



The Education Trust

Closing the gaps in opportunity and achievement, pre-K through college.

February 11, 2022

Stephanie Valentine, PRA Coordinator
Strategic Collections and Clearance, Governance and Strategy Division
Office of the Chief Data Officer
Office of Planning, Evaluation and Policy Development
400 Maryland Ave. SW
LBJ, Room 6W208B
Washington, DC 20202-8240

RE: Comment Request; Mandatory Civil Rights Data Collection ([Docket No. ED-2021-SCC-0158-0041](#))

Dear Coordinator Valentine,

On behalf of The Education Trust, an organization dedicated to closing long-standing opportunity gaps that separate students from low-income backgrounds and students of color from their peers, thank you for the opportunity to comment on the request by the U.S. Department of Education (“the Department”) for comments regarding the Department’s proposed information collection for the mandatory Civil Rights Data Collection (CRDC). The CRDC is a [vital tool](#) to measure, identify, and address inequities in education for underserved students and its value for policymakers, educators, families, and advocates has only grown during the COVID-19 pandemic.

We have used the data collected and published through the CRDC to identify opportunity gaps for Black, Latino, and Native students and students from low-income backgrounds, including gaps in access to [advanced coursework](#), access to [non-novice educators](#), access to [school counselors](#), and in [the disparate use of exclusionary discipline practices](#). Only through the data provided by the CRDC were we able to:

- Identify the varied reasons that Black and Latino students have been locked out of gifted and talented programs, eighth grade algebra, and Advanced Placement (AP)/International Baccalaureate (IB) courses, even where they are just as likely to succeed in such courses as their peers when they are given the opportunity, and to identify different policy solutions that address each of these reasons
- Find that Black students are more likely to attend schools that have high percentages of novice teachers in almost every state across the country and that Latino students have more novice teachers than their peers in over half the states
- Highlight for state leaders and advocates that across all schools, 38 states are shortchanging students of color, students from low-income backgrounds, or both when it comes to providing access to a school counselor
- Shine a light on the exclusionary practices that result in Black girls and Native girls being five times and two times, respectively, more likely than their White peers to be suspended from school at least once

We appreciate the Department’s recognition that COVID-19 has deeply impacted all students, but especially students of color, students from low-income backgrounds, students with disabilities, English

learners, and students experiencing homelessness. The proposal to administer the CRDC for a second consecutive year, during the 2021 – 2022 school year, ensures that policymakers, educators, families, and advocates will have the data they need to respond to the challenges students faced during the pandemic. Because school districts already have the capacity to collect many of the data elements the Department is restoring to the CRDC and because this data is [critical to protect students' civil rights](#), **we urge the Department to make it mandatory for school districts to report data for all restored data elements for the 2021 – 2022 school year.**

Also, we were especially pleased to see the Department has added data that is directly responsive to the challenges of COVID-19, including data on the amount of virtual instruction students receive per day, the percentage of students who receive virtual instruction, the number of students who needed Wi-Fi enabled devices for virtual learning, the number of students who received Wi-Fi enabled devices, the number of students who needed a Wi-Fi hotspot for virtual learning, and the number of students who received a Wi-Fi hotspot. This information will provide policymakers, advocates, and families with information to determine how well districts addressed students' home broadband needs and to identify communities where the digital divide is widest. We recommend that the Department require all local educational agencies (LEAs), even those that are not currently relying on virtual instruction, to collect and report this data so there is more accurate information regarding how all districts are helping to close the digital divide. Given that the Department has proposed collecting similar data through other collections (e.g., the ESSER I/ESSER II/ARP ESSER Fund Recipient Data Collection), we encourage the Department to review the proposed data elements across these data collections to avoid duplication and ensure alignment.

As [we have called on the Department](#) to do, we appreciate the restoration of data related to out-of-school suspensions in preschool and differentiating data collection by frequency (i.e., restoring data on the number of preschoolers who receive one out-of-school suspension versus multiple) to provide families, communities, and advocates with the nuanced information they need to identify evidence-based practices to eliminate disproportionate preschool discipline.

Similarly, we support the Department's decision to restore data elements on early childhood education, including whether districts offered early childhood programs for children not identified under the Individuals with Disabilities in Education Act (IDEA) from birth to age 2; whether district preschool programs enroll all students, those receiving services under IDEA, students in Title I schools, or students from low-income families; and whether districts offer full- or part-day preschool and kindergarten programs, and any associated tuition costs for families. We also appreciate that the Department has added data related to enrollment of students learning English in preschool programs, as English learners are one of the [fastest-growing](#) student populations in the country. Without the CRDC collecting these data points, advocates, communities, and families often [do not have access](#) to the early learning data they need to measure equity.

