

Mandatory Civil Rights Data Collection

July 2020

Attachment A-5

Directed Questions

Revised after 60-day public comment period.

Responses to, and changes made as a result of comments received during the 60-day public comment period are primarily addressed and reflected in Attachment B. In this Directed Questions document, changes were made as a result of comments received during the 60-day public comment period. Additional changes (including technical edits and revisions) were made for clarity, accuracy, and consistency.

Due to the impact the Coronavirus (COVID-19) pandemic has had on SEAs, LEAs, and schools, ED has decided to shift the 2019–20 CRDC to the 2020–21 school year. Therefore, all comments received for the 2019–20 CRDC, and ED’s responses to those comments will now apply to the 2020–21 CRDC. In addition, throughout this document, original references to the 2019–20 CRDC and the 2019–20 school year have been changed to the 2020–21 CRDC and the 2020–21 school year.

INTRODUCTION

This attachment contains some topics for which the Office for Civil Rights (OCR) would like to obtain input from data submitters and stakeholders regarding the 2020–21 Civil Rights Data Collection (CRDC).

DIRECTED QUESTIONS

1. *Harassment or Bullying*

For the 2020–21 CRDC, OCR is proposing to collect new information regarding harassment or bullying based on religion.

- The number of allegations of harassment or bullying reported by students in grades K-12 on the basis of perceived religion (regardless of whether the targeted student actually identifies with that religion), for each religion category. Religion categories include: atheism/agnosticism; Buddhist; Catholic; Eastern Orthodox; Hindu; Islamic (Muslim); Jehovah's Witness; Jewish; Mormon; multiple religions, group; other Christian; other religion; Protestant; Sikh.

Specific religion categories are based on categories found in the Federal Bureau of Investigations' Hate Crime Data Collection Guidelines and Training Manual (2015), available at <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>.

To help inform OCR's decisions regarding the proposed collection of the new harassment or bullying data, OCR poses the following questions to obtain public input:

- Have school districts collected data about harassment or bullying on the basis of perceived religion, for specific religion categories?
- What, if any obstacles have school districts faced in collecting such data?

2. *Offenses*

For the 2020–21 CRDC, OCR is also proposing to collect new information regarding incidents and allegations of specific offenses involving students and school staff.

- The number of documented incidents of offenses committed by a student that occurred at the school. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- The number of documented incidents of rape or attempted rape or sexual assault committed by a school staff member that occurred at the school.
- The number of allegations of offenses made against a school staff member that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).

- The number of allegations of offenses made against a school staff member that occurred at the school, which were followed by a determination that the school staff member was responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- The number of allegations of offenses made against a school staff member that occurred at the school, which were followed by a determination that the school staff member was not responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- The number of allegations of offenses made against a school staff member that occurred at the school, which had a determination that remained pending. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- The number of allegations of offenses made against a school staff member that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).

To help inform OCR's decisions regarding the proposed collection of the new offenses data, OCR poses the following questions to obtain public input:

- Have school districts collected data on incidents of rape or sexual assault in a way to distinguish student offenders from school staff offenders?
- Have school districts collected data on allegations of rape or sexual assault against school staff members in a way to document the outcomes of the allegations and the outcomes of the staff?
- What, if any obstacles have school districts faced in collecting such data?

3. *Advanced Placement (AP) and International Baccalaureate (IB)*

OCR currently collects counts of students enrolled in the IB Diploma Programme, and counts of students enrolled in one or more AP courses. For these data elements, LEAs currently provide counts by: sex and race/ethnicity; sex and EL; and sex and IDEA student. For the 2020–21 CRDC, OCR is proposing to introduce the collection of sex and student served under Section 504 only data for these data elements.

To help OCR make decisions regarding the additional collection of data noted above via the CRDC, OCR poses the following questions to obtain public input:

- Have school districts collected the requested data? What, if any, obstacles have school districts faced in collecting such data?
- Do you have any suggestions for how OCR could collect the data that would impose less reporting burden or avoid obstacles in collecting such data?

4. *School and School Support Staff*

For the 2020–21 CRDC, OCR is proposing to retire the collection of data on the full-time equivalency (FTE) count of teachers in their first year of teaching, FTE count of teachers in their second year of teaching, and FTE count of teachers absent more than 10 school days, and counts of teachers during the current school year, and the current and previous school year. OCR is also proposing to continue to collect data on: FTE counts of certified and non-certified teachers; and FTE counts of school counselors, psychologists, social workers, and nurses.

To help OCR make decisions regarding the discontinuation and continued collection of the data noted above via the CRDC, OCR poses the following questions to obtain public input:

- How are the data for each data element noted above being used by the public?
- Are there other staff data elements that OCR could discontinue?

5. *Single-sex Interscholastic Athletics*

For the 2020–21 CRDC, OCR is proposing to continue to collect by sex, the number of single-sex interscholastic athletics sports, the number of single-sex interscholastic athletics teams, and the number of student participants on single-sex interscholastic athletics sports teams. Nevertheless, OCR is interested in better aligning the data it collects with the standards OCR uses to evaluate whether a school district is providing nondiscriminatory athletic participation opportunities in compliance with the Title IX regulation with respect to all types of athletic participation opportunities, including those offered in unified and coed sports and on unified and coed teams. (OCR guidance on the topic is available at <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue04.html>.)

To help inform OCR's decisions regarding possible future changes to the collection involving interscholastic athletics data elements, OCR poses the following questions to obtain public input:

- How are the data on the number of single-sex teams and sports being used by the public?
- What specific modifications to the data elements could be made and/or what new data elements could be added to better reflect whether a school district is providing nondiscriminatory athletic participation opportunities for male and female students?

6. *Early Childhood, Preschool, and Kindergarten*

For the 2020–21 CRDC, OCR is proposing to retire the collection of some LEA-level data on early childhood, preschool, and kindergarten. Specifically, OCR is proposing to retire the following data elements:

- Indication of whether the LEA was providing early childhood services or programs, in either LEA- or non-LEA facilities, to non-IDEA children birth-age 2.
- Indication of whether the LEA's preschool services or programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge.

- Indication of whether the LEA was providing preschool services or programs, in either LEA- or non-LEA facilities, to non-IDEA children, by age 3, 4, and 5.
- Indication of whether the LEA's preschool services or programs, in either LEA- or non-LEA facilities, were being offered to: all children; IDEA children; children in Title I schools; low-income children.
- Indication of whether the LEA's kindergarten programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge.
- Indication of whether the school was providing preschool services or programs to non-IDEA children, by age 3, 4, and 5.

At the school-level, OCR is proposing to continue to collect a total preschool student enrollment count, and ~~not~~ counts that are collected by: sex and race/ethnicity; sex and EL status; and sex and IDEA student status. OCR is also proposing to continue to collect LEA-level count data on students served by the LEA in preschool programs (by age, 3, 4, and 5).

To help inform OCR's decisions regarding the discontinuation and continued collection of the data elements noted above, OCR poses the following questions to obtain public input:

- How are the data for each data element noted above being used by the public?
- What, if any, obstacles have school districts faced in collecting such data?
- Do you have any suggestions for other early childhood, preschool, and kindergarten data elements that OCR could discontinue?

7. *Other Data Elements*

For the 2020–21 CRDC, OCR is soliciting public input on any other data elements that could be modified or discontinued to help reduce burden.

- Are there other data elements that OCR could modify or discontinue?