

November 18, 2019

Director of the Information Collection Clearance Division
Attn: Rosa Olmeda
U.S. Department of Education
550 12th Street SW
Potomac City Plaza, Room 9089
Washington, D.C. 20202-0023

RE: Docket ID: ED-2019-ICCD-0119

Dear Ms. Olmeda:

On behalf of the 23 undersigned organizations committed to closing long-standing gaps in opportunity and achievement that separate low-income students and students of color from their peers, thank you for the opportunity to submit public comments regarding the Administration's proposed changes to the U.S. Department of Education's biennial Civil Rights Data Collection (CRDC).

The CRDC remains a fundamental tool in measuring and identifying inequities in education for our nation's most historically underserved students. This data collection, designed to identify violations of civil rights protections for groups protected by law from discrimination on the basis of race, color, national origin, gender, or disability, is key in shedding light on the areas in which our nation fails to live up to its promise of an equitable, excellent education for every student. We are disappointed that the Department has proposed removing several critical elements from the CRDC, including questions about school finances, novice teachers, early childhood education, and advanced coursework.

Much of what the Department proposes to eliminate are the data points most frequently used by families and civil rights advocates to make the case for more equitable access to high-quality education for Black and Latino students. The elimination of such data will conceal where schools are excluding children of color from high-quality educational opportunities, undermining the ability of stakeholders to protect the rights of students or advocate for change at the district, state, or federal level.

Preschool Enrollment and Discipline

CRDC data demonstrates that 3- and 4-year-olds are being suspended from preschool across the country. While Black children make up just 20% of preschool children, they represent nearly 50% of suspended preschoolers. This data captured by the CRDC allows stakeholders to identify systemic injustices that our nation's youngest learners experience, including the beginnings of the school-to-prison pipeline that pushes Black and Latino students out of the classroom at every age.

Because the CRDC captures this information, we have started to see a concerted effort at the district and state level to eliminate suspensions in preschool. If the Department's proposal to eliminate preschool enrollment data by race/ethnicity goes into effect, stakeholders will no longer have the information needed to measure disproportionality of preschool discipline practices for children of color or mobilize around reforms needed to ensure students of color are not being discriminated against as early as 3 years old.

In fact, it is a requirement under ESSA that states and districts report ECE enrollment on their upcoming report cards. Should the Department's proposed cuts be realized, it is unlikely this reporting will be disaggregated as the law intended. And if the proposal to combine data on students receiving one and more than one out-of-school suspensions gets merged, we will no longer have crucial information on the extent to which districts are consistently using suspensions as a method to exclude 3- and 4-year-olds from school, rather than supporting their social, emotional, and academic development.

To this end, we urge the Department to maintain CRDC's data on preschool enrollment and ensure it is consistently disaggregated by race/ethnicity.

Prekindergarten and Kindergarten Duration and Cost

Data on full-day vs. part-day preschool and kindergarten, as well as cases in which parents must pay to access full-day programs, is vital to ensuring equity. Children need more, not less high-quality instructional time, and this data is critical for helping to understand where districts are and are not providing access to full-day care. This is especially true because caretakers of children from low-income families often have less flexibility to care for children during the day, and less ability to pay for a supplemental program. In particular, this affects Black and Latino workers, who are [increased risk](#) of experiencing unpredictable or unfair work scheduling practices. We urge the Department to maintain current reporting in this area.

Novice Teachers

[Research](#) shows that teachers improve in their first few years of teaching. But across the country, some schools and districts rely heavily on first-year teachers because of many issues including (but not limited to) staff retention. Black and Latino students are far more likely to be in classrooms led by novice teachers — something we know because of the CRDC. To eliminate the collection of this data is to ignore that our nation's most underserved students are often exposed to teachers who lack the needed experience to improve student outcomes. Therefore, it is critical that the Department maintain this portion of the data collection.

Advanced Coursework

As organizations committed to equity, we are concerned about the Department's proposal to eliminate a question on whether schools offer AP courses beyond math, science, and computer science. AP courses such as world language and culture are important, and if schools serving Black and Latino students aren't offering them — or aren't offering enough of them relative to other schools — that is another opportunity gap that advocates and families must know about in order to close achievement gaps.

[Research](#) continues to demonstrate, however, that taking advanced courses isn't good enough — the exam at the end of AP courses is key to getting that first college credit, or testing out of an entry-level class in the first year of college. If schools serving high concentrations of Black or Latino students are getting these students into advanced courses but don't ensure they take and pass the exam, that school is still falling short. The Department's proposal to eliminate the only question about whether students take the exam at the end of AP courses in high school will mask the disparities experienced by students of color in the classroom. We urge the Department not to make these changes.

School Spending

[Research](#) shows that our nation continues to under-invest in districts that serve high concentrations of students of color and students from low-income families. While many stakeholders understand that

some school districts are sorely underfunded, it's also true that high-need schools are often shortchanged within their own districts. Given emerging information related to within-district spending, we are just starting to see real advocacy to improve equity in school funding within districts — a critical step in ensuring that students who need more resources in order to be successful academically receive them.

The Department's largest cut to the CRDC involves completely eliminating the school funding portion of the survey. This action would be devastating, given that the CRDC is the only data source that shows school level expenditures across the country. Though the Every Student Succeeds Act requires similar data to be reported by state departments of education, the data does not yet exist, and even when it does, there are no rules that the data be collected in the same way from state to state, or even from district to district within a state. And, [as Department of Education officials have publicly stated](#), some states "are trying to hide [this data] on their website as far underneath as possible, so nobody ever finds it, because if they look at it, they're just going to be confused." Therefore, the Department must continue to use and improve the only national data source on this topic instead of eliminating it.

In closing, the CRDC is one of the most vital and actionable data collections the U.S. Department of Education oversees. It captures the information needed to identify systemic injustices that manifest through school policies and procedures — the very things that policymakers and practitioners can actually do something about. Instead of improving the data collection to capture more information needed to protect students' civil rights, the Department's proposed changes will only work to serve the status quo, perpetuating the inequities that advocates, parents and families know currently exist.

We urge the Department to withdraw these proposed changes so our nation's historically underserved students are better served in classrooms and school buildings across the country.

Thank you for the opportunity to comment on this important topic.

Sincerely,

Alliance for Excellent Education
American Federation of School Administrators
American School Counselor Association
Americans for Democratic Action (ADA)
Breakthrough Public Schools
Center for American Progress
Child Care Aware of America
Council of Administrators of Special Education
DC Prep
EDGE Consulting Partners
Education Reform Now
Educators for Excellence
GreatSchools.org
KIPP Foundation
Knowledge Alliance
Michigan Alliance for Special Education
National Association of Secondary School Principals
National Center for Special Education in Charter Schools

New America, Education Policy Program
School Social Work Association of America
The Education Trust
The Next100
Uncommon Schools