

**Mandatory Civil Rights Data Collection**

**July 2025**

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**ATTACHMENT B**

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**CRDC Data Set for School  
Years 2025–26 and 2027–28:  
Response to First Round  
Public Comment**

On January 16, 2025, the U.S. Department of Education’s Office for Civil Rights (OCR) released the Mandatory Civil Rights Data Collection (CRDC) information collection request (ICR) to the public, for a 30-day comment period. The ICR included changes made in response to the 60-day comment period. On February 10, 2025, OCR withdrew the ICR so that additional changes could be made to the ICR for consistency with the Trump Administration’s 2020 Title IX Rule and January 2025 Executive Order 14168 “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.”

Responses to, and changes made as a result of comments received during the 60-day public comment period and to reflect the Trump Administration’s priorities are primarily

addressed and reflected in Attachment B. Changes in response to the Trump Administration’s priorities appear as **dark red text**.

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## INTRODUCTION

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This attachment contains the U.S. Department of Education (ED) Office for Civil Rights' (OCR) responses to the 60-day public comment period on the Civil Rights Data Collection (CRDC) for school years 2025–26 and 2027–28. OCR is responsible for administering the CRDC, a survey of local educational agencies (LEA).

On October 17, 2024, OCR published in the Federal Register (Vol 89, pages 83,671-672), a Notice of Proposed Information Collection Request (ICR) that proposed some changes to the 2025–26 and 2027–28 CRDCs compared to the previously approved 2021–22 and 2023–24 collections. A total of 104 commenters submitted comments to OCR in response. The comments for the 2025–26 and 2027–28 CRDCs included feedback on the five directed questions posed by OCR. A variety of stakeholders provided comments, including: state educational agencies (SEA), LEAs, administrators, educators, non-profit organizations, coalitions, professional organizations, advocates, parents, and other members of the public.

OCR appreciates each commenter's time and effort in providing thoughtful commentary in response to this proposed data collection. OCR reviewed, summarized, and documented each comment prior to offering the responses below. OCR's summary and responses reflect careful consideration of each commenter's contribution to this process.

On January 16, 2025, OCR published in the Federal Register (Vol 90, page 4727), an ICR that includes the responses to the 60-day public comment period. These responses were subject to a 30-day public comment period. However, due to changes in priorities by the Trump Administration, the 30-day public comment period was cancelled on February 10, 2025 and the ICR was withdrawn for revision. OCR has again reviewed the responses to the 60-day public comment period and has made revisions to the ICR to align with the Trump Administration's [2020 Title IX Rule](#) and January 2025 Executive Order 14168, "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)." The responses to the comments received during the 60-day public comment period and the responses changed to reflect the Trump Administration's priorities are presented below.

In addition, the responses below do not address comments that are outside the scope of the information collection, such as complaints that a student's school district is not complying with the Individuals with Disabilities in Education Act (IDEA) or general concerns about the administration of public education.

~~If, after the 30-day comment period, OCR is inclined to recommend to OMB either that new items not proposed in Supporting Statement A, as revised in response to the 60-day comments, be added; or that items previously approved for the 2023–24 collection that are not identified for potential deletion in Supporting Statement A, as revised in response to the 60-day comments, be deleted, OCR will solicit further public comment on those changes before seeking final OMB approval.~~

## DIRECTED QUESTIONS

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Many commenters offered feedback on the five Directed Questions accompanying the 60-day proposed ICR. They are addressed below in the order OCR posed the questions: (1) informal removal of students; (2) threat assessments; (3) updated race and ethnicity standards; (4) disaggregation of referral and arrest data for Section 504 only students by race/ethnicity; and (5) teacher certification in specialized areas (bilingual).

### **1. *Informal Removals of Students***

#### ***Public Comments***

Sixty-three comments responded to OCR’s Directed Question regarding the collection of data regarding informal removal data.

As explained in Directed Question #1, OCR proposed to collect the school-level counts of students who received at least one informal removal and proposed to define informal removal as “any action by a school staff member to remove a student (regardless of age, grade level, or disability status) from an education program or activity for a period of time without the incident being entered into a student’s record or without providing written notification about the incident to the student’s guardian.”

#### ***General Support***

Most commenters were generally supportive of collecting these additional data as they would allow the Department to better monitor the treatment of students, identify possible patterns of removal, offer OCR the opportunity to issue data-informed policy guidance, and assist school districts in identifying alternatives to informal removals. Some of these commenters stated that schools use informal removals as “off the books” suspensions in order to artificially lower the schools’ suspension rates, or to avoid obligations to provide a free and appropriate public education (FAPE) to students with disabilities. Further, these commenters asserted, if these data are collected, they would improve transparency of school practices; illuminate the “pushout” phenomena; help identify disproportionality or discriminatory practices in the use of informal removals alone, or when used in conjunction with seclusion or otherwise segregation of the student from peers; be counted as part of the 10-day “change of placement” protections, and allow the IEP/504 teams to intervene if necessary to make changes and modifications, such as conducting a functional behavioral assessment, as well ensure students are receiving notice and opportunity to be heard. OCR also heard support for collecting these data from several parents who struggled to ensure their children were receiving an education when schools repeatedly informally removed their children from the classroom and the attendant harms they experienced.

### ***Requested Changes to the Definition***

Several commenters requested modifications to the proposed definition of informal removal. A few commenters thought the proposed definition was over-broad and could inaccurately capture positive behavioral interventions that are beneficial to students. One commenter asked that OCR not use the term “informal” as it legitimizes the informal and unrecorded removal of a student when that removal is in response to behavior. Other commenters asked that the definition align with the term as defined by U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS), or only apply to students with IEPs; add examples of what did (and did not) constitute informal removal and require a reference to the reason for the removal (e.g. challenging behavior, or which removals are directly related to an approved aid or service in a child’s IEP or Section 504 plan); remove the reference to “activity,” as there is a difference between pulling a child out of an activity, but allowing them to remain in the room, versus removing them entirely from the educational setting; specify that it refers to removal without allowing the student to return for a specified period of time (e.g., removal for the rest of class, as opposed to removal until the child deescalates).

Other commenters requested that “incident” be replaced with “occurrence” as a more inclusive term; that the term “record” be modified by “disciplinary” to reflect that this practice is used as an exclusionary disciplinary tool; and that the definition include “any time a child with a disability is removed from school for a sufficient period of time to constitute a ‘change of placement’ with the rights extended to them under the Constitution, state, or federal law and/or regulation.” Similarly, one commenter stated the definition needs to include all removals, and that rather than collect data on “informal removals,” the collection should create two categories of removals, those for disciplinary and non-disciplinary instances, and instruct schools to count both categories as suspensions for disproportionality purposes. Another commenter requested that the definition include clarification of what constitutes “written notification,” whereas other commenters stated that whether a school notifies a parent about the removal is irrelevant, because parental contact does not mitigate the exclusion's potential harm or diminish its informal nature if it bypasses formal disciplinary documentation.

Commenters were divided on whether the definition of informal removals should be tied to alleged misconduct that prompted the removal, or whether such linkage is unnecessary as not every informal removal is tied to a disciplinary offense.

### ***Additional Disaggregation and Data Items***

Several commenters requested modifications to the proposed data elements. A few commenters requested further disaggregation of the data, for example by national origin, or for Afro-Latinos and students from Indigenous communities, to help school districts respond with culturally competent programming. Other commenters asked that the further data be collected: the total number of instances of informal removals, including, but not limited to, those not otherwise recorded and reported as an official disciplinary removal; the number of minutes or hours of lost instruction time due to informal removals; the reason or behavior that led to the removal; whether the removal was on or off campus; and that the “sex (membership)-expanded” data

category apply to informal removals of preschool children, as children can identify as nonbinary as early as age 3. Conversely, one commenter requested that the collection be expanded to include removals based on behavior that may be “on the books” and, therefore not regarded as “informal” because they are formally reported in some other category, just not as a disciplinary removal.

### ***Problems with Collection/Opposition***

Other commenters expressed concern that complying with this requirement would pose several challenges for schools, specifically in tracking these incidents. Some commenters stated informal removals would have to be entered into a student’s record to be appropriately tracked, but that would render the incident no longer “informal” and result in no data. Conversely, some commenters requested that the tracking requirement be clear that such removals are *not* documented in students’ permanent record, which may include transcripts and information about academic performance.

Commenters stated that it would be challenging to ensure consistent understanding of the term in light of the ambiguity in the proposed definition; difficult to accurately count past incidents of informal removals; require training and monitoring of staff to recognize and report informal removals; increase the possibility of an inverse effect of increasing the amount of formal removals as districts begin to track this type of intervention; require the creation of a new tool or protocol in current information systems to log informal removals while ensuring the protection of sensitive student information; add to the administrative burden and lead to possible degradation of the quality of other data provided by districts; and result in possible institutional changes to address any systemic biases or cultural practices.

Some commenters were specifically concerned about the feasibility of collecting such data regarding the number, or amount of time, a student was informally removed. A few suggested a minimum amount of time before an exclusion could rise to the level of an informal removal; or limiting collection to removals from the school campus. Other commenters disagreed with setting any time limit, or including removal from school campus to the definition, as any removal of any duration is an exclusion.

In addition to identifying challenges with collecting this data, some commenters opposed this collection, stating that it would impose added burden on schools’ resources and staff; deter school staff from using positive interventions to allow students to self-regulate and impede classroom management; could potentially be used for punitive reasons; and the resultant data would be vague and inaccurate, and therefore unhelpful.

### ***OCR’s Response***

Discussion: OCR appreciates the thoughtful commentary on collecting data regarding informal removals. OCR acknowledges the complexity of collecting meaningful, accurate data about when informal removals occur, and the increased burden to the nation’s schools in reporting this information on the CRDC.

As discussed in Question #1 of the Directed Questions, OCR had proposed the following definition for informal removal based, in part, on input provided by the public during the public comment periods for the 2021–22 and 2023–24 CRDCs ICR:

Informal removal is any action by a school staff member to remove a student (regardless of age, grade level, or disability status) from an education program or activity for a period of time without the incident being entered into a student’s record or without providing written notification about the incident to the student’s guardian.

Based on the commenters’ feedback, OCR has decided to amend the proposed definition as follows:

Informal removal is an instance in which a child is temporarily removed from their regular classroom(s), physical school setting, or remote setting (e.g., online classroom where remote learning takes place) for any period of time for disciplinary purposes. Informal removals may stem from a disciplinary incident or incidents that may or may not be documented, and include removals resulting from an informal agreement between the school and student’s parent or guardian to remove the student from the educational setting in lieu of the student facing official exclusionary discipline (e.g., a suspension).

Contrary to some comments, OCR does not believe the data about informal removals should just be collected regarding students with disabilities or IEPs. The inclusion of data from all students in the tracking of informal removals is necessary to identify discriminatory practices and patterns targeted not just to students with disabilities, but students of a different sexes, races/ethnicities, and EL status. OCR already collects data on exclusionary disciplinary practices: in-school suspension, out-of-school suspension, expulsion, referrals to law enforcement, and school-related arrests and does not believe it appropriate to use different race/ethnicity and sex categories to collect data on informal removals.

To better understand the nature of informal removals and if some removals reported on the CRDC may be discriminatory, OCR proposes not only to collect data about the number of students who received one or more informal removal disaggregated by race/ethnicity, sex, disability, and EL status at the school level, but also to collect data about number of instances of informal removal. Informal removals do not always indicate a systemic problem within a school. To measure the systemic affect, OCR believes it is necessary to collect data that will allow it to track the instances of informal removals at a school and the demographic information of those receiving informal removals, in addition to data about the number of students experiencing informal removals.

