

December 11, 2024

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Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave. SW
LBJ, Room 4C210
Washington, DC 20202-1200

RE: Mandatory Civil Rights Data Collection (Docket No. ED-2024-SCC-0128-0001)

Dear Ms. Valentine,

On behalf of EdTrust, 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 respond to the U.S. Department of Education (“the Department”) information collection request regarding the mandatory Civil Rights Data Collection (CRDC) for school years 2025-26 and 2027-28.

We applaud the Department’s continued commitment to improving data transparency regarding the educational experiences of students in the nation’s nearly 100,000 public schools. The CRDC is a vital tool — providing much needed data and transparency for assessing educational quality, identifying concerning trends and resource allocation, and empowering families and advocates to push for policies that ensure all students, including students of color and students with disabilities, have access to high-quality education. The CRDC is a vital tool to understand how schools are serving all students and its value for families, advocates, educators, and policymakers continues to grow.

Critically, the CRDC is a way to monitor compliance with civil rights laws and collect key information in support of potential investigations. The federal government has a legal responsibility to protect the rights of students in schools and ensure that students are not discriminated against per the Civil Rights Act of 1964, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. The CRDC is necessary to ensure that schools are meeting students’ needs pursuant to these laws. In addition, the CRDC collects critical information that states and districts include in parent-facing report cards according to the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.



To be most useful, the data should be collected and reported in a timely way. LEAs need ample time to ensure their data systems are equipped to handle reporting requirements — well in advance of the relevant school year. We urge the Department and the Office of Management and Budget to proceed efficiently and expeditiously with revising and finalizing the CRDC for the 2025-26 and 2027-28 school years as proposed in this 60-day notice.

EdTrust’s responses to selected directed questions are presented in the appendix. Thank you for the opportunity to provide feedback on the next rounds of the CRDC. We are happy to respond to any questions you may have about this letter’s contents. For more information, please contact Ivy Morgan (ismorgan@edtrust.org), director of P-12 research and data analytics, or Reid Setzer (rsetzer@edtrust.org), director of government affairs. Thank you for your consideration.

Sincerely,
EdTrust

Appendix: Responses to Selected Directed Questions

Threat Assessments

- **How should OCR define threat assessments to capture all functional equivalents? Should OCR define threat assessment teams and, if so, how?**


EdTrust has examined some state policies related to threat assessments and found that the definitions for threat assessment vary widely across states, from serious and legitimate risks to “everyday school conduct.” Most conduct from students should be approached with evidence-based, supportive interventions. To ensure that threat assessment processes do not overly identify and/or criminalize students, OCR should define threat assessments so that they are restricted to instances that are particularly severe. For example, in [Florida](#), threat assessments in schools are defined as a formal process through which a team of educators, student support personnel, and school administrators analyze reports of threatening student behavior, determine their severity, and set a plan in place to respond.

Updated Race and Ethnicity Data Standards

- **Looking forward, what information will be useful as OCR considers whether to request a full or partial exemption from collecting data using the detailed categories of revised SPD 15 for the CRDC? What will the benefits and burdens be to OCR, LEAs, and the public of requiring LEAs to report the more detailed categories of SPD 15 in comparison with the minimum categories?**

We appreciate the Department’s efforts to better understand LEAs’ capacity to report data aligned to the updated race/ethnicity reporting requirements and are encouraged to know that the different offices across the agency are coordinating to inform the Action Plan on Race and Ethnicity Data that the Department is required to develop. Although, in most cases, LEAs are required to report CRDC data, it’s important for OCR to understand state





policies and capacity regarding reporting race/ethnicity data aligned with the SPD 15 revisions.

In addition, we urge the Department to ensure that the decisions that are made for the CRDC align with the decisions made for the Department's other administrative data, particularly the Common Core of Data. Education researchers often use the CRDC in conjunction with other Department data, so race/ethnicity categories used for the CRDC should align with the Department's other data collections. In addition, the Department should ensure that the timing of required changes to the CRDC align with timing of changes to other data assets – for example, the Department should clearly communicate the first CRDC that will include change, and ensure that CCD data for that year also include relevant changes.

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

EdTrust appreciates that the Department is committed to understanding the experiences of students who are served under Section 504 of the Rehabilitation Act of 1973. Research and data consistently show that students of certain racial backgrounds, boys, and students with disabilities are subjected to exclusionary discipline at higher rates than their peers. The referenced GAO report highlighted arrests and referrals to law enforcement as one specific area of disproportionalities in exclusionary discipline, but that is not the only area where there are disproportionalities for students of color with disabilities. Any effort by OCR to expand data disaggregation by race/ethnicity for Section 504 students should include a careful review of all data on exclusionary discipline practices to determine holistically how to expand data collection to capture disproportionate practices for students who are served under Section 504.

