data to such an extent as to outweigh the benefit to earlier access to these critical civil rights indicators.

ED appreciates the comments received regarding the possible availability of information on some of the new data items for reporting in 2013–14. However, it is ED’s understanding that the proposed new items do not match any current school-level universe collection. For example, currently states report through *EDFacts* the duration of disciplinary removals for students served by IDEA. However, these data are only reported at the LEA level and it is not reported by all students or at the school-level.

It is ED’s belief that by notifying school districts in the spring of 2014 of the new mandatory data elements for the 2015–16 school year, school districts will be able to report accurate data for the 2015–16 CRDC.

Changes: None.

## **5. Winter Comment Period**

### **Public Comments**

One commenter raised concerns that the notice regarding the 30-day public comment period, from December 4, 2013 to January 3, 2014, occurred when many LEAs may be on winter break without staff to monitor and review notices from the *Federal Register*.

### **ED’s Response**

Discussion: ED appreciates the time taken by the commenter 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 30-day public comment period ended during the winter break for many school districts when key school district staff may have been unavailable. It was ED’s intention to have the 30-day public comment period when many school districts were back in session and available to review the clearance package. During the 30-day public comment period, ED received several valuable comments resulting in amendments to the data elements which will improve the clarity of their definitions and purpose.

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. Other commenters suggested lengthening the time between CRDC survey years to once every five years or rotating the content to streamline the CRDC survey. An additional commenter suggested that ED clarify whether the 2015–16 CRDC will be a universe or sample collection given the high burden on LEAs.

**ED's Response**

Discussion: 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.

ED appreciates the suggestion to rotate the collection of specific CRDC data elements across survey administrations to reduce the burden on school districts (e.g., collecting retention data by grade level one year and certain discipline data in another survey year). However, the linkages between variables are critical to understanding the overall context for equity and access within a school district. As such, it is important that the data be collected for the same school year. Therefore, ED intends to collect data on all CRDC data elements for a single school year.

ED intends the 2015–16 CRDC to also be a universe of public schools and school districts. However, if budget constraints are such that a universe collection in 2015–16 is not possible, the CRDC will be administered to a sample of school districts. In the event that a sample is selected for the 2015–16 CRDC, ED will submit an updated sample selection plan to OMB for review and approval, and notify school districts of their inclusion in the sample by Summer 2015.

Changes: 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. Another commenter suggested that ED also leverage similar data collected on sample surveys to prepopulate LEAs' submissions.

**ED's Response**

Discussion: ED is continually exploring ways to reduce the reporting burden on LEAs while also maintaining a rigorous standard to ensure the quality of information submitted. ED believes it is essential that LEAs remain the certifying entity to validate their CRDC submission. Based on feedback received from the CRDC workgroup, which includes LEA and SEA representatives, ED has explored multiple options for SEAs to support LEAs in reporting CRDC data. For 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 *EDFacts* collection. The 2013–14 and 2015–16 CRDCs will continue to leverage the data submitted through *EDFacts* 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 (NCES) to develop a collection tool for the 2013–14 collection that will allow SEAs to voluntarily provide data to 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 review this data and, if accurate, certify the data. During the 2013–14 collection, ED will also explore the consistency of responses between data collected by the CRDC survey and NCES’ surveys.

Changes: None.

### **8. Fall Snapshot Date**

One commenter suggested that ED encourage LEAs to use a consistent date for Fall enrollment data to improve the comparability of enrollment data.

#### **ED’s Response**

Discussion: To provide flexibility for reporting Fall enrollment data during the 2013–14 school year, ED proposed allowing school districts to select a snapshot date between September 27 and December 31. ED recognizes that some LEAs may choose to use one single date for overall Fall enrollment counts and a later date for data on the number of students served by *IDEA*. However, ED concurs that the dates selected by the LEA for overall enrollment and *IDEA* students should be used consistently across all data elements collecting snapshot enrollment data. ED intends to provide this clarification in the instructions for the 2013–14 CRDC survey.

Changes: None.

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## COLLECTION OF DATA WITH ADDITIONAL DISAGGREGATION

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### **9. Disaggregating by Multiracial Category**

#### **Public Comments**

One commenter requested that ED rename its “multicultural or multiethnic or multiracial” category to “multiracial.” The commenter also requested that ED rename its “two or more races” category to “multiracial.” This commenter noted that “multiracial” was the preferred terminology by the multiracial community.