Reporting these data would be optional for the 2025–26 CRDC and required for the 2027–28 CRDC. As a practice, teachers and schools are tracking informal removals for various reasons, including but not limited to evaluating students who may be eligible for special education services, assessing students who are already receiving educational services and continue to face disciplinary issues in their current placement, and managing students who are written up for disciplinary infractions. Since schools are already documenting disciplinary actions that result in



instructional time loss, OCR is confident schools will be able to develop a system to report informal removals for the 2027–28 CRDC.

Changes: Please see OCR’s proposed new Data Groups, 1054 and 1055 in OMB Supporting Statement, Part A and Attachment A-2, page 48. Also, please see the proposed revised definition of informal removal in OMB Supporting Statement, Part A and Attachment A-2, page 45.

## **2. *Threat Assessments***

### **Public Comments**

Thirty-one commenters responded to OCR’s Directed Question regarding threat assessments. Commenters, although divided on the merits on the efficacy and appropriateness of threat assessment teams, were generally supportive of collecting more information on the topic. Some commenters, however, thought it was premature to collect data on this topic because procedures vary so widely between states and districts and because many schools evaluate, assess, and manage threats but lack a team or a specific formalized program or process.

#### ***Defining Threat Assessment***

Several commenters urged OCR to use the word “risk” in lieu of or in addition to “threat,” to capture use of evidence-based risk assessment systems designed to identify students who may be exhibiting concerning behavior. Commenters noted a sharp contrast between the focus of threat and risk assessment teams, with the later focusing on whether the student’s behavior presented a risk instead of viewing the student’s conduct as a threat.

One commenter further suggested that OCR strike “managing students” from the proposed definition and replace with “analyzing potential risk posed by students” to distinguish between the objective process of assessing a risk and the nuanced approach of managing identified risks.

Another commenter encouraged OCR to qualify the proposed threat assessment definition by clarifying that informal processes undertaken to screen or determine the need for specialized services or supports did not rise to the level of a threat assessment. This commenter explained that the term “threat assessment” was used in a broad range of circumstances, including when an IEP team met to discuss the need for a Functional Behavior Assessment (FBA) or mental health services, and cautioned the term threat assessment should be cabined to situations where a threat was present.

Some commenters recommended OCR adopt the threat assessment definition developed by the U.S. Secret Service’s National Threat Assessment Center (NTAC), in collaboration with the U.S. Department of Education, which defines a threat assessment as an “effort to identify, assess, and manage individual and groups who may pose threats of targeted violence.” One commenter noted the NTAC definition of threat assessments highlights a proactive rather than reactive approach of targeting violence by focusing on appraisal of behaviors rather than on review of the stated threat. This commenter also shared the state of Kentucky’s threat assessment definition was informed by NTAC’s definition.

Three commenters suggested various definitions for a threat assessment for OCR to consider, all asserting different forms of threats the assessments were responding to. One commenter suggested adopting the term “Behavioral Threat Assessment and Management (BTAM)” instead of “Threat Assessment,” and defining this term as a process for managing “a potentially dangerous or violent situation.” A second commenter suggested defining threat assessment as a process to evaluate “communications and behaviors by students or adults” that were “perceived by school staff or law enforcement to be a threat.” Another commenter recommended OCR narrowly define threat assessment to ensure use of threat assessments were limited to severe incidents and not everyday school conduct.

### ***Defining Threat Assessment Teams***

Six commenters provided feedback on OCR’s proposal to define threat assessment teams. One commenter urged OCR to use language consistent with the School Survey on Crime and Safety to allow data comparability over time. Another commenter suggested using the term “behavior threat assessment and management team” instead of “threat assessment team” to highlight the team’s primary goal of providing needed interventions to mitigate risk of threats. Further, one commenter expressed concern that OCR’s proposed definition merged the functions of the IEP team with that of the threat assessment team and explicitly urged OCR to qualify the definition of a threat assessment team to ensure respondents did not inappropriately count a student’s IEP or Section 504 team as the student’s threat assessment team. A commenter expressed concern over the use of automated assessment tools used to assess risk of a student level and urged OCR to broadly define threat assessment teams to include the use of automated predictive tools, irrespective of whether human evaluators were involved in the process or not.

Three commenters provided definitions for OCR to consider, with one commenter recommending OCR define threat assessment teams to include members not employed by the school. Two commenters proposed including in the definition the required school personnel to highlight the multidisciplinary nature of threat assessment teams.

### ***Reasons for Threat Assessment Referrals***

Overall, commenters expressed support for the collection of data relating to the reasons for a threat assessment referral.

Three commenters noted that while their LEA collected the reason for threat assessment referrals, this information was not recorded in student information systems, making it difficult to report out. Similarly, one commenter shared the state of Kentucky did not have a data collection or maintenance requirement for threat assessment, although the state imposed other obligations relating to threat assessments, including review of all threat assessments by school safety coordinators.

Only one LEA commenter integrated data about the reasons for threat assessment into their student information system. This commenter noted using the following categories to collect data on the reasons for threat assessment referrals: verbal threats of violence, physical confrontations, possession of a weapon, self-harm, and threat from a family member or person associated with student.

Three commenters provided feedback on categories OCR should include if collecting information about the reasons students were referred to a threat assessment team. One commenter proposed reasons for threat assessments mirroring grounds for discipline, suggesting OCR adopt disrespectful behavior, willful defiance, talking out of turn, excessive noise, failure to follow directions, dress code violations, hair code violations, tardiness and truancy as possible categories. Another commenter suggested reasons for threat assessment referrals, largely focusing on the source and target of the threat, suggesting the following categories: suspected or third party reported threat (no direct evidence), written/recorded threat, threat to self, threat to other students, threat to adults, threat to school property, threat to non-school property, severity of threat, immediacy of threat. A third commenter suggested including the broad category of “pattern of concerning behavior that indicates a specified potential threat to the school community” to capture behavior eliciting concern.

One commenter suggested OCR not only collect information about the reason triggering a threat assessment referral but also the source of the alleged threat to assess whether the threat stemmed from a social media post, resulted from a staff person’s suspicion, or was based on of the student’s verbal or written actions.

### ***Number of Students Referred and Demographic Information of Students***

Many commenters supported collection of demographic information for students referred to threat assessment teams, although a few commenters opposed collection of demographic information. Among the reasons commenters cited in support for the collection of demographic information was concern about the disproportionate use of threat assessments on students with disabilities and students of color. Commenters in opposition asserted administrative burden concerns relating to collection of demographic information, warning that collection of demographic information of students referred to threat assessment teams could require districts to manually review physical records and input demographic information.

Many LEA commenters reported keeping student demographic information separate from threat assessment records. Only one commenter maintained both demographic and threat assessment data within their student information system, allowing for an integrated system for reviewing data. Another LEA commenter reported maintaining records of the number of students referred to threat assessment teams but not collecting demographic information.

One commenter suggested OCR not only collect data on students’ sex, race/ethnicity, disability, and EL status but also disaggregate data by grade level to distinguish between threat assessments referrals of students in pre-school and those in grades K-12.

### ***Multiple Threat Assessments***

Commenters reported varied data collection practices relating to reports of multiple threat assessments for a student. Two commenters explicitly supported data collection efforts on threat assessments occurrences, with one commenter expressing concern that numerous threat assessment referrals could be an indicator of insufficient supports or services for the student. Some commenters reported collecting this data while others did not. Three commenters reported being unaware of current reporting practices for multiple threat assessments incidents.

The two LEA commenters who responded to OCR’s directed question about current recording practices of multiple threat assessments incidents of a student all stated it was uncommon for a student to be referred for multiple threat assessment over the course of a school year.

### ***Outcomes of Threat Assessments***

Several commenters reported maintaining outcome data outside of student information systems, making this information difficult to report. One commenter stated outcome information was embedded into threat assessment forms and the LEA’s follow-up process, but this data was not integrated into any platform used to manage student data.

Two commenters provided suggestions on outcome categories. One commenter suggested threat category outcomes include: behavioral interventions; mental health services provided in school; referral to mental health services in community; referral for special education evaluation; disciplinary action; suspension; expulsion; and law enforcement referral. Another commenter suggested OCR’s collection of outcome data capture whether disciplinary action or any form of informal removal resulted from the threat assessment referral.

### ***Recording Threat Assessments in a Student’s Education Record***

Seven commenters provided feedback relating to current practices of recording threat assessments within a student’s education record. Two commenters reported not including threat assessment data as part of a student’s educational file. One of these commenters asserted LEAs viewed threat assessments to be private situations and limited access to threat assessment documentation to protect students. Two commenters stated recordkeeping practices varied within an LEA and across LEAs, with some opting to include threat assessment data in a student’s educational record.

Two commenters expressed concern about the consequences of embedding and not embedding threat assessment data in a student’s education file. One commenter noted that siloed documentation, coupled with lack of parent notice for threat assessment referrals, limited access to this critical information and urged OCR to require that LEAs record at least the reason for the student’s referral in the student’s education record. In contrast, another commenter expressed concern of non-validating threats being placed in a student’s educational record.

One commenter, who opposed the collection of threat assessment data, cautioned that the way threat assessment data were maintained would likely impact reporting accuracy. This commenter explained that because threat assessment data did not move with a student from school to school, students who transitioned between schools within a district would likely be omitted.

### ***Threat Assessment Models***

Nine commenters provided feedback on OCR’s question regarding specific threat assessment models utilized by an LEA in the CRDC.

One commenter explained that the threat assessments models referenced in OCR’s directed question #2 differed in the degree of law enforcement involvement required. While all models included a member of law enforcement as part of the threat assessment team and included law enforcement referral as one of the possible outcomes of the threat assessment, some models, like

the Cascade model, explicitly listed law enforcement members as a core member of the threat assessment team, creating a more prominent role of law enforcement in the review process.

Four commenters provided feedback on their selected threat assessment model. One of these commenters shared their LEA in Wisconsin utilized the “Speak up and Speak Out” model developed by the Wisconsin Department of Justice. Another commenter noted the Kentucky Department of Education’s website provided a list of threat assessment models LEAs could adopt, but this list was not exhaustive of all the model options for LEAs. Two commenters reported not adopting a specific threat assessment model but instead incorporating components of various models to meet the specific needs of their LEA.

Two commenters suggested OCR include an “other” option to account for models that do not have a specific model name and to capture customized hybrid threat assessment models created by LEAs.

One commenter opposed OCR’s collection of threat assessment models explaining that collection of models utilized would not provide any meaningful information as many districts did not adhere to one model and often developed their own model, drawing elements from different models. Another commenter shared a similar sentiment, expressing concern that LEAs may lack knowledge of the specific models and that LEAs’ ability to faithfully adhere to a model may be impacted by state threat assessment requirements.

Another commenter suggested OCR avoid mandating that LEAs adopt specific threat assessment models and instead allow for a state level framework to guide threat assessments. This commenter also noted LEAs modified threat assessment models based on various factors, including school location, resources, and personnel.

### ***Composition of Threat Assessment Teams***

School counselors, social workers, and school administrators (including school principals and assistant principals, were consistently identified as members of threat assessment teams by LEA commenters. Most LEAs commenters also identified teachers and school resource officers as forming part of school threat assessment teams. Only one LEA commenter identified having a member of the threat assessment with knowledge and oversight responsibility of special education programs. This commenter also noted threat assessment teams members varied depending on the student. Among the other individuals listed by LEA commenters as participating in threat assessment teams were directors of safety and security, probation officers, law enforcement agents, IT staff, district administrators and leaders, school aides (including general school aides, special education assistants, bilingual assistant), community members with specialized skills, and students’ parents/guardians.

