

**Public Comments Received During the 30-day Comment Period**  
**July 2017**  
**School Survey on Crime and Safety 2017-2018**  
ED-2017-ICCD-0039                      Comments on FR Doc # 2017-11043

**Document:** ED-2017-ICCD-0039-0017

**Name:** Neena Chaudhry, Alexandra Brodksy, Keturah James

Dear Sir or Madam:

The National Women’s Law Center (NWLC) is pleased to have the opportunity to comment on the School Survey on Crime and Safety (SSOCS). We applaud the Department of Education for taking the time to conduct important surveys such as the SSOCS, and especially commend the National Center for Education Statistics for continuing to collect important data regarding sexual harassment, sexual assault, and disciplinary practices. The recommendations below highlight areas in the proposed version of the SSOCS that should be changed to ensure that accurate and complete data is collected about all students.

**Question 30 – Incidents**

Question 30 collects data about incidents of violent and illegal offenses. The NWLC appreciates the inclusion of “rape or attempted rape” and “sexual assault other than rape,” and urges the NCES to expand the list of offenses to include dating violence and stalking. Dating violence is a problem typically addressed at the collegiate level: to this end, federal regulations requiring colleges and universities to report crime data distinguish between forcible sexual offenses like rape and sexual assault, and other forms of gender-based violence like domestic violence, dating violence and stalking. However, research shows that dating violence is increasingly a problem at the primary and secondary education levels as well. Dating amongst adolescents begins at very early ages and incidents of dating violence emerge shortly thereafter.

Similarly, stalking is a crime that is typically recognized amongst adults and too often ignored with children and adolescents. Research suggests, however, that adolescent stalking exists at levels at least as high as that documented among adults. The trivialization of stalking behaviors in teenagers is especially dangerous because they are more likely to come to physical harm at the hands of a stalker. Accordingly, crime reporting practices at the primary and secondary school levels should be designed to reflect the specific types of violence experienced by students, just as they are at the collegiate level.

As reporting is currently formatted, any incidents of dating violence that are not explicitly sexual in nature would fall under “physical attack or fight.” This characterization does not adequately capture the nature of dating violence, which differs from physical attack in that it is (1) gender-based and (2) exploits an intimate relationship between the victim and attacker. We suggest addition of “**Dating violence\***” as item “c,” where the definition of dating violence is:

Dating violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Incidents of stalking are similarly masked with the way reporting is currently structured: stalking may fall under “harassment” or sexual harassment.” We suggest adding a separate item “d. **Stalking\***,” where the definition of stalking is:

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person’s safety or the safety of others; or (ii) suffer substantial emotional distress.

The definitions of dating violence and stalking are the federal definitions as used in collegiate and university-level crime reporting.

### **Question 37: Disciplinary Actions**

Question 37 collects data about the use of particular disciplinary actions. While we appreciate the comprehensive list of actions included, the NWLC recommends that the list be expanded to include restraint and seclusion. Restraint and seclusion practices are common in certain states, and frequently target children with disabilities. Girls with disabilities are especially and disproportionately subjected to these practices: in the 2013-2014 school year alone, 9,056 girls served under the Individuals with Disabilities Education Act (IDEA) were subjected to physical restraint; 3,855 girls with disabilities were subjected to seclusion; and 456 girls with disabilities were subjected to mechanical restraint. These numbers are likely underreported, and are further compounded by factors like race. For instance, multiracial girls with disabilities under IDEA are three times more likely to experience seclusion than girls of other races.

Collecting data regarding restraint and seclusion has important federal policy implications: in the past five years, the Department of Education has released two guidance documents imposing limits on the use of restraint and seclusion by public elementary and secondary school districts. Reporting the frequency of these practices helps the federal government assess the extent to which local school districts adhere to these guidelines.

Accordingly, we suggest that “**restraint\*** or **seclusion\***” be added as item “1,” with definitions as follows:

Restraint – a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely (physical restraint) or the use of any device or equipment to restrict a student’s freedom of movement (mechanical restraint).

