



November 18, 2019

Director of the Information Collection Clearance Division  
U.S. Department of Education  
550 12<sup>th</sup> Street SW, PCP, Room 9089  
Washington, DC 20202-0023

RE: U.S. Department of Education (ED) Office of Civil Rights' (OCR) proposed revision of the Civil Rights Data Collection (CRDC), Docket ID Number: ED-2019-ICCD-0119

To Whom It May Concern,

The Center for Law and Social Policy (CLASP) is grateful for the opportunity to comment on the proposed revision of the Civil Rights Data Collection that was published in the Federal Register Vol. 84, No. 182 on September 19, 2019 [Docket No.: ED-2019-ICCD-0119].

CLASP is a national, nonpartisan, antipoverty organization that advances policy solutions that work for people with low incomes across the country. We develop practical yet visionary strategies for reducing poverty, promoting economic opportunity, and addressing barriers faced by people of color. For 50 years, we have been at the forefront of social change, working at the federal, state, and local levels to fight poverty and promote equity. CLASP has deep expertise in child care and early education and youth policy, including early childhood data systems, using data for decision making and supporting academic success and career and college readiness for youth, including out-of-school youth and students of color.

Our experience working on local, state, and federal policy demonstrates that utilizing disaggregated data by race and ethnicity is essential to supporting children, youth, and families from diverse backgrounds and reducing racial and ethnic inequities. We are opposed to these proposed changes to the U.S. Department of Education's Office of Civil Rights data that would:

1. remove the disaggregated counts of children served in preschool;
2. condense preschool suspension counts;
3. remove the collection of information on length of day and cost of preschool and kindergarten programs;
4. remove the question about who preschool is offered to and about the number of full-time employees and salaries;
5. remove the question about the number of students who participate in at least one credit recovery program that allows them to earn missed credit to graduate from high school; and

6. remove the questions about the number of FTE first-year teachers, number of FTE second-year teachers, and number of FTE teachers absent more than 10 school days (excluding professional development).

The proposed revision of the data collection indicates a goal of reducing the reporting burden. However, efficient, data-driven decision making is critical in moving the needle forward in promoting policies that are equitable and relevant to diverse populations. In order to build a data-driven education system, policymakers and school administrators must use data to promote equity in education and address socioeconomic and demographic disparities.<sup>1</sup> We believe the value of this data outweighs the potential reporting burden and is necessary to the proper functions of the Department.

**1. CLASP opposes the proposal to only collect total preschool children enrollment count, and not counts that are disaggregated by demographic subgroups.** Analyzing data by demographic subgroups is essential to policy change and decision making. It helps provide a full understanding of who has access to preschool. Across the country, early childhood education is more segregated than kindergarten and first grade.<sup>2</sup> Roughly 40 percent of preschoolers enrolled in public schools attend racially isolated schools.<sup>3</sup> Research indicates that, similar to the K-12 context, student composition and teacher quality are related during preschool as well. The wealthier the students, the higher the teacher quality.<sup>4</sup> Ameliorating this inequity requires understanding the demographic makeup of the children enrolled in preschool programs.

CLASP has long advocated for and encouraged data disaggregation as it allows more accurate analysis of program reach, barriers, access, and inequities across demographic subgroups such as race and ethnicity.<sup>5</sup> The U.S. ED states that “the collection, use, and reporting of education data is an integral component of the mission.”<sup>6</sup> However, this mission can only be fostered if the data that is collected accurately portrays the demographic makeup of the children. Disaggregating data by demographics is essential in developing effective supports and monitoring trends.<sup>7</sup> As a result, we highly encourage disaggregating the total preschool children enrollment count by demographic subgroups as it will ensure policymakers make better informed decisions that are equitable and culturally relevant.