#### **ED’s Response**

Discussion: For the CRDC, ED uses seven racial/ethnic categories, including “two or more races.” ED does not use a “multicultural or multiethnic or multiracial” category. For CRDC reporting purposes, school districts are required to follow 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), which states that recipients are required to report by seven racial/ethnic categories (i.e., American Indian or Alaska Native, Asian, Black or African

American, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, Two or more races, and White). While school districts may choose to disaggregate these categories further, 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.

Changes: None.

#### **10. 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) whether the LEA has policies in place regarding pregnant and parenting students; (2) whether the LEA or school offers a charter, separate, or alternative school or program exclusively or primarily for pregnant and parenting students and, if so, their nature; and (3) the number that would facilitate the assessment of the success rates of pregnant and parenting students.

##### **ED’s Response**

Discussion: While several of the data collection items proposed by the 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, some of these items raise privacy concerns regarding the LEA’s identification of and record-keeping about pregnant and parenting students.

Changes: None.

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### COMMENTS ABOUT SPECIFIC ASPECTS OF THE COLLECTION

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#### SCHOOL AND DISTRICT CHARACTERISTICS

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#### **11. Charter School Status**

##### **Public Comments**

One commenter recommended that ED have charter schools identify their Charter Management Organizations (CMOs) to see whether there were patterns of inequitable actions or results correlated with certain CMOs.

##### **ED’s Response**

Discussion: This is an area that warrants further investigation. The most recent report from the National Education Policy Center suggests that there are about 300 private CMOs serving about one-third of the country’s charter schools in the 2011–12 school year. It may be that in coordination with ED’s Office of Innovation and Improvement this data can be imported in subsequent collections without asking the charter schools to provide it in the CRDC. ED will consider this question for the next collection if efforts to align existing ED data sets are unavailing.

Changes: None.

## **12. 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 ED coordinate with the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP). One commenter urged ED to make sure that it had a comprehensive list of all juvenile justice facilities, while another recommended that the SEAs be asked to provide ED with a comprehensive and detailed description of how educational structures are operated for youth in justice facilities. A different commenter recommended that ED add a directional indicator to the collection so that schools could indicate that they were justice facilities. One commenter urged ED to collect additional data, including the number of days youth have been removed from the facility’s regular education classroom due to security; availability of special education services; and the number of days youth spent awaiting enrollment after release. Finally, one commenter urged ED to make optional for the 2013–14 CRDC, the collection of justice facility participants.

### **ED’s Response**

Discussion: Significant numbers of students are being educated, at least for certain periods of time, in juvenile justice facilities. ED recognizes that having a comprehensive list of juvenile justice facilities where youth should be receiving education is an important aspect of the effective administration of the CRDC. ED also recognizes that there are important state-by-state variations in the organization and administration of juvenile justice facilities and the education programs for youths in those facilities. ED is planning to address these issues through improving coordination among the Office of Juvenile Justice and Delinquency Prevention, the National Center for Education Statistics, OCR, and the states. For 2013–14, ED will continue to collect CRDC data from long-term secure facilities and boot camps.

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.

ED already had proposed that the collection of justice facility participants (DG 941) be optional for 2013–14. Therefore no change is required.

Changes: None.

## **13. 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 urged clarifying the definition of the coordinator, and the nature of the contact information to be supplied. These commenters supported collecting data

on the number of complaints received by the coordinators, their training, and other variables. One commenter requested that ED give guidance to LEAs on posting contact information about the coordinators on the school website and that it instruct the coordinators to review this (and other) responses before they were submitted to ED.

### **ED’s Response**

Discussion: ED’s regulations implementing Title IX and Section 504 require 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). 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. No further definition of the coordinator will be provided in the CRDC, nor will the CRDC provide additional guidance on the role of the coordinator in reviewing the CRDC or on the publicity requirements of the regulations.

In developing the collection tool, ED will make clear the type of contact information that it desires. At a minimum, this will include the coordinator’s name and email address. 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.

### **14. Single-Sex Classes**

#### **Public Comments**

Two commenters sought additional data related to single-sex classes. One commenter requested information on single-sex academic classes in K-12 single-sex public schools and recommended the collection of the number of single-sex classes by grade level. This commenter also proposed that a class be considered a single-sex class if that class is made up of students of one sex, and the class is designed to attend to the supposed needs and interests of that one sex, even though a student of the other sex is technically allowed to enroll. The commenter 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. Furthermore, the commenter requested clarification of how to count academic classes for elementary grades with one teacher teaching all or most of the classes in multiple academic subjects. Another commenter proposed the collection of the number of coeducational classes within each of the subject area categories, as well as the grade level. Both commenters requested the collection of single-sex class enrollment data, 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.