Seclusion – the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

These definitions are used by the Department of Education in its Civil Rights Data Collection.

### **Question 37: Disaggregation and Cross-Tabulation of Data**

We also recommend that the data reported in Question 37 be disaggregated and cross-tabulated by race, national origin, sex, gender identity, disability status, and English-language learner status.

Research has shown that certain populations of students are disproportionately subject to exclusionary discipline, particularly students of color, students with disabilities, and girls with either or both of these characteristics. Showing the frequency and types of disciplinary actions applied to children in these populations helps ensure that the academic needs of subgroups of boys and girls are not masked, and that interventions can be better designed to help them.

We understand that this amount of information would be difficult to include in Question 37’s table as currently formatted, and therefore propose dividing Question 37 into parts 37(a) and 37(b). Question 37(a) should retain the same information as it does now (with the addition of row item “1. **Restraint\*** or **seclusion\***”). Question 37(b) should contain instructions to proceed if the principal has responded “Yes” to Question 37(a)’s inquiry, “Was the action used this school year?” Further instructions should state: “For each type of action used this school year, please specify the numbers of students identifying as a member of the below categories.” Data should be cross-tabulated by (1) race or color, (2) national origin or ethnicity, (3) sex, (4) gender identity, (5) disability status, and (6) English-language learner status. Subgroups within those categories should be consistent with those typically used in federal data reporting guidelines.

The NWLC strongly recommends the immediate integration of the above recommendations. If you have any questions about the content of this comment, please contact Neena Chaudhry at 202-588-5180 or by email at [nchaudhry@nwlc.org](mailto:nchaudhry@nwlc.org). Thank you in advance for your consideration.

Sincerely,

Neena Chaudhry, Director of Education

Alexandra Brodsky, Fellow  
Keturah James, Legal Intern

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Dear Ms. Chaudhry, Ms. Brodsky, and Ms. James,

Thank you for your feedback posted on June 29, 2017 responding to a 30-day request for comments on the proposed School Survey on Crime and Safety: 2017–18. The National Center for Education Statistics appreciates your interest in the SSOCS survey. I have provided a response to each of your comments below.

**Question 30 – Incidents**

Thank you for providing these suggestions. We agree that adding an item to capture the prevalence of dating violence in public schools is something that we should consider adding to the SSOCS questionnaire. This is something that we will consider and test for SSOCS:2020. As with all new and revised items, in order to make such a change, we will need to test the proposed items with principals to ensure comprehension and interpretation before including in a full scale collection. At this point in the survey schedule, we are unable to accommodate additional testing for SSOCS:2018 but will consider doing so for SSOCS:2020.

Similarly, we will consider your suggestion to add an item to capture the prevalence of stalking in public schools for SSOCS:2020. During survey development for SSOCS:2016, we tested stalking as a new sub-item under the incidents item, in an attempt to gather the number of stalking incidents recorded at school and the number reported to police. Results of cognitive testing indicated that school principals may not be able to accurately provide this information as several noted that they do not keep records of incidents of stalking and would not be able to provide responses or would only be able to provide an estimate from memory rather than school records. We will consider retesting stalking for possible inclusion in SSOCS:2020, including better clarification on how incidents of stalking are counted for recording and reporting purposes to provide better confidence in the quality of data collected.

**Question 37: Disciplinary Actions**

**Question 37: Disaggregation and Cross-Tabulation of Data**

Thank you as well for your comments and suggestions to add “restraint” and “seclusion” to item 37 and to disaggregate and cross-tabulate the data by various student characteristics. We agree on the importance of capturing the prevalence of these disciplinary actions in public schools. As your comment identifies, both restraint and seclusion are currently collected as part of the Civil Rights Data Collection (CRDC). Per Office of Management and Budget (OMB) guidance, we make an effort to reduce overlap across federal surveys as much as possible in an effort to reduce burden for respondents; thus, we feel that adding these items to SSOCS would create a degree of repetition for schools sampled in both surveys. Adding repetitive items to SSOCS may result in a decrease in survey response rates from schools that feel overburdened. Additionally, the format of the CRDC allows for these data to be collected at a number of breakouts (e.g. disability, sex) that SSOCS would not be able to accommodate because SSOCS does not collect data at the student level. Further, the CRDC is a mandatory data collection for public schools, while SSOCS is voluntary, so the data collected from CRDC should be more comprehensive and representative.