Overwhelmingly, commenters urged OCR to collect data on whether a school’s threat assessment team included a special education specialist. Some of these commenters expanded on who would meet criteria for a special education specialist, suggesting Special Education teachers, Special Education Department Chairs, or IEP case managers, or a member of the student’s IEP or Section 504 team, as possible members of the threat assessment team. Further, three commenters explicitly suggested OCR adopt recommendations of threat team composition

made by the National Association of School Psychologists, which recommended that schools include an expert in educating IDEA and 504-eligible students in the threat assessment process. These commenters expressed concern that IEP team members were often left out of threat assessment teams, despite their deep and nuanced understanding of the needs of students with disabilities.

Commenters also largely expressed interest in collecting data on the presence of law enforcement officers in threat assessment teams. Some of these commenters expressed concern about the law enforcement role in threat assessment teams, with one commenter explicitly advocating against law enforcement forming part of threat assessment teams. Commenters raised concerns about the selection of students who are referred to threat assessment teams for review, expressing concern that students with disabilities and students of color may be particularly vulnerable to profiling and law enforcement referrals resulting from the threat assessment process. One commenter cited research from The Center for Civil Rights Remedies, conducted in 2021, suggesting a relationship between the addition of threat assessment training and a surge in school-based referrals to law enforcement, particularly among elementary students with disabilities and youth of color in Virginia. Another commenter expressed general concern about the risk law enforcement could pose to a child through the threat assessment process and advocated for determinations about a student's behavior to be made by individuals with child development expertise.

Commenters also recommended OCR review qualifications of threat assessment team members, not just the titles of staff who serve on threat assessment teams. One commenter suggested focusing data collection efforts on the training of members of threat assessment team to help examine whether members of threat assessments teams completed crisis intervention training and were applying a trauma informed approach to threat assessments. Another commenter proposed adding a question on whether members of the threat assessment team had completed training on the district's selected evidence based threat assessment model.

Beyond special education specialists and law enforcement, commenters suggested the following roles also be listed as options in the CRDC: Superintendent, school board member, administrators, principal, assistant principal, general education teacher, special education teacher, school social worker, school psychologist, school resource officer, nurses, paraprofessional, coach, office assistant, food service, building and grounds, school administrative staff, parent, community member, private psychologist or psychiatrist, other medical or treatment professional, and military personnel.

### **OCR's Response**

Discussion: OCR appreciates the commenters' responses to its directed question on the collection of data on threat assessments. OCR acknowledges commenters' feedback on composition of threat assessment teams, outcomes and reasons for threat assessments, current LEA data collection practices for threat assessments, and implementation of threat assessment models.

OCR appreciates the commenters’ suggestions on the proposed definition of a threat assessment. As discussed in Question #5 of the Directed Questions, OCR proposed the following definition for threat assessment:

- Threat assessment refers to a formalized process of identifying, assessing, and managing students who may pose a threat of targeted violence in schools.

Based on the commenters’ feedback, OCR has decided to amend the proposed definition as follows, changes italicized:

- Threat assessment refers to a formalized process of identifying, assessing, and managing students who may pose a threat of targeted violence in schools. *The term “threat assessment” does not include screening conducted to evaluate a student’s need for specialized services or supports under Section 504 or the IDEA, where the focus is on determining eligibility for services and is not an appraisal of a student’s behavior to assess a threat.*

In response to feedback requesting OCR clarify a threat assessment differs from informal processes undertaken to screen students with disabilities for services or supports, OCR has added a sentence to the definition. OCR agrees a threat assessment differs from screening conducted to evaluate a students’ need for specialized services or supports under Section 504 or the IDEA and has qualified the threat assessment definition to improve accuracy of the data reported.

OCR appreciates commenters’ recommendation to include the word “risk” in lieu or in addition to threat in the definition of a threat assessment. OCR acknowledges commenters’ concern that some LEAs use the terms “threat” and “risk” assessment interchangeably, although goals of each can be distinct, and that including the word “risk” in the definition would allow OCR to capture tools designed to review a student’s behavior and identify a student who may be at potential risk for violent or harmful behaviors, including harm to self or others. Further, OCR acknowledges, based on commenters’ report of reasons for a threat assessment, that some LEAs may collapse risk and threat assessments into one tool, thus referring students to a threat assessment team for reasons including threat to self and physical confrontations.

In light of the diversity of how threat assessments are defined and used/implemented across the country, OCR has decided to limit the definition of a threat assessment to only include threat assessments where the focus is targeted violence in schools. OCR anticipates the absence of the word “risk” from the definition will allow LEAs to better collect and report threat assessment data by drawing a clear distinction between threat and risk assessments. Additionally, by excluding “risk” from the threat assessment definition, OCR hopes to encourage data comparability over time by aligning the CRDC threat assessment definition with similar definitions used in the NCES’ School Survey on Crime and Safety (SSOCS) and by the National Threat Assessment Center (NTAC).

OCR appreciates a commenter’s suggestion to strike “managing students” from the definition. OCR has decided to keep “managing” as part of the definition since threat assessments include an oversight element and is not restricted to pure analysis of a student’s behavior. OCR acknowledges that students who are referred for a threat assessment may be steered towards

behavioral interventions, mental health services, special education evaluations, or disciplinary action.

Additionally, OCR appreciates the commenters' various suggestions to modify the threat assessment definition to center various forms of threat. As discussed above, to help ensure uniformity in reporting and support LEA's data collection efforts, OCR has decided to maintain the current proposal's focus on targeted violence in schools.

As noted in Supporting Statement A, OCR proposed the following new threat assessment data element:

- Whether the school has a threat assessment team or any other formal group of persons to identify students who might be a potential risk for violent or harmful behavior (toward themselves or others).

To align the data element with the threat assessment definition, OCR has decided to amend the data element as follows, changes italicized:

- Whether the school has a threat assessment team or any other formal group of persons to identify students who *might be a potential risk for violent or harmful behavior (toward themselves or others) may pose a threat of targeted violence in schools.*

OCR further acknowledges that collecting additional data relating to threat assessment, including information about team composition, threat assessment reasons and outcomes, and LEAs' adoption of threat assessment models, may yield valuable information. However, because of the need to balance the utility of data with the reporting burden, OCR has decided not to collect these data at this time. OCR will continue to consider recommendations from the public and consider in future collections whether to expand data elements for threat assessments.

OCR appreciates commenters' feedback about collection of demographic information for students referred to threat assessments teams. OCR appreciates the overwhelming support from commenters on the collection of sex, race/ethnicity, disability, and English Learner status for students referred for a threat assessment. OCR acknowledges the administrative burden concerns raised by some commenters. OCR has considered the possible administrative burden resulting from this data collection but anticipates the difficulty in reporting this information is limited, given that LEA commenters reported already collecting demographic information, although often storing it separately from threat assessment data. OCR anticipates LEAs may need to dedicate resources to merge demographic information with threat assessment data or to manually input demographic into student information systems, but this burden is justified. OCR believes these data elements are needed to inform its civil rights enforcement obligations given commenters' concerns about the disproportionate use of threat assessment systems on students with disabilities and students of color which may, depending on the facts, lead to or reflect discrimination. Because collecting and reporting these data will require coordination between systems, and consistent with its general practice, OCR proposes to make these items involving demographic information optional for 2025–26 CRDC and required for 2027–28 CRDC.

Changes: Please see OCR's proposed amended Threat Assessment Team Data Group 1050 and the proposed new Threat Assessment Team – Preschool Children Data Group 1051, Threat



Assessment Team – Students with Disabilities (*IDEA* and Section 504) Data Group 1052, and Threat Assessment Team – Students without Disabilities Data Group 1053 in OMB Supporting Statement, Part A and Attachment A-2, pages 107-109. Also, please see the proposed revised threat assessment definition in OMB Supporting Statement, Part A and Attachment A-2, page 107.

### **3. *Updated Race and Ethnicity Data Standards***

Thirteen commenters responded to OCR’s Directed Question regarding transition to the revised federal race and ethnicity data standards adopted in the March 2024 Statistical Policy Directive No 15 (SPD 15).

As explained in Directed Question #3, the revised SPD 15 requires federal agencies to collect race and ethnicity information using one combined question; to add Middle Eastern or North African (MENA) as a new minimum category; and to collect, absent exemption from OIRA, detailed race and ethnicity categories beyond the minimum categories.

Commenters, including an LEA and a national association representing school superintendents, were largely supportive of updating race and ethnicity categories in alignment with the revised SPD 15 minimum race and ethnicity categories.

Some commenters urged OCR to collect race and ethnicity data according to the updated SPD 15 when states integrated new reporting categories. They believed collecting race and ethnicity data under present conditions, without the support of their state educational agencies, would require districts to deploy significant time and resources.

Other commenters suggested the involvement of private student information system (SIS) software developers was critical. One of the commenters explained that if the SIS platform revised racial and ethnic categories to include the updated categories, the burden on LEAs in collecting this information would be significantly reduced.

One commenter stated that updating racial and ethnic categories for students would require LEAs to engage and educate families who may be nervous about providing updated race and ethnicity data or have questions about the use of this data. This commenter also cautioned that reidentifying students without appropriate resources may result in inaccurate reporting, as LEAs without adequate resources may resort to updating race and ethnicity data for students through observer identification instead of parent identification.

Commenters also provided recommendations on how the Department of Education could help LEAs meet the revised SPD 15 requirements. One commenter suggested the Department contact developers of SIS to inform them of the changes in data reporting and help ensure revised demographic elements would be adopted by these platforms. Another commenter suggested the Department of Education hold public listening sessions to engage LEAs and community organizations to ensure accurate data collection. A commenter also recommended OCR partner with the National Center for Education Statistics (NCES) to provide guidance to schools, districts, and states for reporting data in alignment with the new race and ethnicity categories. One commenter recommended OCR ensure that the racial and ethnic categories used for the

CRDC were also adopted across the Department’s other administrative data sets, including the Common Core of Data (CCD). This commenter also suggested revising the racial and ethnic categories in the CRDC and CCD concurrently to ensure data collected for a specific year across the two data collections could be used harmoniously by education researchers.

Additionally, some commenters expressed support for the CRDC to collect detailed data on race and ethnicity beyond the minimum categories. Commenters who were supportive of data collection beyond the minimum categories further urged the Department not to request either a full or partial exemption from collecting data using the detailed categories of the revised SPD 15. Commenters who were supportive of data collection beyond the minimum categories referenced concerns over the limitations of existing racial and ethnic categories. One of the commenters noted that further disaggregating race data would allow for a more comprehensive understanding of the education needs of Asian American students by helping identify disparities among the over 30 subgroups that form part of the Asian American community. Similarly, another commenter supported the collection of disaggregated data of Latino students to help reveal disparities within the ethnic group that may not be reflected within the aggregate demographic category.

### **OCR’s Response**

Discussion: OCR acknowledges the commenters’ support for collecting race and ethnicity information in alignment with the revised SPD 15 minimum categories. OCR also acknowledges commenters’ concerns over the administrative burdens that will occur as LEAs transition to collecting race and ethnicity data in compliance with updated SPD 15 categories, particularly if not done in conjunction with other actors, including state educational agencies and Student Information Software companies.

OMB has required each federal agency to adopt an Action Plan on Race and Ethnicity Data by September 29, 2025. OCR will continue to work with the rest of the Department on the development of an Action Plan. OCR intends to adopt an implementation timeline consistent with that adopted for other key Departmental collections of public school data. Since the Action Plan will not be issued until the beginning of the 2025-26 school year, OCR does not intend to collect the revised minimum categories for the 2025-26 CRDC. If the Department believes it can collect the revised minimum categories for the 2027-28 CRDC, OCR will propose an amendment of the ICR to that effect.