**2. CLASP opposes the proposal to condense preschool suspension counts into “one or more out-of-school suspensions.”** ED’s OCR seeks to combine the collection of preschool children who received one out-of-school suspension with the collection of preschool children who received more than one out-of-school suspension, into one collection of preschool children who received one or more out-of-school suspension. This proposed change is harmful because it will mask the disparate impact of out-of-school-suspensions on young children. Furthermore, a suspension early on in a child’s education is associated with suspension in later school grades.<sup>8</sup> In 9<sup>th</sup> grade, as a child obtains more than one suspension, the likelihood of dropping out increases.<sup>9</sup> We oppose condensing the two questions into one and support the decision of ED OCR to continue to disaggregate preschool suspension counts by race and ethnicity. Research indicates that children of color overall and Black children, in particular, are suspended and expelled in early education settings at higher rates than their white peers.<sup>10</sup> Black preschool children are 3.6 times more likely to receive out-of-school suspensions than white preschool children.<sup>11</sup> Additionally, Black, Native Hawaiian/Pacific Islander

preschool girls represent a larger percentage of out-of-school suspensions within their racial or ethnic groups compared to preschool girls of other racial/ethnic groups.<sup>12</sup>

Inequities exist in the number of suspensions across racial/ethnic groups. The absence of data highlighting these inequities will make it particularly challenging to pinpoint solutions. According to 2013-2014 OCR data, nearly 3,000 preschool students experienced a single out-of-school suspension and 1,470 preschool students experienced more than one out-of-school suspension.<sup>13</sup> However, when broken down by race/ethnicity, Black/African American preschool students experienced a higher percentage of more than one out-of-school suspension (53 percent) compared to white (25 percent), Hispanic or Latino of any race (16 percent), American Indian or Alaska Native (1 percent) and Asian (0.2 percent) preschool students. Additionally, Black/African American preschool students experienced a higher percentage of a single out-of-school suspension (46 percent) compared to white (28 percent), Hispanic or Latino of any race (20 percent), American Indian or Alaska Native (1-3 percent) and Asian (0.6 percent) preschool students.<sup>14</sup>

Suspension influences later adverse outcomes in health, education, and development.<sup>15</sup> The mission of ED OCR is to ensure equal access to education. OCR serves student populations facing discrimination.<sup>16</sup> Part of promoting this equity-based mission is using data to reveal inequities. Young children who are suspended are 10 times more likely to drop out of high school.<sup>17</sup> Research indicates the more suspensions a 9<sup>th</sup> grader receives, the greater the odds he/she will drop out of high school, and that high school dropout rates are connected to discipline in the early years.<sup>18</sup> Behavioral health challenges, undiagnosed behavior health issues, communication and language difficulties may be the underlying source of a child's challenging behavior.<sup>19</sup> Data shows that boys and Black/African American children are suspended more frequently (i.e. more than one time) compared to their peers.<sup>20</sup> By condensing the preschool suspension counts, it would be difficult to determine whether one out-of-school suspension versus more than one out-of-school suspension tends to disproportionately affect particular racial/ethnic groups.

In November 2016, the U.S. Department of Health and Human Services (HHS) and ED issued a joint policy statement on expulsions and suspension policies in early childhood settings. This policy statement included recommendations to limit expulsion and suspension practices in early childhood settings, particularly pointing to the importance of analyzing data as a means of assessing progress in implementing prevention practices around expulsions and suspension across programs.<sup>21</sup> The statement points to ED's 2014 guiding principles that provide recommendations for reducing expulsion, suspension, and disciplinary removals in K-12 settings:<sup>22</sup>

1. Create positive climates and focus on prevention;
2. Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; and
3. Ensure fairness, equity, and continuous improvement.

These principles overlap with discipline in early childhood settings as they are heavily focused on areas such as prevention, fairness, and continuous improvement.<sup>23</sup> These guiding principles are highlighted in the opening of ED's *Guiding Principle Resource Guide*, as essential in reexamining school discipline. The guide emphasized the need to continuously evaluate the impact of school discipline policies and practices on all students through data and analysis to ensure fairness and

equity are effectively integrated.<sup>24</sup>

**3. CLASP opposes the proposal to remove the collection of information on length of day (full day, part day) and cost (free, partial/full charge) of preschool and kindergarten programs.**

**We also recommend this data be disaggregated by race/ethnicity.** High-quality and affordable child care and early education programs that meet the needs of children and families are essential. However, stagnant federal funding for public early childhood programs has failed to meet the needs of millions of children and families across the country, especially children of color.<sup>25</sup> It is important to track the cost of preschool and kindergarten programs in order to better improve care and ensure that families can afford care.

