



♥ Ensuring a Place at the Table for Every Family

August 21, 2017

Director of the Information Collection Clearance Division
U.S. Department of Education
Lyndon Baines Johnson (LBJ)
400 Maryland Avenue SW
Room 224-82
Washington, DC 20202-4537

RE: Docket ID ED-2016-ICCD-0147

Dear Ms. Olmeda:

On behalf of the National Center for Parent Leadership, Advocacy, and Community Empowerment, we wish to thank the US Department of Education (the Department) for its continued efforts to ensure equity for all students through the collection and publication of the Civil Rights Data Collection (CRDC). National PLACE and our 40+ local, state and national member organizations are committed to ensuring that families and family-led organizations are at the table when decisions regarding children and families are being made, and that our voices meaningfully influence those decisions. We have reviewed the documents posted on July 21, 2017, responding to the first round of public comment on the CRDC data set for SY 2017 – 2018, and include our thoughts below. With one exception, discussed below, we are very pleased with ED's response to the concerns of the signatories to this letter and other commenters. Please note that these comments are based on the comments of the National Disability Rights Network.

The CRDC provides families crucial information needed to make informed choices about their children's education. Parents need the information presented in the CRDC's user-friendly interface to gauge which schools are likely to be the best fit for their family, as well as to work with other parents, family-led organizations, educators, and advocates to make decisions about needed areas of improvement on which to focus their school improvement efforts. Through regular review of CRDC data, parents, parent-led organizations, and other members of the

public, including the media, can examine trends among schools. They can identify which schools are more likely to provide equal educational opportunities, and which face continuing challenges. The Department collects data that permits stakeholders, most importantly, parents and parent-led organizations, to make evidence-based comparisons about quantifiable measures of school climate and resource equity, including restraint and seclusion, school discipline, academic proficiency, harassment and bullying, and others.

The CRDC data is critically important to the Department's statutory responsibility to hold schools, districts, and states accountable for compliance with our civil rights laws. The Department's own reports about the activities of the Office for Civil Rights (OCR), including the CRDC, demonstrate the continuing need for robust collection and dissemination of this data. Over the eight years between 2009 and 2016, the OCR received more than 76,000 complaints of violations of the laws it enforces,¹ and resolved 66,000.² The 2013-2014 CRDC indicates very real and continuing challenges in our nation's public school system. There are still significant disparities in out-of-school suspensions among students of color and students with disabilities.³ English learners, students with disabilities, and students of color are more likely to be retained one or more grades in high school.⁴ Students of color are more likely to attend schools with higher concentrations of inexperienced teachers.⁵ The continued collection and publication of data on these and other topics will tell parents, parent-led organizations, and the general public whether schools are correcting these or not and whether they are facing new disturbing trends.

The 1979 Department of Education Organization Act authorizes OCR to collect data necessary to ensure compliance with civil rights laws.⁶ Although some commenters have stated otherwise, existing federal law already requires, or will require, states, school districts, and schools to report much of the data that the OCR collects for the CRDC. For example, the Individuals with Disabilities Education Act (IDEA) requires states to report data from schools about incidents of discipline of students with disabilities.⁷ Beginning in 2018, the Every Student Succeeds Act (ESSA) will require states and school districts to report annually on suspensions, expulsions, law enforcement referrals (including arrests), chronic absenteeism, acts of bullying

¹ Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and the Boy Scouts of America Equal Access Act of 2001.

² U.S. Dep't of Educ., *Achieving Simple Justice: Highlights of Activities, Office for Civil Rights 2009-2016* (Dec 8, 2016), at 2.

³ U.S. Dep't of Educ., *2013-2014 Civil Rights Data Collection: A First Look* (Oct. 28, 2016), at 3.

⁴ *Id.* at 7.

⁵ *Id.* at 9.

⁶ 20 U.S.C. § 3413(c)(1).

⁷ 20 U.S.C. § 1418.

or harassment, and the number and percentage of students in preschool programs and advanced courses.⁸

We appreciate the changes the Department has made, after consulting with a wide variety of stakeholders, to improve the CRDC over time and to ensure it is maximally efficient. The Department acts as a responsible steward of public funds when it reviews the collection regularly to cull out elements that are less useful and add those that have become necessary.

For these reasons, we are pleased that the Department continues the CRDC with its full support.

The February 28, 2017 letter of the National Disability Rights Network (NDRN) noted the following issues/elements as significant to those we serve.

- **Experiences of Students in Non-Public Schools**
- **Bandwidth**
- **Computer Science Classes**
- **Puerto Rico**

NDRN has noted that each of their concerns was addressed in the Department's July 21, 2017 response. There are continuing concerns in one area.