OCR will continue to consider whether and how to address the question of collecting detailed data on race and ethnicity beyond the minimum categories in the 2027-28 CRDC and beyond.

Changes: No changes.

**4. *Disaggregation of Referral and Arrest Data for Section 504 Only Students by Race/Ethnicity***

**Public Comments**

Sixteen commenters responded to OCR’s Directed Question regarding collecting racially/ethnically disaggregated data for referrals to law enforcement and school-related arrests of students with disabilities who are served only under Section 504.

As explained in Directed Question #4, OCR currently collects data on the number of Section 504-only students who are referred to law enforcement or subject to school-related arrests but does not disaggregate that data by race or national origin. The CRDC disaggregates the same data by race and national origin for students without disabilities and for students with disabilities served under the Individuals with Disabilities Education Act (IDEA).

Most commenters urged OCR to follow the recommendation of the Government Accountability Office (GAO) and collect disaggregated data by race and national origin for Section 504-only students for referrals and arrests. But many of those same commenters urged OCR to disregard to GAO’s acknowledgement that OCR would be unlikely to publicly release that data because of student privacy concerns and proposed various ways OCR might be able to release some of the data for some schools. Some commenters stated that even if the data are not made publicly available, OCR should still collect it so that OCR is aware of the data, LEAs themselves can identify and intervene in response to disparities, and researchers may examine it using the restricted-use data file.

Some commenters stated that any benefits in disaggregating this data were outweighed by administrative burden. One commenter noted that OCR should carefully review all discipline data items to determine holistically how to expand data disaggregation by race/ethnicity for Section 504-only students.

**OCR’s Response**

Discussion: OCR acknowledges most commenters support disaggregating the Section 504-only data for referrals to law enforcement and school-related arrests by race and national origin. OCR, however, continues to believe that this is an area where further disaggregation is not necessary because the intersectional disparity between race/ethnicity and disability is already manifest in the data collected about students with disabilities served under the IDEA. This judgment is consistent with OCR’s decision not to collect Section 504-only data disaggregated by race and national origin for any student discipline data (e.g., in-school and out-of-school suspension, expulsion, corporal punishment).

OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the disaggregation are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## **5. *Teacher Certification in Specialized Areas (bilingual)***

### **Public Comments**

Seven commenters responded to OCR’s Directed Question regarding the possible collection of data involving the number of full-time-equivalency (FTE) teachers who hold a bilingual certification, licensure, or endorsement.

As explained in Directed Question #5, OCR currently collects data on the number of FTE teachers who are certified/licensed/endorsed in four specialized areas—mathematics, science, special, education, and English as a second language. The present category of English as a second language refers to teaching English to non-native speakers. OCR asked whether bilingual education certification/license/endorsement should be added as a fifth specialized area.

Most commenters supported adding bilingual certification/license/endorsement as a fifth category of specialization, as proposed by OCR. Other commenters recommended creating one data element capturing both the number of teachers who are certified to teach English as a second language, holding either a ESOL certification (English to Speakers of Other Languages, ESOL) or TEOSL certification (Teaching English to Speakers of Other Languages) certification, and the number of teachers who hold a bilingual certification/license/endorsement.

Another commenter suggested defining bilingual certifications in line with state requirements to ease administrative burdens on local educational agencies. Commenters also expressed an interest in explicitly defining specialized bilingual certification/licensure/endorsement to account for licensure variations across states. One commenter noted Oregon did not have an endorsement for bilingual education. Another commenter recommended OCR refer to, or adopt, the National Dual Language Education Teacher Preparation Standards, which places an emphasis on bilingualism and biliteracy when defining bilingual education. One commenter suggested OCR define bilingual certification, licensure, or endorsement as those explicitly focusing on bilingual and biliterate instruction in dual language or bilingual education settings. This commenter further recommended explicitly stating that this bilingual certification, licensure, or endorsement differs from English as a second language certifications/endorsement, where the focus is on providing English-only instruction.

To ensure accurate reporting, the commenter also suggested OCR collect the number of teachers that have both a certification in English as a second language and bilingual certification/license/endorsement only. Some commenters provided suggestions on how teacher data should be further disaggregated to allow for a more thorough analysis of teachers with bilingual certification/license/endorsement.

### **OCR’s Response**

Discussion: OCR appreciates the support from commenters for the proposed addition of the bilingual education certification/license/endorsement data element.

OCR acknowledges the commenters’ suggestions to create a single data element capturing both the number teachers certified, licensed, or endorsed to teach English as a second language and the number of teachers with a bilingual certification, licensure, or endorsement. But OCR

believes collecting the unduplicated number of teachers who hold each certification or both is important because each certification reflects distinct skillsets. OCR proposes collecting information on number of FTE teachers in preschool and grades K-12 who have a bilingual certification/license/endorsement.

OCR acknowledges the opinions of commenters who urge OCR to align its definition of a bilingual certification/license/endorsement with state definitions used for state data collection requirements. However, bilingual certification has varying degrees of requirements across states and is defined inconsistently throughout the country. Consistent with the data collected by the CRDC about other teacher certifications in specialized areas, OCR will adopt a functional definition for the CRDC collection to allow the data to be more easily compared across district and state lines.

OCR has decided to propose definitions of bilingual and English as a second language certification/license/endorsement that explicitly distinguish the two. OCR's proposed definitions are presented below:

- Bilingual certification/license/endorsements: a certification, license, or endorsement that focuses on bilingualism and biliteracy and may incorporate the use of a child's primary language to provide full access to the curriculum for non-English speakers. *This bilingual certification, license, or endorsement differs from English as a second language certification, license, or endorsement, where the focus is on providing English-only instruction.*
- English as a Second Language certification/license/endorsements: a certification, license, or endorsement that focuses on teaching English to non-native speakers. It is also commonly known as Teaching English to Speakers of Other Languages and English Language Teaching. *This certification, license, or endorsement differs from Bilingual certification, license, or endorsement where the focus is dual language instruction.*

OCR also appreciates the commenters' recommendations to collect more data regarding teachers with bilingual education certification/license/endorsement. OCR must balance the benefit of adding useful data and their reporting burden on LEAs. OCR has decided not to add any additional data elements about bilingual education at this time.

Changes: Please see OCR's proposed revised Teacher Certification Areas (FTE) Data Group 1039 in OMB Supporting Statement, Part A and Attachment A-2, page 94. Also, please see the proposed new definition of Bilingual certification and the revised definition of English as a Second Language certification in OMB Supporting Statement, Part A and Attachment A-3, page 7.

## BURDEN AND DATA COLLECTION AND TIMELINE

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### 1. *Annual and Universal Collection*

#### **Public Comments**

Eight commenters discussed the benefits and burdens of OCR administering an annual CRDC, as opposed to a biennial collection. Some commenters advocated in favor of an annual collection, citing the need for more current and accurate data and noting the importance of annual data to show trends changing over time. Other commenters underscored the importance of an annual collection to ensure early intervention for vulnerable students. Some commenters stated that the burden of an annual collection would be far too great for under-resourced LEAs and advocated for a biennial collection. Some commenters supported a universal collection and suggested that OCR require the collection of data from all schools rather than a sampling of schools in a jurisdiction.

#### **OCR's Response**

Discussion: OCR has collected civil rights data since 1968. Other than the recent deviation in response to the COVID-19 pandemic, OCR has never administered the CRDC two years in a row to all public-school districts and schools in the 50 states and Washington, DC. OCR cancelled the 2019–20 CRDC, and instead collected data for the 2020–21 school year, in part because of the pressing need for information about the effects of the pandemic. OCR conducted the survey again for the 2021–22 school year, to allow OCR to collect and analyze data related to the continuing effects of the pandemic and to return the CRDC back on its regular schedule. Nevertheless, OCR recognizes the significant burden an annual collection would have on LEAs. OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that the benefits of an annual collection are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Additionally, OCR concurs that the public benefits from a universal CRDC data collection. Having a universal collection is particularly appropriate after Congress required in the ESEA in 2015 that LEAs and states use the data reported to OCR in the CRDC to populate their state and local report cards. If any district were exempt from the CRDC, then the district would not be able to comply with the ESSA report card requirement, leaving parents and the public uninformed about indicators Congress deemed to be crucial.

For these reasons, OCR continues to believe a biennial universal collection is appropriate for 2025–26 and 2027–28.

Changes: No changes.

## 2. *Burden*

### Public Comments

Seven commenters addressed the burden posed by the CRDC on LEAs. Some commenters noted that the CRDC is not burdensome, and that the utility of the data outweighs any burdens associated with it, while other commenters noted that the new data items must be balanced against the burden these new items may impose on LEAs. Other commenters stated that the CRDC is a burden on already overworked and under-resourced LEAs and their staff, and that this burden could lead to staff attrition. Some commenters pointed out the redundancies that arise in reporting data to their SEA or to other federal collections, and the burden this causes.

### OCR's Response

~~Discussion: OCR recognizes the burden of collecting and reporting CRDC data on LEAs. OCR has given significant consideration to all of the new and old proposed data elements and the burden they may impose on LEAs of various sizes. After such consideration, OCR has determined that the burden is appropriate in light of the value of the information. To the extent the same information is collected from an LEA by an SEA, SEAs may pre-populate LEA-level CRDC surveys with relevant data available in the SEAs' student information systems. Several states have submitted all or some of the civil rights data for their LEAs, although the LEAs are still required to review the accuracy of the data and certify the data the purposes of CRDC reporting. OCR also works with other portions of the Department to ensure there are no duplicative reporting requirements. OCR is continually exploring ways to reduce the reporting burden on LEAs, while also maintaining a rigorous standard to ensure the quality of information submitted and a collection sufficient for OCR to use for its civil rights law enforcement obligations.~~

~~Changes: No changes.~~

~~Discussion: OCR recognizes the burden of collecting and reporting CRDC data on LEAs. OCR has given significant consideration to all of the new and old proposed data elements and the burden they may impose on LEAs of various sizes. After such consideration, OCR has determined that the proposed increased burden for the 2025–26 and 2027–28 LEA-level surveys is appropriate in light of the value of the information. However, OCR's proposed retirement of the nonbinary category and the gender identity category from the CRDC, to align with the Trump Administration's [2020 Title IX Rule](#) and January 2025 Executive Order 14168, "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)," represents a significant net burden reduction for the 2025–26 and 2027–28 school-level surveys. Specifically, OCR estimated burden as 21.2 hours for the 2023–24 CRDC school-level survey, and now estimates 16.9 hours for the 2025–26 and 2027–28 school-level surveys.~~

~~Changes: Please see the proposed changes in the OMB Supporting Statement, Part A document, pages 11-13 and 22-23.~~

### **3. Data Accessibility**

#### **Public Comments**

Three commenters shared input on the accessibility of data collected through the CRDC. One commenter commended the CRDC’s user-friendly interface and encouraged other offices within the Department to use it when publishing data. One commenter requested that OCR make its data generally more accessible in an easy-to-use format, noting that OCR’s recent website redesign made it difficult to access certain past data points. An additional commenter requested that OCR clarify how data collected in other collections are integrated into the CRDC and suggested that OCR work with other offices to house data collected from across the Department in a single, organized resource.