**ED’s Response**

Discussion: While 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 does not agree with the commenter’s proposed amendment to the definition of single-sex class because for the purpose of civil rights monitoring, ED does not consider a class single-sex if 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 in the class. Therefore, no change will be made to the single-sex class definition provided in the CRDC. Nevertheless, ED will provide additional clarification in the survey instructions and technical assistance materials regarding the definition of single-sex classes, including how to count academic classes for elementary grades, and will provide examples of single-sex classes.

Changes: None.

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## DISCIPLINE

### **15. Expulsions – Transfers for Disciplinary Reasons**

#### **Public Comments**

Two commenters commended ED for clarifying that disciplinary transfers to alternative or regular schools for the remainder of the school year are considered expulsions with educational services. These commenters supported ED’s proposed adoption of the term “transfer” when referring to expulsions to another school. One of the commenters suggested that ED retain the term “removal” for consistency with *IDEA*’s requirements, and adopt the term “transfer.” A different commenter raised a concern with ED’s definition of “expulsion with educational services” (which includes transfers to an alternative school for disciplinary reasons and transfers to a regular school for disciplinary reasons), because the definition may be contrary to state law. The commenter also expressed concern with ED’s definition of “preschool expulsion,” which does not include transfers of any kind.

**ED’s Response**

Discussion: ED recognizes that its current definition of “expulsion with educational services” may be unique to the CRDC. However, the CRDC items regarding expulsion with educational services 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. Therefore, ED believes that it is appropriate to consider transfers to alternative or regular schools for disciplinary reasons, types of expulsions with educational services. In response to the concern about the definition for preschool expulsion and the recommendation to retain the term “removal” for consistency with *IDEA* requirements, ED will provide additional clarification in the survey instructions and technical assistance materials. In particular, ED will provide examples of preschool expulsions, and will explain that the term “transfer” is synonymous with the term “removal” that is used for *IDEA* reporting requirements.

Changes: None.

## **16. *Referral to Law Enforcement***

### **Public Comments**

One commenter urged ED to collect data, as part of the offenses that trigger discipline, on the types of minor disciplinary offenses (e.g., insubordination, disorderly conduct) that result in disciplinary referral to law enforcement. The commenter noted that expansion of the data set would provide a more complete picture of the disciplinary incidents that result in student/law enforcement interaction, and would help to identify racial or disability disparities that manifest due to over-policing. The commenter also suggested that ED collect data on instances of referral to law enforcement or arrest.

### **ED’s Response**

Discussion: While 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. 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.

## **17. *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) and urged ED to limit the offense data to incidents involving only students where disciplinary action was taken. One commenter stated that the offense data will lead to over-reporting and in some cases double- (or more) counting of incidents. Several commenters urged ED to add more non-violent items, such as “disorderly conduct,” “willful defiance,” and “disrupting public school,” and disaggregate these categories by race, disability, gender, age and LEP status. Some commenters also suggested that ED collect offense data for all the disciplinary action data ED already collects or, in the alternative, to collect the number of students receiving suspensions and the overall number of suspensions.

### **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. By using the same definitions as SSOCS, ED does not expect over-reporting or over-counting.

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. Requesting disaggregated data would likewise be useful. However, ED has determined that

Attachment C – Response to Second Round Public Comment  
CRDC Data Set for School Years 2013–14 and 2015–16

reporting on these items in the CRDC would significantly increase the scope and burden of the data collection.

Requiring that LEAs provide offense data for each act of discipline would likewise create a great increase in burden. The alternative suggestion, to collect the overall number of suspensions, is however, a lower burden option that will serve several useful functions. First, it will allow a more direct comparison between the offense counts and the suspension counts; and second, it will allow ED to get a better sense of the number of suspensions experienced by those students who receive one or more suspensions (an existing collection category). ED does not anticipate this reporting requirement to be problematic because recipients are already collecting and reporting data on suspensions to count both the number of students suspended once and more than once. Therefore, ED proposes to collect as optional for the 2013–14 CRDC and mandatory for the 2015–16 CRDC, the number of instances of out-of-school suspensions that K-12 students received, disaggregated by students without disabilities, students with disabilities served under *IDEA*, and students with disabilities served under Section 504 only, and the number of instances of out-of-school suspensions that preschool students received, disaggregated by all preschool students, and preschool students with disabilities served under *IDEA*. The disaggregation groups proposed for these items are consistent with the disaggregation groups used for the K-12 student counts of out-of-school suspensions item, and the preschool student counts of out-of-school suspensions item.