Experiences of Students in Non-Public Schools: We are concerned that while the Department agreed to study the issue, it did not make the changes necessary to begin data collection on the experiences of students in non-public schools. The changes initially proposed in Directed Question #4 (number of students, student experiences) are critical, and we are pleased that the Department recognizes their importance, especially given the number of students with disabilities placed in non-public schools by their LEAs, using public funds. It is the question's very importance however, that causes us to be concerned about this delay. In keeping with ED's stated commitment to explore and evaluate what data to collect, we wish to offer our time and experience to the process of completing the selection of data elements. We specifically recommend that ED commit to a meeting or series of meetings with key stakeholders (parents, parent organizations, students, members of the civil rights community, educators and others) to obtain feedback on which data elements are most important to collect from non-public schools who serve these students, and then to follow up with regular updates on its progress through phone calls or meetings with parents, parent groups, civil rights advocates, education data experts, and SEAs and LEAs, about how to obtain the essential data in an effective manner. We also endorse the Arc of the United States' comments on this issue including collecting at least all the data elements that are collected from public schools regarding restraint and seclusion. *This information is critical to parents and their parent-led organization allies!*

⁸ 20 U.S.C. § 6311(h)(1)(c)(viii).

Bandwidth: We are pleased with the alternative that ED chose for this data element. The questions selected (home use of school devices, Wi Fi in classrooms, etc.) to replace the proposed amount of Megabits per second, will provide much richer information about the experiences of students with disabilities. Many students with disabilities are able to be more fully integrated into the regular education setting, and to be more independent, due to their use of smartphones, tablets, and laptops. These devices need both a strong and accessible Wi Fi signal and LEA support in order for students with disabilities to rely upon them.

Computer science classes: We are also pleased that ED has decided to add this critical element. Parents of students with and without disabilities, low-income students and students in low-income schools and communities, students of color and with limited English proficiency, need to have this information so that they may make informed choices among schools or can request that such courses be added to the curriculum offered at the school their child attends. We no longer have the option of waiting for another generation of our students to be able to program and problem solve.

Puerto Rico: We support the extension of the 2017-2018 CRDC to public schools in the Commonwealth of Puerto Rico and the outlying areas, and greatly appreciate that ED has recognized the importance of the CRDC's data collection to stakeholders there. Parents, students, and their advocates use the CRDC to advise the Department and local policy makers about discriminatory disparities, including in discipline and in resource equity. The extension of data collection to Puerto Rico and the outlying areas, which have requirements to comply with federal law, will support civil rights enforcement and reforms in these regions by allowing these interactions to occur.

Other issues: We also note that, while OCR is proposing to eliminate data collection on chronic student absenteeism (15 or more days missed from school each year), we recognize that this data is already being collected by ED Facts and will be integrated into the CRDC and we support this change only under these circumstances.

In conclusion, we appreciate the opportunity to comment on the 2017-2018 CRDC. For any questions or for additional information about this letter and its recommendations, please contact Diana Autin, Executive Director of the National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), at dautin@parentsatthetable.org.

Sincerely:



Diana MTK Autin

On behalf of National PLACE (Member organizations listed below)

National PLACE Members

AFCAMP (Hartford, CT)
Arkansas Waiver Association
ASK Resource Center (Iowa)
Association for Special Children and Families (NW New Jersey)
Connecticut Parent Advocacy Center (Connecticut)
Exceptional Children's Assistance Center (North Carolina)
FACT Oregon (Oregon)
Family Connection of South Carolina
Family Matters PTI (Illinois)
Family Network on Disabilities (Florida)
Family Resource Center on Disabilities (Chicago Metro Area, Illinois)
Family Soup (California)
Family Voices of California
Family Voices of New Jersey
Family Voices of Wisconsin
Federation for Children with Special Needs (Massachusetts)
FIRST Parent Center (North Carolina)
Formed Families Forward (Virginia)
INCLUDEnyc (New York City)
Long Island Advocacy Center (Long Island, New York)
Louisiana PTI
Matrix Parents (California)
National Federation of Families for Children's Mental Health (National)
Open Doors for Multicultural Families (Washington)
Parent Educational Advocacy Training Center (Virginia)
Parents Helping Parents (San Jose, California)
Parent Network of Western NY (Buffalo)
Parents Place of Maryland
Parents Reaching Out (New Mexico)
Parent to Parent of Georgia (Georgia)
Parent to Parent USA (National)
PEAK Parent Center (Colorado)
PEAL Parent Center (Pennsylvania)
PEATC (Virginia)
Rhode Island Parent Information Network
Rowell Family Empowerment (California)
SPAN (New Jersey)
Starbridge (New York State)
Support for Families (San Francisco, California)

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West Virginia Parent Training & Information

Wisconsin FACETS