#### **OCR’s Response**

Discussion: OCR appreciates the commenters’ suggestions for further analysis of CRDC data and making these data more accessible and user-friendly. OCR’s current CRDC data website provides the public with visually intuitive displays of the CRDC data (<http://ocrdata.ed.gov>). Displays include a “summary of selected facts” and “detailed data tables.” The “summary of selected facts” for a district or school displays data about key issues through tables and charts. Users have the option to access additional data for the district or school for the current CRDC or prior CRDCs. The “detailed data tables” have a flexible interface, which allows users to select data from more than one district or school, for the current CRDC and/or prior CRDCs. The website also includes data analysis tools that generate school, district, and state data comparison reports, and English learner, discipline, and educational equity reports.

Changes: No changes.

### **4. Reporting**

#### **Public Comments**

Four commenters provided feedback and suggestions for data reporting. One commenter expressed support for CRDC’s web-based collection and reporting system. Another commenter noted concerns with the accuracy and quality of collected data, expressing doubt that the most recent published data on arrests, among other data points, are accurate. Another commenter suggested that OCR continue to maximize response rates and engage in vigorous follow-up with non-responsive LEAs. Finally, one commenter requested that OCR ensure that LEAs have detailed school-level table layouts available during the school year prior to the school year for which data will be collected, and further requested that all new questions be optional the first year they are collected.

#### **OCR’s Response**

Discussion: OCR strives to ensure CRDC data are an accurate and comprehensive depiction of student access to educational opportunities in the nation’s public schools. The data submission system uses a series of embedded data quality checks to ensure: (1) potential data errors are



flagged with warning messages, which may or may not require an LEA to address, depending on the severity level of the error, prior to the LEA proceeding to submit its data; and (2) significant data errors are flagged with error messages, which require an LEA to address by making a change to the data, before the LEA may proceed to submit its data. Additionally, each district is required to certify the accuracy of its data submission. Only a district superintendent, or the superintendent's designee, may certify the CRDC submission. Following the close of the survey submission window, OCR reviews the data to identify possible reporting anomalies and gives some districts the opportunity to amend their CRDC submission, as necessary. Following the data quality review, OCR releases the data to the public.

Although the LEAs are ultimately responsible for the certification of their data, OCR encourages SEAs to support LEAs in reporting CRDC data. Additionally, OCR provides frequent training opportunities for all LEAs and SEAs to understand the data elements collected in the CRDC and the survey data submission process. Webinars, frequently asked questions, short tip sheets, videos, and other resources are available on the CRDC Resource Center website (<https://crdc.communities.ed.gov>). A CRDC Partner Support Center (PSC) is also available to LEAs and SEAs to call or email questions regarding the content of the data to be collected. OCR is committed to working with LEAs and SEAs to ensure accurate reporting of CRDC data and to improve the quality of this information. Additionally, the PSC provides frequent communications and reminders to all participating LEAs and SEAs on common issues and trending topics spotted within the volume of directed questions coming in.

The CRDC has a traditionally high response rate due to the mandatory nature of the data collection. The last six CRDCs, which have been universe collections, have had response rates ranging from 98 to 100 percent. The response rate for the 2020–21 CRDC was 100 percent for both LEAs and schools, and the response rate for the 2021–22 CRDC was 99.9 percent for both LEAs and schools.

Finally, OCR appreciates the commenters' suggestions regarding the collection and reporting of data. To aid LEAs in reporting data for the CRDC, OCR has developed a set of pre-collection tools to allow all LEAs to collect and store their CRDC data in a format that can be easily uploaded into the CRDC data submission system. With these tools, LEAs can store their CRDC data in ready-to-use flat files that can be uploaded once the survey data submission system is available to LEAs. These pre-collection tools are widely used.

Changes: No changes.

## **5. *SEAs Collecting for LEAs***

### **Public Comments**

Six commenters provided feedback on SEAs reporting for LEAs. Commenters suggested that SEAs be allowed to report for LEAs. Some of these commenters noted the overlap between data reported to OCR and data reported to state education agencies and suggested that OCR pull data from state reports instead of requiring LEAs to report the same data to two separate entities. Some commenters noted that OCR should encourage SEAs to assist their LEAs with reporting

data. Another commenter requested that SEAs be included in all communications between LEAs and OCR, to inform SEAs of reporting deadlines and requirements and to allow them to better support LEAs.

### **OCR's Response**

Discussion: OCR appreciates the commenters' concerns about the reporting burden and their suggestions regarding ways SEAs and OCR can support the data reporting work of LEAs. OCR is continually exploring ways to reduce the reporting burden on LEAs, while also maintaining a rigorous standard to ensure the quality of information submitted.

Although the LEAs are ultimately responsible for the certification of their data, OCR encourages SEAs to support LEAs in reporting CRDC data. OCR has been contacted by several SEAs looking for ways to support their LEAs in meeting the CRDC's reporting requirements. OCR worked with the National Center for Education Statistics (NCES) to develop a collection tool for the 2013–14 CRDC and subsequent collections that allows SEAs to voluntarily provide data to pre-populate LEA-level CRDC surveys with relevant data available in the SEAs' student information systems. Several states have submitted all or some of the civil rights data for their LEAs, although the LEAs are still required to review the accuracy of the data and certify the data for the purposes of CRDC reporting. OCR will continue to improve the process of obtaining data from SEAs for future collections.

OCR also provides frequent training opportunities for all LEAs and SEAs to understand the data elements collected in the CRDC and the survey submission process. Webinars, frequently asked questions and answers, short tip sheets, videos, and other resources are available on the CRDC Resource Center website (<https://crdc.communities.ed.gov>). The CRDC Partner Support Center (PSC) is also available to LEAs and SEAs to call or email questions regarding the content of the data to be collected. Additionally, the PSC provides frequent communications and reminders to all participating LEAs and SEAs on common issues and trending topics spotted within questions submitted.

Changes: No changes.

## **6. *Timeliness***

### **Public Comments**

Eight commenters urged OCR to quickly and efficiently finalize the 2025–26 and 2027–28 CRDCs to ensure that LEAs are prepared to collect and report data. One commenter urged OCR to shorten the gap between the time of reporting and publication of CRDC data. Another commenter noted the importance of the timely administration and publication of the CRDC to ensure accurate and up to date data and stressed the need for additional resources to fund and staff the CRDC and its work. Some commenters in particular encouraged OCR to publish data from the 2021–22 CRDC as soon as possible, without further analysis or presentation by OCR.

One commenter noted the importance of timely publication of data also required for Every Student Succeeds Act (ESSA) reporting. This commenter also suggested that OCR rescind guidance suggesting that districts wait to get their data back from OCR before including it in the ESSA state and district report cards.

### **OCR's Response**

Discussion: OCR has a longstanding commitment to transparency and recognizes the importance of making the CRDC data available to the public in a timely manner. OCR is also committed to ensuring that the CRDC data are made available to the public consistent with OCR's privacy policies. After the data files are finalized from the CRDC, OCR 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. OCR 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.

OCR has issued no guidance regarding the use of CRDC data on SEA and LEA report cards. The Department's Office of Elementary and Secondary Education issued guidance to SEAs and LEAs about the requirement in the Elementary and Secondary Education Act (20 U.S.C. 6311(h)(1)(C)(viii)) that they include in their report cards certain information submitted by the SEA and/or LEA to the Department in accordance with data collection conducted pursuant to Section 203(c)(1) of the Department of Education Organization Act, *e.g.*, the CRDC. See [\*Opportunities and Responsibilities for State and Local Report Cards Under the Elementary and Secondary Education Act of 1965\*](#) (2025). That guidance notes (in F-8, F-10) that the ESEA requires, "at a minimum," that an SEA and its LEAs use the "most recent CRDC data," but does not further explain what that term means. It notes (in F-5, F-6, F-7, F-10) that SEAs and LEAs may, if they wish, use the CRDC data that the Department releases for these purposes, And it cautions (in F-6) that if an SEA or LEA uses in their report cards CRDC data submitted to the Department, instead of CRDC data released by the Department, protecting student privacy will be difficult. But it also notes (in F-8) that while using CRDC data as released by the Department can help protect privacy, an SEA or LEA can include additional information on their report cards if they wish to do so, including information that they collect annually that represents data on the same metric that LEAs submit for the purposes of the CRDC biannually during years when new CRDC data are not available.

Changes: No changes.

## SCHOOL AND DISTRICT CHARACTERISTICS

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### 1. *Coordinators*

#### **Public Comments**

Three commenters shared feedback regarding collecting data about civil rights coordinators. The commenters supported OCR’s proposal to collect the information about the individual who was the civil rights coordinator at the time of the fall snapshot date for the following school year to allow access to more up-to-date contact information. One commenter provided an example of their recommendation, stating that when OCR collects data from LEAs in 2026 about the 2025-26 school year, LEAs will report the information about the coordinator serving for the 2026-27 school year. A commenter suggested that OCR also collect the contact information of the individuals who were civil rights coordinators for the school year about which the data was collected so that they can be contacted with questions about that year’s data.

#### **OCR’s Response**

Discussion: OCR appreciates the support for its proposal to collect information about the individual who was the civil rights coordinator at the time of the fall snapshot date for the following school year. OCR recognizes that having contact information about prior coordinators could also be useful. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional information proposed by the commenter are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### 2. *Non-LEA facilities*

#### **Public Comments**

Twenty-two commenters provided feedback on OCR’s proposal to collect (1) LEA-level data on the number preschool students and K-12 students enrolled in an LEA who are being served in a non-LEA facility, disaggregated by race/ethnicity, sex, disability, and English learner (2) and the number of K-12 students enrolled in these non-LEA facilities subjected to mechanical restraint, physical restraint, and seclusion, similarly disaggregated.

Many commenters submitted a combined response, expressing support for both of OCR’s proposed data elements. Some of these commenters noted these data would result in greater transparency about the status of children with disabilities who are educated in non-LEA facilities at public expense, many of whom were placed in non-LEA facilities by LEAs and not a parent-initiated process. Concern over the possible over representation of student parents, girls of color, LGBTQI+ students, and students with disabilities in non-LEA facilities also emerged as a reason in support of enhanced data collection of students in non-LEA facilities. One commenter also

suggested additional information about students served in non-LEA facilities could result in a better understanding of placement decisions, including whether out- of district placements could have been prevented through appropriate IEP services or whether the restrictive setting was required. Another commenter who supported OCR’s proposed data elements of non-LEA facilities cited concerns over the rise of virtual schools and further urged OCR to designate whether a school was primarily or partially virtual in the downloadable public files. Additionally, another commenter in support requested OCR expand the sex category to include preschool students who identify as nonbinary to accurately capture any disproportionate impacts on nonbinary preschool students.

Some commenters responded solely to OCR’s proposal to collect restraint and seclusion data for students enrolled in an LEA who were served in a non-LEA facility. Many of those commenters supported collecting restraint and seclusion data for students enrolled in non-LEA facilities. Another commenter suggested OCR prevent underreporting by clarifying that data collection on restraint and seclusion for non-LEA facilities includes all incidents occurring during the school day, irrespective of whether the restraint or seclusion was conducted by a staff member employed by the LEA or not. One commenter expressed concern over LEA’s ability to collect restraint and seclusion data for student served at non-LEA facilities. Two commenters in support of collecting restraint and seclusion data also urged OCR to trace back incidents of restraint and seclusion to both the non-LEA facility and the LEA who placed the student in the non-LEA facility to improve oversight over these entities. One of these commenters shared California’s annual restraint and seclusion data collection included collection of restraint and seclusion incidents in non-LEA facilities, however this data was only tracked to the students’ LEA, making it impossible to identify the non-LEA facilities with restraint or seclusion problems.