For consistency with the disaggregation groups used for the preschool student counts of corporal punishment item, ED revised the disaggregation groups for the number of instances of corporal punishment that preschool students received item from students without disabilities and students with disabilities, to all preschool students and preschool students with disabilities served under *IDEA*.

ED already collects the number of students receiving suspensions (although it reports it in disaggregated form). Since ED reports disaggregated counts of students receiving suspensions that can be summed to calculate the total number of students receiving suspensions, ED does not believe it is necessary to collect a total count of students receiving suspensions.

Changes: ED proposes to collect as optional for the 2013–14 CRDC and as mandatory for the 2015–16 CRDC, the number of instances of out-of-school suspensions that K-12 students received, disaggregated by students without disabilities, students with disabilities served under *IDEA*, and students with disabilities served under Section 504 only (DG 1007), and the number of instances of out-of-school suspensions that preschool students received, disaggregated by all preschool students, and students with disabilities served under *IDEA* (DG 1008). In addition, ED divided the preschool through grade 12 corporal punishment instances data group (DG 917) into two data groups—one for K-12 corporal punishment instances, disaggregated by students without disabilities, and students with disabilities (DG 917), and the other for preschool corporal punishment instances, disaggregated by all preschool students, and preschool students with disabilities served under *IDEA* (DG 1010).

## **HARASSMENT OR BULLYING**

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### **18. 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 as mandatory for the 2015–16 collection, although they were disappointed it would only be optional in 2013–14 collection. These commenters urged the provision of timely and comprehensive guidance and technical assistance through a bi-directional process, and to use the optional responses made by LEAs in 2013–14 to improve such guidance and assistance. These commenters also recommended that ED collect harassment or bullying data based on gender identity or transgender status, or more prominently clarify (beyond the definitions section) that gender identity is included. One commenter urged that ED also collect the number of students who report incidents of harassment or bullying based on sexual orientation or religion or are disciplined for such bullying or harassment. A couple of commenters opposed the addition of these items because they believed it (1) exceeded ED's authority, and (2) 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. ED intends to provide timely technical assistance, relying on the experiences of other federal collections and the more than 10 states that currently collect this information about harassment or bullying based on sexual orientation and/or religion from their LEAs. ED declined to extend the collection to collect the number of students who report incidents of harassment or bullying based on sexual orientation or religion or are disciplined for such bullying or harassment because of concerns that such an extension might encourage schools to include information about an alleged victim's actual or perceived sexual orientation or religion in his or her student record.

Once again, the commenters' request to require separate reporting of harassment or bullying on the basis of gender identity or transgender status has strong appeal, but ultimately does not warrant any additional disaggregation at this time. At the behest of commenters, ED previously 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. In response to the more recent public comments, ED intends to more prominently clarify (beyond the definitions section) that harassment on the basis of gender identity or transgender status is included in the sexual harassment category.

Changes: None.

## **19. Harassment and Bullying Policies**

### **Public Comments**

Many commenters supported ED’s decision to reinstate a modified question regarding the existence of harassment or bullying policies and to provide internet links to those policies. These commenters urged ED to collect key characteristics of bullying policies, like enumeration. One commenter requested that ED return to the question asked in 2009–10 and 2011–12, which asked about race, sex, and disability policies separately.

### **ED’s Response**

Discussion: 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 (race, color, national origin; sex; and disability) and not the others. Furthermore, by asking school districts that have posted their policies on the internet to provide a link to those policies, people interested in enumeration will be able to easily locate those district policies and make their own assessment of what categories are included.

Changes: None.

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## **PATHWAYS TO COLLEGE AND CAREER**

## **20. Student Chronic Absenteeism**

### **Public Comments**

One commenter recommended that ED disaggregate the data about student absenteeism by excused and unexcused absences.

### **ED’s Response**

Discussion: 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. 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. The proposed disaggregation would add reporting burden and not provide data useful to ED’s efforts.

Changes: None.

