DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS RESPONSES TO QUESTIONS FROM OMB RAISED ON JANUARY 10, 2014

1. *OMB*: Describe the current and planned future collaboration between OCR and NCES surrounding the CRDC.

OCR's Response:

The National Center for Education Statistics (NCES) within the U.S. Department of Education has partnered with OCR to improve the CRDC data collection process. This is a continuation of the successful partnership within ED. Beginning with the 2004 CRDC, the CRDC has been a part of the ED initiative to better coordinate and consolidate data reporting from (state educational agencies (SEA) and local educational agencies (LEA) across ED through a data collection known as ED*Facts*. Under ED*Facts,* the CRDC transitioned from being primarily a paper form-based data collection system to a primarily web-based collection system designed and operated by ED*Facts* as part of their data collection contract. The partnership between the CRDC and ED*Facts* has been a successful partnership that continues with the transition of ED*Facts* to the *Administrative Data Division of NCES*, which took place in the fall of 2013.

Numerous NCES studies, including the Schools and Staffing Survey (SASS) and the School Survey on Crime and Safety (SSOCS), are planning to supplement their data collections with data from the CRDC. Therefore, in partnership with OCR, NCES is committed to redesigning all aspects of the CRDC data submission process and improve alignment of CRDC data with other surveys. In the initial stage, NCES is now working to develop a new data collection tool for the 2013-14 CRDC that will improve data quality, reduce burden on respondents, and improve the usability of the data collection tool and data feedbacks reports.

As part of the design of the new tool, OCR and NCES are first seeking to understand more about how LEAs access and house the data they need to report during the CRDC data collection period. Through a series of site visits to schools, LEAs, and SEAs, OCR and NCES will learn about the procedures in place for reporting data, and problems respondents face in meeting the CRDC request for information. Understanding of these areas will help OCR and NCES develop tools and procedures that better facilitate reporting and improve data quality. Through planned cognitive interviews, OCR and NCES will be able to clarify and validate the proposed item wording. The information collected through site visits and cognitive interviews will support the development of an improved data collection process. Extensive piloting of the tool will also take place prior to its launch, anticipated in September 2014.

During 2014, the following will take place:
- December – March: Site visits to 15 SEAs and LEAs as well as OCR regional field offices.
- March – April: Up to 20 cognitive interviews to validate proposed item wording.
- December – August: Finalize design specifications, develop new CRDC submission system, and implement redesigned business rules.
- August: Pilot the new submission system with 40-50 LEAs.
- September: Open the submission system for LEAs to complete their 2013-14 CRDC.

- September 2014 – January 2015: Official CRDC submission window for the 2013-14. CRDC and technical assistance for LEAs (submission system and technical assistance will also continue past the official due date for the CRDC).

2. *OMB*: Describe OCR's efforts to align its harassment or bullying items and definitions with those used by other agencies, such as NCES and DOJ.

OCR's Response:

OCR consulted counterparts who work on the NCES/DOJ National Crime Victimization Survey —School Crime Supplement (NCVS-SCS) and the NCES SSOCS, and members of the ED/Office of Safe and Drug Free Schools and Centers for Disease Control and Prevention/ National Center for Injury Prevention and Control interagency group who have prepared uniform definitions for harassment and bullying for public health, to determine if changes needed to be made to the harassment or bullying items and definitions for the CRDC. Based on OCR's review of harassment and bullying items and definitions used by NCES and DOJ, and definitions proposed by the interagency group, OCR found that although the surveys do not define harassment or bullying on the basis of sex, race, disability, sexual orientation, or religion, as does the CRDC, the "harassment or bullying" definitions for the CRDC, are in general alignment with those used in the surveys. OCR also found similar alignment between the definitions for the CRDC and those proposed by the interagency group. Nevertheless, to further tighten the alignment between the terms used for the CRDC and those used by the other groups, OCR has revised the harassment or bullying—reported allegations data group (DG 933), and the harassment or bullying—students disciplined data group (DG 934), to clarify that the alleged victims are students (see Attachment A-2).

In general, for the CRDC, OCR considers discriminatory bullying to be a form of discriminatory harassment. To make this point clear, OCR has revised the discrimination category definitions in the harassment or bullying—policy data group (DG 988), the civil rights category (student counts) data category, and the civil rights category (allegations) data category (see Attachments A-2 and A-3).

3. *OMB*: Describe OCR's efforts to instruct recipients how to collect and record information about the motive underlying bullying or harassment.

OCR's Response:

OCR has collected data regarding discriminatory bullying and harassment since the 2009-10 CRDC. OCR did not receive significant inquiries from recipients about how to determine whether a particular incident of bullying or harassment was "because of" or "based on" race/color/national origin, sex, or disability.

In deciding whether to propose to expand the collect of bullying or harassment data on the basis of sexual orientation and religion, OCR conferred with some of the 11 SEAs that currently collect such data from their LEAs. The SEAs universally responded that they had no requests for technical assistance about how to record such incidents. In January 2014, OCR again

solicited feedback from a small number of SEAs and heard the same answers. OCR has scheduled another meeting with researchers and advocates to determine whether they are aware of problems about the issue as applied to sexual orientation and religion, but those discussions should be informative of the broader issues.

OCR is eager to work with our ED colleagues who administer the Clery Act collection (which collects hate-crimes data from institutions of higher education) as well as appropriate staff at the Department of Justice, including BJS and the FBI. We note that because OCR does not seek to disaggregate the types of incidents (that is, we combine bullying and harassment in a single category, and do not seek to distinguish about the severity of the incident), recipients may have an easier time categorizing offenses than they do with the more reticulated definitions used in Clery and other collections.