Some commenters wrote in opposition to OCR’s proposed data collection, noting obstacles LEAs face in reporting restraint and seclusion data for students served in a non-LEA facility. The obstacles noted included: administrative burdens; inability to compel non-LEA facilities to share data or ensure accuracy of data due to limited or no oversight over non-LEA facilities; lack of established data collection systems at non-LEA facilities; data sensitivity and security; and complexities in reporting for non-LEA providers who serve multiple districts. One of the commenters who wrote in opposition highlighted the diversity of non-LEA facilities and the additional resources LEAs would have to expend to train staff and develop systems of reporting across various setting. Another commenter urged OCR to consider possible supports, including technical assistance and training, LEAs would need from OCR to support data collection in this area.

One commenter cautioned that as proposed, OCR’s data collection on restraint and seclusion incidents in non-LEA facilities would result in misleading data and made suggestions on how to improve data collection to provide context. The commenter recommended OCR collect information on the duration of the intervention, the behavior that precipitated the use of the intervention, the tools used to stop the intervention, and the non-LEA facility’s history of reducing or eliminating restrictive interventions.

Discussion: OCR appreciates the varied comments on OCR’s proposals to learn more about students enrolled in the school district but served in non-LEA facilities.

In past CRDCs, OCR has collected the number of students who were enrolled in the LEA and the number of those students who were being served in non-LEA facilities. The instructions explained that “enrolled” students included any student who was the responsibility of the LEA, including students who are served in LEA facilities, non-LEA facilities (such as private schools when placed by the LEA), or both. For the 2021–22 CRDC, 31.2 percent of LEAs reported having at least one student enrolled in an LEA but served in a non-LEA facility only.

In light of concerns raised that certain populations may be inappropriately placed in non-LEA facilities, OCR believes learning more about who the districts are placing in non-LEA facilities and how they are treated in those facilities would offer useful information about potential areas of school operations where violations of civil rights law may exist.

OCR assumes that many of the students served in non-LEA facilities are students with disabilities whom the LEA has placed for the purpose of providing a free appropriate public education (FAPE) under Section 504 and/or IDEA. A student with a disability placed by a school district in a non-LEA facility to meet the district’s obligations under Section 504 or the IDEA to provide FAPE ultimately remains the school district’s responsibility. The school district has a continuing obligation to ensure the student is receiving FAPE in the placement and that the student is not otherwise being subjected to discrimination by the non-LEA facility, which generally is the district’s contractor. In order to meet this obligation, school districts must have a mechanism for tracking the student’s treatment by and progress at the non-LEA facility. Otherwise, the school district (and the Section 504 or IEP team) will have no way to know if the placement is appropriate.

Whether a student is subjected to restraint or seclusion is one of many items a reasonable school district would be expected to know about how its contractor, the non-LEA facility, is treating its student. Thus, obtaining this type of data from the non-LEA facility should not be a novel exercise for school districts. To the extent adding these items to the CRDC cements this understanding and improves communication and data sharing by non-LEA facilities with the responsible school district, that is an additional benefit.

Changes: No changes.

### ***3. Remote Learning***

#### **Public Comments**

Nineteen commenters provided feedback on data collection about remote learning. Some commenters agreed with OCR that COVID-19 specific questions are no longer relevant for future CRDCs and supported the removal of all references to COVID-19. One commenter supported partial removal, noting that pandemic-related instructional landscape questions were not relevant for future collections but that non-COVID-19 related instructional modalities may be useful. Some commenters disagreed with OCR’s proposal to eliminate data collection on COVID-19 related remote learning, with some commenters noting that the COVID-19 pandemic

is, in fact, not over and that many students still receive remote instruction. Some commenters supported the removal of COVID-19 specific questions and disagreed with the collection of remote learning data generally, noting that nearly all schools are operating fully in-person.

Several commenters expressed support for OCR’s proposed collection of data on remote learning, with these commenters expressing support for the collection of data on instruction types, including in-person, remote instruction, or both, and the remote instruction setting. Some commenters noted the importance of collecting remote learning data as a way to track inequities faced by students with disabilities, including those students who are moved into remote learning platforms as an alternative to long-term suspension or expulsion.

Some commenters urged OCR to maintain the collection of data on remote learning about the “amount of remote instruction provided by teachers” and “percentage of students who received remote instruction.” Other commenters provided additional suggestions for data collection on remote learning. Some commenters suggested that OCR collect disaggregated data on students with and without disabilities who are homebound, home-schooled, or who receive remote instruction via provisions of their IEPs. Other commenters suggested OCR collect data on whether and why a school temporarily shifted to remote learning during the school year.

### **OCR’s Response**

Discussion: OCR appreciates the support from commenters for its proposed remote learning data elements.

OCR also appreciates the commenters’ recommendations to maintain the collection of Data Groups 1041 (hours per day of remote instruction) and 1042 (percentage of students who received remote instruction). OCR proposed no longer collecting the hours per day of remote instruction and percentage of students who received remote instruction because the widespread use of a hybrid school model by public schools has ebbed as the pandemic did. But commenters correctly note that for those public schools who continue to take a hybrid approach, knowledge about how many students participate in remote instruction can give context to other responses with regard school climate and environment issues (*e.g.*, school discipline, referrals to law enforcement and school-related arrests, offenses, harassment and bullying, and restraints and seclusion). OCR thus agrees that continuing to collect the percentage of students who received remote instruction is appropriate. OCR proposes to revise Data Group 1042 (percentage of students who received remote instruction), by not referring to COVID-related instruction, and by limiting the data group to those schools and justice facilities that offered a hybrid of in-person and remote instruction. OCR continues to believe that it is no longer necessary to collect hours per day of remote instruction.

OCR also appreciates the commenters’ suggestions regarding the collection of additional remote learning data not previously collected. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds

that any benefits of the additional new elements proposed by commenters are not outweighed by the burden.

Changes: Please see OCR’s proposed revised Remote Instruction Received by Students Data Group 1042 in OMB Supporting Statement, Part A and Attachment A-2, page 73.

#### **4. *School Expenditures***

##### **Public Comments**

One commenter urged OCR to collect data about school expenditures. The commenter explained the importance of understanding how a school’s spending changes over time in response to demographic changes and whether inter- and intra-district funding disparities exist.

##### **OCR’s Response**

Discussion: OCR agrees about the importance of collecting data about school expenditures. OCR is collecting school expenditure data through the School-Level Finance Survey (SLFS), administered annually by the Department’s National Center for Educational Statistics, pursuant to OMB Control No. 1850-0930. Response to the SLFS has been made mandatory in reliance on Section 203(c)(1) of the Department of Education Organization Act, which 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) (emphasis added).

The SLFS will collect for OCR, through state educational agencies:

- Total current expenditures for each public PK-12 school;
- Total Current Expenditures for Instruction, including separate entries for teacher salaries and instructional aide salaries;
- Total Current Expenditures for Student Support Services, including a separate entry for books and periodicals;
- Total Current Expenditures for Instructional Staff Support Services; and
- Total Current Expenditures for School Administration Support Services.

Changes: No changes.



## STUDENT DEMOGRAPHICS

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### 1. *Definitions of English learners and Students with Disabilities*

#### **Public Comments**

One commenter expressed support for the proposed definitions of EL student, student with disabilities, and children with disabilities.

#### **OCR's Response**

Discussion: OCR appreciates the commenter's support for these definitions, which are not different than the ones used in recent CRDCs.

Changes: No changes.

### 2. *Disaggregation of CRDC data*

#### **Public Comments**

Four commenters shared recommendations for further disaggregation of CRDC data. Some commenters requested that all PreK-12 data be disaggregated, with one commenter requesting that data be collected, disaggregated, and cross-tabulated by sex (including sexual orientation, gender identity, sex characteristics, and pregnancy or related conditions), race/ethnicity, English learner status, native language, socioeconomic status, disability status, foster care status, homeless status, and national origin. An additional commenter recommended that all new data items be disaggregated and cross-tabulated by student protected classes. Another commenter recommended that all discipline data, including the number of days of lost instruction due to disciplinary measures, be disaggregated by race and Section 504 status.

#### **OCR's Response**

Discussion: OCR appreciates the commenters' suggestions and understands how further disaggregation of data might provide useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional disaggregation proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### 3. *Nonbinary Category*

#### **Public Comments**

Five commenters wrote regarding OCR’s collection of data on nonbinary students. One commenter urged OCR to add the nonbinary category for every data item disaggregated by sex. Another commenter suggested that the current CRDC instructions limiting the obligation to report nonbinary students to LEAs that already disaggregate their student enrollment data to include nonbinary students stigmatizes gender nonconforming students and should be removed.

One commenter argued that OCR lacks the authority to collect data about nonbinary students because Title IX does not prohibit LEAs from discriminating against students because they are nonbinary. The commenter stated that continuing to collect information in the CRDC about students in the nonbinary category would intrude on student privacy and parental rights, and would lead to widespread violations of the Protection of Pupil Rights Amendment (PPRA).

One commenter noted that because some LEAs use more than one data element related to students’ sex or list a student’s sex differently in different types of records, and because some LEAs may use varying terminology for sex data fields, OCR should clarify that LEAs have discretion to determine how to best translate information in their records into the sex categories for the CRDC. This commenter also urged OCR to clarify that neither the CRDC nor any other federal requirement necessitates reporting a students’ sex assigned at birth. Another commenter stated it was unclear as to how an LEA will determine a student’s sex or the role of self-identification.

#### **OCR’s Response**

~~Discussion: The inclusion of the nonbinary data category in the 2021–22 and 2023–24 CRDCs and its proposed continuation in the 2025–26 and 2027–28 CRDCs are a recognition of the reality that many LEAs currently chose to identify students in their own administrative records as nonbinary when identifying a student’s sex. Indeed, the data collected in the 2021–22 CRDC show that at least 11% of LEAs (approximately 1,880 out of 17,704) spread across 40 states did so in the 2021–22 school year.~~

~~The CRDC’s collection of the nonbinary student category from those LEAs that currently use that category to identify a student’s sex increases the quality and accuracy of the data reported. In analyzing CRDC submissions from collections prior to the 2021–22 CRDC, OCR realized that some school districts were likely not reporting some students for data items disaggregated by sex because the CRDC had limited “permitted values” for the sex category to male or female. The inclusion of the nonbinary category in the CRDC allows LEAs to report complete and accurate data regarding all students consistent with their own recordkeeping practices and requirements.~~

~~For other school districts that already adopted nonbinary-inclusive record policies, lack of a nonbinary category in past CRDCs increased LEAs’ reporting burden because they undertook the burden of attempting to classify a student as a male or female for the CRDC when their records did not categorize them as such. The inclusion of the nonbinary category in the CRDC relieves LEAs of such a burden, and the concomitant risk of further mis-categorizing students. In addition, the data are valuable and could provide some insight into the experiences of nonbinary~~

~~students, including those they experience together with the students’ other attributes, such as race/ethnicity or disability.~~

~~OCR does not believe expanding the scope of the nonbinary category to other school districts (or other data elements to which it is not already collecting for the 2023–24 CRDC) is appropriate at this time. OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. OCR’s current proposal, like that followed for the 2021–22 and 2023–24 CRDCs, does not contemplate that an LEA would need to change the sex category recorded in a student’s records as part of its obligation to respond to the CRDC. Rather, only an LEA with recordkeeping systems that identify students as nonbinary would be required to report those students as nonbinary in response to the CRDC. Ultimately, at this time, OCR finds that any benefits of expanding the nonbinary category to LEAs that do not currently collect such data do not outweigh the burdens. Further, OCR must make that distinction between the types of LEAs express in the CRDC instructions itself. LEAs are not permitted to decline to provide data to OCR on the grounds that they haven’t previously collected it. OCR does not believe distinguishing among LEAs results in any stigma to nonbinary students.~~