Families need care for the hours that they are working. Workers in low-wage jobs, many of whom are Black and Latinx workers, may have nonstandard or nontraditional work schedules that limit their ability to use child care and early education programs during traditional work hours.<sup>26</sup> Approximately half of low-wage hourly workers do not work 9 to 5 or Monday through Friday jobs.<sup>27</sup> It is essential to have data on early childhood program characteristics such as length of day of a program, to better understand the reach of programs that might cover the hours that parents are working.

Collecting length of day and cost data by race and ethnicity is also essential because disaggregated data can help address potential disparities across program type. Early childhood data, inclusive of length of day and cost, is important to better understand the scope of programs that children utilize and ensure they are effectively meeting parents' needs. This data is currently not disaggregated. We not only encourage OCR to maintain this question in the data collection, we also suggest disaggregating the data by race and ethnicity.

**4. CLASP opposes the proposal to remove the question about whether preschool is offered to: all children, IDEA children, children in Title I schools, and low-income children, along with the question about the total amount of preschool-12 personnel FTEs and salaries at the school level (funded with federal, state, and/or local funds).**

**We also recommend this data be disaggregated by race/ethnicity.** Data indicating the preschool programs being offered to different populations and whether preschool eligibility applies to all children, IDEA children, children in Title I schools or children with low incomes, are important to understand the context of early childhood programs. This question provides information about the efforts of states and localities toward expanding access to public preschool. We propose that OCR disaggregate this data by race and ethnicity since students of color are more likely to be identified as having a disability<sup>28</sup> and children of color, overall, are more likely to have low incomes than white children.<sup>29</sup> It is essential to have data that measures progress and outcomes across a variety of racial/ethnic groups to ensure all children have access to high-quality education that meets their diverse needs.

Additionally, the question on preschool-12<sup>th</sup> grade personnel FTEs and salaries should not be removed as it provides important perspective about the financial context of schools. A key component of equity is ensuring that schools are receiving equitable funding. The funding differences between rich and poor schools highlight the vast inequities. These divides in income

disparities lead to class-based and racial divides.<sup>30</sup>

**5. CLASP opposes the proposal to remove the question about the number of students who participate in at least one credit recovery program that allows them to earn missed credit to graduate from high school.**

Our work focused on Opportunity Youth (young people who are disconnected from school and work) leads us to be concerned about the proposed removal of this data point. Young people who have discontinued their education without earning a high school diploma and who are over age and under credited need viable options for returning to school and meeting graduation requirements. The current system presents obstacles; youth often lack information on available education options and where to enroll. These students remain the responsibility of states and LEAs; they must recognize these students and incentivize the creation of intentional, coordinated plans for reengaging and keeping them connected. The Department is responsible for overseeing compliance with the provisions of ESSA, including the section 1111 requirement that grant funds be used to pay the costs associated with direct student services, including credit recovery and academic acceleration courses that lead to a regular high school diploma. This is the only data point in the CRDC data collection that assesses how LEAs are creating opportunities for Opportunity Youth to remain engaged or to reengage in school and earn a regular high school diploma. Collection of this data point is therefore necessary to the proper functions of the Department and should be continued.

**6. CLASP opposes the proposal to remove the questions about teachers and other personnel (funded with federal, state, and local funds) that address the number of FTE first-year teachers, number of FTE second-year teachers, and number of FTE teachers absent more than 10 school days (excluding professional development).**

Our work focused on addressing the structural barriers experienced by young women of color leads us to be concerned about the proposed removal of these data points. Low-income girls of color are more likely to attend high-poverty schools that lack qualified, experienced teachers and counselors. Schools serving the highest concentration of students of color have the highest teaching staff turnover rates (70 percent).<sup>31</sup> Teachers in Title I schools serving low-income students of color have about one year less of experience and higher turnover rates (16 percent) overall than their colleagues in non-title I schools (11 percent).<sup>32</sup> During the 2013-14 school year, 25 percent of schools serving most students of color had four times as many uncertified teachers than the 25 percent of schools serving the fewest students of color. Because these schools are hard to staff, the absence of qualified teachers forces them to rely on less-qualified uncertified teachers to close this gap.<sup>33</sup> The Department is responsible for overseeing compliance with the provisions of ESSA; section 1111(g)(1)(b) of ESSA requires that LEAs identify and address as required by state plans any disparities that result in low-income students and minority students being taught by ineffective, inexperienced, or out of field teachers (emphasis added) at higher rates than other students. Therefore, collecting these data points is necessary to the proper functions of the Department and should be continued.