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## **TEACHERS AND OTHER STAFF**

## **21. Certified Teachers**

### **Public Comments**

Several commenters strongly supported ED’s return to the collection of the FTE of teachers in schools meeting all state certification/licensing requirements. These commenters also requested that ED collect the FTE of teachers still participating in a certification program to earn the initial full certification. They also urged that ED collect the FTE of teachers who have fully met the state’s licensing and certification requirements for the subject they teach applicable to their years of experience.

### **ED’s Response**

Discussion: 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 EDFacts 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.

For the 2013–14 and 2015–16 CRDCs, ED continues to support the collection of the number of FTE teachers (preschool through grade 12) who have met all state licensing/certification requirements. However, in response to the comments received, ED proposes to clarify that a teacher working towards certification by way of alternative routes is not considered to have met all state requirements. Also, based on the comments received, ED proposes to begin to collect as mandatory for the 2013–14 and 2015–16 CRDCs, the number of FTE teachers (preschool through grade 12) who have not met all state licensing/certification requirements. For the 2013–14 and 2015–16 CRDCs, the number of FTE teachers who have met all state licensing/certification requirements, and the number of FTE teachers who have not met all state licensing/certification requirements should sum up to the total number of FTE teachers. The total number of FTE teachers was previously collected in 2009–10 and 2011–12, and is proposed to be collected in 2013–14 and 2015–16.

With regard to the suggestion that ED collect data on teachers who teach within the subject of their certification, ED agrees that some data on this topic would be useful. The CRDC currently collects the number of students taking certain types of math and science courses and the number of those math and science courses. To avoid undue burden, ED proposes to limit the collection to counts of mathematics classes taught by teachers with mathematics certification, and counts of science classes taught by teachers with science certification. In particular, ED proposes to begin to collect for the 2015–16 CRDC, the number of Algebra I classes in grades 7–8, and the number of mathematics classes in grades 9–12 (disaggregated by Algebra I, Geometry, Algebra II, Advanced Mathematics, and Calculus), taught by teachers with a mathematics certification. In addition, ED proposes to collect as optional for the 2013–14 CRDC and as mandatory for the 2015–16 CRDC, the number of science classes in grade 9–12 (Biology, Chemistry, and Physics), taught by teachers with a science certification. Because some Algebra I and Geometry items for 2013–14 are being replaced with refined Algebra I and Geometry mandatory items for 2015–16, and science items for 2013–14 and 2015–16 are remaining unchanged, ED believes the newly proposed Algebra I and mathematics classes data groups should be collected for the 2015–16 CRDC, while the science classes data group should be optional for 2013–14 and mandatory for 2015–16.

Changes: For the 2013–14 and 2015–16 CRDCs, ED proposes a new data group to collect the number of FTE teachers who have not met all state licensing/certification requirements (DG 1009). ED also proposes to amend the licensed/certified teachers data group (DG 990) to clarify that a teacher working towards certification by way of alternative routes is not considered to have met state requirements. For the 2015–16 CRDC, ED proposes to collect the number of

Algebra I classes in grades 7–8, and the number of mathematics classes in grades 9–12 (disaggregated by five mathematics subgroups), taught by teachers with a mathematics certification (see DG 1004 and DG 1005). Furthermore, ED proposes to collect as optional for the 2013–14 CRDC and as mandatory for the 2015–16 CRDC, the number of science classes in grade 9–12 (disaggregated by three science subgroups), taught by teachers with a science certification (DG 1006).

## **22. *Support Staff – Psychologists, Social Workers, and Nurses***

### **Public Comments**

One commenter requested that ED expand the current permitted values of “psychologist,” “social worker,” and “nurse,” to include “school psychologist,” “school social worker,” and “school nurse.” This commenter 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. This commenter also urged ED to redefine “school psychologist,” “school social worker,” and “school nurse” to align with the definitions of these staff included in *IDEA* and *ESEA*. Another commenter recommended that ED collect data on additional health care providers and other non-instructional staff.

### **ED’s Response**

Discussion: The intent of the support staff item is to collect the number of FTE psychologists, the number of FTE social workers, and the number of FTE nurses—inclusive of school psychologists, school social workers, and school nurses. Also, 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: None.

## **23. *Security Staff***

### **Public Comments**

Two commenters urged ED to collect data on whether school security staff is armed, and the types of weapons carried. One commenter recommended that ED collect data on whether school security staff is trained in law enforcement, and another commenter suggested that ED collect data on the use of force by security staff against students.

### **ED’s Response**

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

Changes: None.