~~OCR has the authority to collect the data about nonbinary students from LEAs that already adopted nonbinary-inclusive record policies. OCR has never understood its data collection authority to be limited to the precise categories identified in the civil rights laws it enforces. For example, in the package for the 2013–14 CRDC, OCR sought and obtained permission to collect data regarding harassment on the basis of religion. This is so even though OCR does not enforce a statute that prohibits discrimination on the basis of religion. OCR reasoned that because “under some circumstances, harassment against Jewish and Muslim students would violate Title VI,” that collecting the data about the broader category was permissible. In the package for the 2020–21 and 2021–22 CRDCs, OCR sought and obtained permission to expand the data collection requirements around religious harassment to require every LEA to disaggregate such harassment reports by 14 religious subcategories. Some of those subcategories, such as Protestants, Other Christians, and Atheists/Agnostics, had no arguable relationship to Title VI. Even if, as the commenter writes, Title IX is best understood to permit a school district to suspend a student or exclude a student from participation in a class simply because the student is nonbinary, OCR may still collect the data from LEAs who use a nonbinary category as part of its broader collection of data about the experiences of students based on sex. If the contrary were true, OCR would not be able to continue collecting data about harassment of students on the basis of religion in the 14 religious subcategories.~~

~~OCR believes that for the CRDC, allowing LEAs to report nonbinary as a third value for the sex category is appropriate for students whose sex is not listed as male or female in their school records. OCR acknowledges that some LEAs list a student’s sex differently in different types of records, and some LEAs may use varying terminology for sex. Nevertheless, LEAs are expected to determine how to best translate sex category information in their records so that the data reported would align with how the sex values—male, female, and nonbinary—are defined for the CRDC.~~

~~OCR acknowledges the opinions of a commenter who urged for OCR to not continue to collect this data based on fears related to student privacy or parental rights. However, the CRDC is not a survey for students to complete. OCR is merely collecting the data that the school district already decided to include in its student enrollment records. Although the commenter itself noted that it similarly predicted in February 2022 that collecting information about nonbinary students would “lead to widespread violations” of the PPRA and intrude on student privacy and parental rights, no instances were brought to OCR’s attention of LEAs engaging in such behavior as a result of the 2021–22 and 2023–24 CRDC permitting those LEAs to report information about sex using a nonbinary category.~~

~~Changes: No changes.~~

~~Discussion: OCR acknowledges the comments received during the 60-day comment period ending December 16, 2024 regarding the collection of data on nonbinary students. President Trump’s January 2025 Executive Order (EO) 14168, “[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)” defines sex as “an individual’s immutable biological classification as either male or female,” and recognizes two sex categories only, male and female. The EO also orders all agencies and departments within the Executive Branch to “enforce all sex-protective laws to promote [the] reality that there are “two sexes, male and female,” and that “[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality.” ED issued a [Dear Colleague Letter](#) on February 4, 2025, to K-12 schools and institutions of higher education, advising educators and administrators that OCR would enforce Title IX protections on the basis of biological sex in schools and campuses, consistent with President Trump’s EO. Therefore, to align with the EO involving sex, OCR proposes the retirement of the nonbinary category from the CRDC.~~

~~Changes: Please see the proposed changes in the OMB Supporting Statement, Part A document, pages 11-12, and the retired Sex (Membership)—Expanded Data Category found in Attachment A-3, pages 37-38.~~

#### **4. *Pregnant and Parenting Students***

##### **Public Comments**

Two commenters shared recommendations for the collection of data on pregnant and parenting students. One commenter suggested that all data be disaggregated to include counts of pregnant and parenting students. Another commenter suggested that OCR collect non-personally identifiable data on the enrollment and graduation rates for pregnant and parenting students to help identify barriers facing these students, and to address the privacy concerns associated with this collection. This commenter suggested that OCR collect data on the type of education provided to pregnant and parenting students, including their enrollment levels in AP and IB courses, SAT or ACT test preparation, high school equivalency exam preparation, and rates of absenteeism. Finally, this commenter also suggested that OCR ask LEAs whether they maintain an alternative school for pregnant and parenting students.

##### **OCR’s Response**

Attachment B – Response to First Round Public Comment  
CRDC Data Set for School Years 2025–26 and 2027–28

Discussion: OCR appreciates the commenters' suggestions to collect data for pregnant and parenting students. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But requiring LEAs to report such data to the CRDC would require LEAs to identify and keep records about pregnant and parenting students, which raises privacy concerns. Further, OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## HARASSMENT OR BULLYING AND OFFENSES

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### 1. *Harassment or Bullying- Religion*

#### **Public Comments**

Several commenters shared feedback on the collection of data regarding harassment and bullying on the basis of religion. One commenter recommended that OCR not collect data on whether incidents of harassment and bullying are based on specific religions but instead collect data on whether these incidents were based on religion generally, asserting that school districts do not collect religion data with this level of specificity. Other commenters suggested that OCR collect data on harassment and bullying related to specific religious attire, and whether LEAs have a dress code policy that would interfere with a student’s ability to express their religious affiliation.

#### **OCR’s Response**

Discussion: After making the item optional for the 2020–21 CRDC, OCR began requiring school districts to collect data on harassment on the basis of specific religions in the 2021–22 CRDC and 2023–24 CRDC. OCR proposed to continue to collect data on the number of harassment or bullying allegations on the basis of perceived religion, for 14 religion categories. OCR recognizes the concerns raised by commenters worried about a potential breach of privacy, but the proposed harassment or bullying allegations for 14 religion categories data element does not require school districts to inquire about or record data about a student’s religion. The instructions that accompany the CRDC harassment or bullying on the basis of religion data element make clear that the CRDC does not require school districts to inquire about the religion of students. For this data, in classifying the allegations of harassment or bullying, respondents will be directed to look to the likely motives of the alleged harasser/bully, and not the actual status of the alleged victim.

The recommendations for an expanded collection may offer useful information about potential areas where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### 2. *Harassment or Bullying- Sex*

#### **Public Comments**

Several commenters provided feedback on the collection of data regarding harassment or bullying on the basis of sex. Some commenters suggested expanding the disaggregation of data on harassment or bullying on the basis of sex, including sexual orientation and gender identity,

by replacing Civil Rights Categories (Counts) with Civil Rights Categories (Allegations). Additionally, one commenter suggested the collection of data on the number of students disciplined for sex-based and other forms of harassment or bullying, the number of allegations of such harassment where a determination of responsibility was found, where a determination of responsibility was not found, and where a determination of responsibility is pending.

Some commenters suggested that OCR include a separate permitted value for allegations of harassment or bullying on the basis of sex characteristics, to obtain a clearer picture of the harassment or bullying faced by intersex students. The same commenter also suggested that OCR define “sex” to include sex characteristics, including intersex traits, when collecting data on sex-based harassment or bullying. This commenter further suggested that OCR revise the definition of sex-based harassment or bullying to include dating violence and stalking. Other commenters suggested that OCR collect data on harassment or bullying, including sexual assault, dating violence, and stalking, based on sex characteristics (including intersex status), transgender status, and gender expression.

Finally, one commenter suggested that OCR expand its definition of sexual orientation and gender identity to include more identities (including gay, lesbian, bisexual, asexual, pansexual, heterosexual, transgender, cisgender or nonbinary) and to include associational harassment or bullying.

### **OCR’s Response**

~~Discussion: OCR appreciates the recommendation to expand the collection of data on sex-based harassment or bullying. These recommendations may offer useful information about potential areas where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.~~

~~Changes: No changes.~~

~~Discussion: OCR acknowledges the recommendation to expand the collection of data on sex-based harassment or bullying. The Trump Administration’s [2020 Title IX Rule](#) prohibits discrimination based on sex in education programs that receive financial assistance and does not expand the meaning of “on the basis of sex” to include gender identity. President Trump’s January 2025 EO 14168, “[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)” defines sex as “an individual’s immutable biological classification as either male or female,” and recognizes two sex categories only, male and female. The EO also states that gender identity cannot be recognized as a replacement or synonym for sex, and it mandates the cease of the collection of gender identity data. Furthermore, the EO orders all agencies and departments within the Executive Branch to “enforce all sex-protective laws to promote [the] reality that there are “two sexes, male and female,” and that “[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality.” ED issued a [Dear Colleague Letter](#) on February 4, 2025, to K-12 schools and institutions of higher education, advising educators and administrators that OCR~~



would enforce Title IX protections on the basis of biological sex in schools and campuses, consistent with President Trump’s Order. Therefore, to align with the Trump Administration’s Title IX Rule and EO involving sex and gender identity, OCR proposes the retirement of the following data elements from the CRDC: number of reported allegations of harassment or bullying of K-12 students on the basis of gender identity; whether an LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of gender identity; and web link to the policy or policies prohibiting harassment or bullying of students on the basis of gender identity. OCR also proposes to remove “gender identity” and “sexual characteristics” from the harassment or bullying on the basis of sex definition.

Changes: Please see the proposed changes in the OMB Supporting Statement, Part A document, pages 11-13.

### ***3. Misconduct of Educational Staff***

#### **Public Comments**

Several commenters provided feedback on the collection of data about misconduct by educational staff against students. One commenter expressed concern with OCR’s decision to retain the staff-on-student sex offenses data groups. Some commenters recommended that OCR collect data on all staff-on-student harassment, including the number of allegations, school staff disciplined, and victims. Some commenters suggested that OCR collect data on harassment and bullying on the basis of sex by adult school staff, including how schools respond to reports of sex-based harassment by school staff. Some commenters urged the collection of these data as they pertain to sexual assaults, or stalking, or sex-based harassment, while other commenters requested for the collection include all incidents, and not only those limited to sexual assaults. One commenter urged OCR to collect data about the outcomes of staff-on-student incidents of sexual assault, dating violence, and stalking, and how often staff and students were found responsible or not responsible for sexual assault, dating violence, or stalking.

#### **OCR’s Response**

Discussion: OCR appreciates the recommendation to expand the collection of data on misconduct by educational staff. These recommendations may offer useful information about potential areas where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters were not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### ***4. Offenses***

#### **Public Comments**



One commenter provided numerous suggestions for the collection of offenses data. This commenter suggested that OCR expand its collection of data on sexual assault, dating violence, and stalking by disaggregating these data. This commenter further suggested that OCR refine its definitions of “sexual assault,” “rape,” “dating violence,” and “stalking” to conform with the Clery Act definitions of these terms. Additionally, this commenter suggested that the term “dating violence” be defined broadly to include a number of diverse situations and to conform with the definition of the term found in the Violence Against Women Act.

This commenter further suggested that incidents of rape should not be counted separately from other types of sexual assault, but noted that if OCR continues to do so, it should redefine the term “rape” to focus on the absence of consent and to remove the term “attempted rape” from its list of permitted values on the survey form.

This commenter also provided suggestions for additional data collection on offenses committed by law enforcement officers and other school security staff against students. Suggested offenses included assaults involving the use of chemical or irritant restraints, firearms or other weapons, physical assault without a weapon and incidents of sexual assault occurring online and off-campus. Another commenter suggested that OCR collect data on LEAs’ policies to prevent employee sexual misconduct, and to collect data on whether LEAs have policies prohibiting employees from helping other employees found responsible for sexual misconduct get another job or help them expunge information about their misconduct from employee records.