[Research shows](#) that teachers improve in their first few years of teaching. As described above, the only way that families and advocates learned that Black and Latino students were much more likely to be in classrooms led by novice teachers resulted from analysis using the CRDC data. That's why we support the Department's proposal to restore the collection of data on teachers' years of experience, as well as whether teachers at the school were employed during both the current and previous school year. Given anecdotal evidence of increased teacher burnout and growing teacher shortages as a result of the pandemic, the collection of data on teacher turnover, as well as data on the FTE counts of teachers certified in traditional shortage areas (e.g., STEM, special education, English as a second language) will

help policymakers and advocates identify patterns and potential solutions to ensure all students have access to experienced, qualified educators.

In addition to data on teacher experience, turnover, and certification, we support the addition of data on educators, preschool to grade 12, disaggregated by race and by gender. Based on [our analysis](#), we know this data can be difficult to find on a state-by-state or district-by-district basis, so collection via the CRDC is critical. This data will provide policymakers, district and school leaders, and advocates with the information they need to identify inequities in school staffing through the lens of race and sex, which is critically important given the academic and social-emotional impacts of educator diversity, especially for students having a teacher who [matches their own identity](#) and the nationwide shortage of teachers of color, and male teachers of color, in particular.

We support the Department's decision to restore items related to Advanced Placement (AP) courses beyond math, science, and computer science. [The Education Trust's analysis of CRDC data](#) reveals that many schools across the country do not fairly enroll Black and Latino students in AP courses. The first step in closing these opportunity gaps — which we fear will be exacerbated by COVID-19 — is to measure and identify those gaps. In addition, we agree that items related to credit recovery programs should be restored. As a result of school closures and distance learning during the COVID-19 pandemic, more districts and schools may need to rely on programs like credit recovery to help students make up for [unfinished learning](#). However, research suggests that the quality of these programs varies greatly, and policymakers, advocates, and families deserve to know whether more students are pushed into these programs. Further, we must know whether schools with large concentrations of students of color, English learners, and students with disabilities are disproportionately funneling students into these programs. For example, researchers from the Thomas B. Fordham Institute were able to use data from the CRDC to identify that schools with at least [75% students of color are more likely to offer credit recovery](#) programs.

Research has shown that school funding positively [influences](#) student achievement, but that too often, school funding systems [shortchange](#) districts serving high concentrations of students of color and students from low-income families. And COVID-19 has made it even more important to track school level spending to see how states' and districts' responses to the pandemic and its economic challenges might be exacerbating or ameliorating within-district funding inequities. While the Department proposes to continue to exclude school-level expenditure data from the 2021 – 2022 CRDC, it also proposes gathering this data through the School-Level Finance Survey (SLFS), a voluntary survey administered to state educational agencies by the National Center for Education Statistics (NCES). We recommend making the SLFS a mandatory data collection beginning with the 2022 – 2023 school year. And we support the Department's decision to remove school spending data from the CRDC as long as the Department and NCES commit to publicly reporting the data collected through the SLFS, which has never happened before. If the Department and NCES require all states to submit the SLFS and agree to make this data publicly available, we believe that this approach has advantages over collecting school spending data in the CRDC, including that states would be collecting more comparable data from district-to-district.

Finally, we strongly support the addition of a nonbinary gender category to shine a light on the experiences of nonbinary students and to support the Office for Civil Rights' (OCR) mission to enforce Title IX's prohibition on discrimination on the basis of sex, including discrimination based on sexual orientation and gender identity. Similarly, we support the addition of items related (1) the reported number of allegations of harassment or bullying of K-12 students on the basis of gender identity; and (2)

LEAs' written policies on bullying/harassment on the basis of sexual orientation, gender identity, or religion. We [know](#) that students who identify as LGBTQ+ disproportionately experience discrimination at school. That is why having a clear set of data to identify discrimination, as well as a common database with links to district policies prohibiting bullying and harassment on the basis of sexual orientation, gender identity, or religion is necessary to support advocates to identify and share promising, non-discriminatory practices that could be adopted in other districts.

We are happy to respond to any questions that you may have regarding the contents of this letter; please contact Reid Setzer, Director of Government Affairs, at rsetzer@edtrust.org. Thank you for your consideration.

Sincerely,

The Education Trust