Sincerely,

Rachel Hansen  
School Crime & Safety  
Cross-Sectional Surveys Branch  
National Center for Education Statistics  
U.S. Department of Education  
Office: [202-245-7082](tel:202-245-7082)

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**Document:** ED-2017-ICCD-0039-0016

**Name:** Seth Galanter

I again strongly commend NCES for continuing to collect important data regarding harassment and sexual misconduct in schools and against student (Question 30, 33, and 35). And I appreciate that NCES accepted two of the three comments I submitted at the 60-day comment period. I submit these additional comments for NCES and OMB consideration on my own behalf.

1. I continue to request that Question 35 be amended to add subitems regarding race/color and national origin/ethnicity harassment for SSOCS:2018, as well as SSOCS:2020.

In your response to my prior comment on this topic, you state that every question needs to be tested with principals to ensure comprehension and interpretation before including in a full-scale collection. I understand that would normally be true, but I suggest that a combination of factors makes that unnecessary in this instance.

First, SSOCS is already asking (in Question 35) about other forms of student harassment (based on sex, sexual orientation, gender identity, religion, and disability), so I can only assume that you've determined, through cognitive labs and otherwise, that principals are able to comprehend what the question means when it asks "Student harassment\* of other students based on [some factor]."

Similarly, SSOCS is already asking (in Question 32) about race/color and national origin/ethnicity hate crimes. So again, I can only assume that you've determined, through cognitive labs and otherwise, that principals are able to comprehend and distinguish between those terms.

In this circumstance, where all the terms have already been tested in closely related questions for this set of respondents, there does not appear to be any risk of misinterpretation to include it in the 2018 collection. There is no logic model I can envision where these additional subitems would cause additional confusion.

Also as a matter of policy, it strikes me as particularly odd that race/color and national origin/ethnicity are the only categories about which you collect hate crime data and do not collect harassment data. There are consistent news reports about persons of color and those perceived to have national origins from Central and South America and the Middle East being harassed in schools. To avoid any attempt to quantify this phenomenon in SSOCS:2018 disregards this important context and could be viewed as a lack of support to learn about the experiences of students of color.

2. In response to my prior comment, you proposed to add a second bullet to Question 35 to clarify the relationship between Rape/Sexual Assault (addressed in Question 30) and Sexual Misconduct. Thank you.

I would suggest that the bullet be slightly amended to delete the phrase "on school grounds." Use of that term might suggest that Question 35 or 30 are limited to school grounds, when they are not. Question 30 is limited to events "at school," which is defined to include on school grounds, but extends to other circumstances as well.

Thank you for your further consideration of these matters.

Please feel free to contact me if you have any questions at the email address below.

Seth Galanter  
Seth.Galanter@gmail.com

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Dear Mr. Galanter,

Thank you for your feedback posted on June 19, 2017 responding to a 30-day request for comments on the proposed School Survey on Crime and Safety: 2017-2018. The National Center for Education Statistics appreciates your support in the SSOCS survey. I have provided responses to your comments below.

- 1) The current item has been collected since the initial administration of SSOCS in 2000. Because a change of this nature would result in a break in trend, NCES plans to investigate the impact of the break in trend, as well as conduct thorough cognitive testing for your proposed items in preparation for the SSOCS:2020 survey.
- 2) Thank you for bringing this to our attention. We have made the suggested change to remove “on school grounds” from the bullet in Question 33.

Sincerely,

Rachel Hansen  
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