### **OCR’s Response**

~~Discussion: OCR appreciates the commenters’ concerns and recommendations to expand the collection of data on offenses and to revise the definitions of certain offenses to broaden the scope of offenses and to conform with other federal definitions. These recommendations may offer useful information about potential areas where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements and revised definitions proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.~~

~~Changes: No changes.~~

~~Discussion: OCR acknowledges the commenters’ concerns and recommendations to expand the collection of data on offenses and to revise the definitions of certain offenses to broaden the scope of offenses and to conform with other federal definitions. Ultimately, at this time, OCR finds that any benefits of the additional new elements and revised definitions proposed by commenters are not outweighed by the burden. However, to align with the Trump Administration’s [2020 Title IX Rule](#) and January 2025 EO 14168, “[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)” involving sex and gender identity, OCR proposes to remove “gender identity” from the rape and sexual assault definitions.~~

Changes: Please see the proposed changes in the OMB Supporting Statement, Part A document, pages 11-13, and the revised Offense Type Data Category found in Attachment A-3, page 26.

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## RESTRAINT AND SECLUSION

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### 1. *Chemical or Irritant Restraints*

#### **Public Comments**

Eight commenters wrote regarding chemical or irritant restraints. All urged OCR to collect data on the use of chemical or irritant restraints in schools, with four commenters explicitly recommending OCR focus data collection on the use of chemical or irritant restraints by school staff or sworn law enforcement assigned to a school.

Six commenters urged OCR to collect data on: (1) the number of non-IDEA students subjected to chemical restraint and irritant restraint, disaggregated by race, sex, including nonbinary, students with disabilities-Section 504 only, and EL status; (2) and the number of students with disabilities (IDEA) subjected to chemical restraint and irritant restraint, disaggregated by race, sex including nonbinary, and EL status. Another commenter suggested OCR separate out data collection for EL students and students with disabilities under Section 504 to capture the number of chemical restraints for four subpopulations of students.

Seven commenters urged OCR to adopt the chemical restraint definition identified by OCR in 2022, defining a chemical restraint as “a drug or medication, or irritant restraint used on a student to control behavior or restrict freedom of movement that is not—(A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under State law, for the standard treatment of a student’s medical or psychiatric condition; and (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional’s authority under State law.”

#### **OCR’s Response**

Discussion: OCR appreciates the recommendations to collect data on the use of chemical or irritant restraints. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## **2. *Restraints and Seclusion***

### **Public Comments**

Three commenters stressed the importance of collecting data on the use of restraint and seclusion. Another commenter specifically highlighted data collection of students restraints as an important vehicle to understand the disproportionate use of restraints on students who are English learners.

Three commenters requested that OCR expand data collection on mechanical restraint, physical restraint, and seclusion. One commenter suggested OCR collect information on the duration of seclusion incidents and the type of spaces students are secluded in to improve understanding of seclusion conditions for students. Another commenter recommended OCR collect information about the student behavior prompting physical or mechanical restraints, the supports and services implemented prior to the restraint incident, training of personnel administering restraints, and whether parents were notified of the restraint incident. A third commenter urged OCR to examine restraint and seclusion practices, particularly in charter schools, and to expand data collection elements to include the use of Positive Behavioral Intervention and Supports (PBIS) and behaviorism.

One commenter expressed concern over inconsistent federal and state definitions of seclusion, resulting in inflated seclusion numbers for LEAs in some states. As an example, this commenter noted Michigan defined seclusion as an incident where a student was prevented from leaving but did not include in their definition any mention of the student being alone as part of their definition.

Discussion: OCR appreciates the support for continuing the current collection of data on restraint and seclusion. Some of the recommendations to collect additional data on restraint and seclusion would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## DISCIPLINE

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### Public Comments

Six commenters shared recommendations for the collection of discipline data. Some commenters recommended that OCR collect data on alternatives to exclusionary discipline, including social-emotional learning curriculum, restorative practices, and mediation. A commenter suggested OCR collect data on the use of abeyance agreements by LEAs, expressing concern that current use of these agreements as a substitute for school suspensions and expulsions allowed school districts to circumvent requirements to report disciplinary data. Another commenter requested that OCR collect data on the reason a student is subjected to exclusionary discipline, disaggregated by race, to uncover racial disparities in discipline. Another commenter recommended the collection of data on student suspensions aligned with each suspension type and recommended that OCR streamline its publication of these data for easier data accessibility. An additional commenter suggested that OCR collect data on aversive procedures, including the use of electric shocks, against students.

Finally, one commenter expressed general concern about the need for the collection of data on corporal punishment.

### OCR's Response

Discussion: OCR appreciates the commenters' numerous suggestions on how to expand the data collection on discipline. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## SCHOOL STAFF

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### 1. *Law Enforcement*

#### **Public Comments**

Four commenters provided suggestions for the collection of data on law enforcement. Some commenters suggested that OCR collect data on the use of force by school-based law enforcement. One of these commenters also requested the collection of disaggregated data on the presence of school-based law enforcement and the demographics of the student population where law enforcement is present. Another commenter suggested that OCR expand the collection of data on law enforcement and security staff to include counts of private security and correctional officers. This commenter also requested the collection of data on the number of security staff assigned to, contracted by, or employed by the district as part of both the school and LEA surveys.

#### **OCR's Response**

Discussion: OCR appreciates the commenters' numerous suggestions on how to expand the data collection on school-based law enforcement. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### 2. *School Psychologists*

#### **Public Comments**

One commenter requested that OCR stop collecting data on the full-time equivalent (FTE) count of psychologists in the CRDC and, instead, import the FTE count data for school psychologists that is collected by the Department through *EDFacts* for the Non-Fiscal Survey of the Common Core of Data.

#### **OCR's Response**

Discussion: OCR appreciates the commenter's suggestion of a possible method of reducing burden. But there are at least two significant differences in the data collected by CRDC and *EDFacts* that have led OCR to conclude that the question about FTE psychologists should remain in the CRDC. First, it is important for OCR to measure the availability of psychologists at the school level because that information allows consideration of whether the distribution of staff within a school district could raise civil rights concerns. *EDFacts*, however, only collects the

counts of school psychologists at the school-district level. Second, while school psychologists have separate and distinct training and credentialing requirements from other psychologists, OCR is interested in measuring the aggregate amount of psychological services available at a particular school. *EDFacts*, however, only collects the counts of school psychologists. The two collections are complementary, in that the public may sum the school-level data in the CRDC and compare it to the school-district level data in *EDFacts* and determine how many FTE psychologists in a district are not school psychologists.

Changes: No changes

### 3. *School Teachers and Principals*

#### **Public Comments**

Five commenters addressed OCR collecting data on teachers and principals, disaggregated by race/ethnicity and sex. Two commenters urged OCR to collect the number of teachers at the school level, disaggregated by race/ethnicity and sex. Three commenters urged OCR collect additional data about teacher experience and teacher certification in specialized areas, disaggregated by race/ethnicity and sex. One commenter also urged OCR to collect data about principal experience, disaggregated by race/ethnicity and sex. Commenters contended that this additional data would allow a better understanding and evaluation of teacher and principal recruitment and retention efforts and a clearer assessment of whether students of color are being taught by less experienced teachers.

#### **OCR's Response**

Discussion: OCR appreciates the support for its proposal to continue to collect the number of teachers at the school level, disaggregated by race/ethnicity and sex. These items were optional for the 2021–22 CRDC and required for the 2023–24 CRDC and are proposed to be required in the 2025–26 and 2027–28 CRDCs as well.

Some of the suggestions for the inclusion of additional elements about the education workforce would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. When considering employment data, OCR must also take into account the disaggregated data it already collects, in conjunction with the EEOC, from school districts with 100 or more employees. School districts presently report information on their full-time staff, part-time staff, and new hires in a total of eighteen job categories, disaggregated by race/ethnicity and sex. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

## NEW DATA REQUESTS

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### 1. *Absenteeism*

#### **Public Comments**

Two commenters suggested the collection of additional data related to absenteeism. One commenter recommended that OCR collect data on menstrual hygiene to uncover trends in menstrual inequity and its impact on absenteeism. Another commenter requested that OCR consider medical issues and school avoidance when collecting data on chronic absenteeism.

#### **OCR's Response**

Discussion: OCR appreciates the commenter's recommendations that OCR collect data involving menstrual hygiene and chronic absenteeism. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### 2. *College Readiness and Enrollment*

#### **Public Comments**

Two commenters suggested that OCR collect data on college enrollment and alternative postsecondary pathways, like students enrolling in vocational programs, the military, or entering the workforce, disaggregated by race. One of these commenters requested that OCR collect data on whether schools offer college prerequisite courses, and the demographic composition of these courses if offered.

#### **OCR's Response**

Discussion: OCR appreciates the recommendations to collect data on college enrollment and alternative pathways and whether LEAs offer college prerequisite courses and the composition of such courses. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### **3. *Gifted and Talented***

#### **Public Comments**

Two commenters suggested expanding the collection of data on students classified as gifted and talented and amending the definition of gifted and talented programs to conform to other federal definitions, to recognize the diversity of gifted and talented students, and to acknowledge the complexity of student ability.

#### **OCR’s Response**

Discussion: OCR appreciates and agrees with the commenters’ views related to the definition of gifted and talented programs. OCR adopted for the 2021-22 and 2023-24 CRDC collections the following definition: “[p]rograms during regular school hours that provide special educational opportunities including accelerated promotion through grades and classes and an enriched curriculum for students who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields.” OCR has proposed to retain this definition for the 2025-26 and 2027-28 CRDC collections. That definition conforms to the existing federal definition of gifted and talented for the Javits program. *See* 20 U.S.C. 7801(27). Additionally, OCR believes that the current definition sufficiently recognizes the complexity of student ability and the importance of fostering students’ unique talents to maximize student success.

OCR appreciates the recommendations to collect additional data on students classified as gifted and talented. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden. OCR may consider the recommendations for further elements for future civil rights data collections.

Changes: No changes.

### **4. *Additional New Data Items***

#### **Public Comments**

Five commenters identified other possible issues about which OCR should consider collecting data. One commenter suggested that OCR collect data on the use of surveillance in schools, and particularly, how surveillance technology is used against students of color. One commenter requested that OCR collect data on the number of athletic sports and teams designated for girls on which biological males compete or participate. One commenter suggested that OCR collect data on students with behavior intervention plans as they relate to formal or informal removals to uncover concerns with inequities for students with disabilities. One commenter suggested that OCR collect data on environmental factors impacting student success to highlight the environmental inequities experienced by Black and Latino students.



Another commenter requested that OCR collect data on student enrollment in foreign language, arts, and enrichment coursework, similar to already collected enrollment data on other course subjects. The same commenter recommended that OCR collect data on whether LEAs inform parents, guardians, and families about the civil rights they forgo when they use school vouchers to remove their students from public schools.

### **OCR's Response**

Discussion: OCR appreciates the commenters' suggestions. Some of them would offer useful information about potential areas of school operations where violations of civil rights law may exist. But OCR endeavors to balance usefulness of the data for its civil rights law enforcement obligations with the data collection and reporting burdens imposed on LEAs. Ultimately, at this time, OCR finds that any benefits of the additional new elements proposed by commenters are not outweighed by the burden.

~~In addition, regarding the suggestion to collect data on the number of biological males competing or participating on athletic sports and teams designated for girls, OCR recognizes that there are multiple pending lawsuits related to Title IX's application to athletic eligibility criteria in a variety of factual contexts related to gender identity. In light of those various pending court cases, which may identify a variety of factors relevant to the Title IX inquiry, OCR believes it is premature to propose to collect any new data items on interscholastic athletics at this time.~~

Changes: No changes.