## Conclusion

We have a long way to go to achieve equity in education. Eliminating the collection of critical data that is used to make informed and equitable decisions will take us backward. The proposed removal and changes to these provisions will negatively impact policymakers, researchers, advocates, and school officials who rely on this data to make equitable decisions and create positive outcomes for children. Thank you for the opportunity to offer our comments and recommendations regarding the proposed revision of the Civil Rights Data Collection.

Sincerely,



Hannah Matthews  
Deputy Executive Director for Policy  
(202) 906-8006  
hmatthews@clasp.org

---

<sup>1</sup> Josh New, *Building a Data-Driven System in the United States*, Center for Data Innovation, 2016, [www2.datainnovation.org/2016-data-driven-education.pdf](http://www2.datainnovation.org/2016-data-driven-education.pdf)

<sup>2</sup> Erica Greenberg, Tomas Monarrez, *Segregated from the Start*, Urban Institute, 2019, <https://www.urban.org/features/segregated-start>

<sup>3</sup> Erica Frankenberg, *Segregation at an Early Age*, Center for Education and Civil Rights, 2016, <https://school-diversity.org/wp-content/uploads/2016/10/Segregation-At-An-Early-Age-Frankenberg-2016.pdf>

<sup>4</sup> Erica Frankenberg, *Segregation at an Early Age*

<sup>5</sup> Rebecca Ulrich, Stephanie Schmit and Ruth Cosse, *Inequitable Access to Child Care Subsidies*, CLASP, 2019, [https://www.clasp.org/sites/default/files/publications/2019/04/2019\\_inequitableaccess.pdf](https://www.clasp.org/sites/default/files/publications/2019/04/2019_inequitableaccess.pdf)

<sup>6</sup> U.S. Department of Education, *Mission*, 2011, <https://www2.ed.gov/about/overview/mission/mission.html>

<sup>7</sup> Amity L. Noltemeyer, Rose Marie Ward and Caven Mcloughlin, "Relationship Between School Suspension and Student Outcomes: A Meta-Analysis", *School Psychology Review* 44 (2015), [https://edsources.org/wp-content/uploads/2018/09/Noltemeyer\\_Ward\\_2015\\_Meta-Analysis.pdf](https://edsources.org/wp-content/uploads/2018/09/Noltemeyer_Ward_2015_Meta-Analysis.pdf)

<sup>8</sup> Linda Raffaele-Mendez, "Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation," *New Directions for Youth Development* 99 (2003).

<sup>9</sup> Robert Balfanz, Vaughan Byrnes, and Joanna Fox, *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade*, Johns Hopkins University, 2012, <https://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/sent-home-and-put-off-track-the-antecedents-disproportionalities-and-consequences-of-being-suspended-in-the-ninth-grade/balfanz-sent-home-ccrr-conf-2013.pdf>

<sup>10</sup> Walter Gilliam, Angela N. Maupin, et, *Do Early Educators' Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions*, Yale University Child Study Center, 2016,

[https://medicine.yale.edu/childstudy/zigler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief\\_final\\_9\\_26\\_276766\\_5379\\_v1.pdf](https://medicine.yale.edu/childstudy/zigler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf)

<sup>11</sup> Office for Civil Rights, *2013-2014 Civil Rights Data Collection A first look: Key Data Highlights on Equity and Opportunity Gaps in our Nation's Public Schools*, U.S. Department of Education, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

<sup>12</sup> Office for Civil Rights, *Civil Rights Data Collection Data Snapshot: Early Childhood Education Issue Brief No. 2*, U.S. Department of Education, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-early-learning-snapshot.pdf>

<sup>13</sup> Office for Civil Rights, *Civil Rights Data Collection*, 2013-2014, [https://ocrdata.ed.gov/StateNationalEstimations/Estimations\\_2013\\_14](https://ocrdata.ed.gov/StateNationalEstimations/Estimations_2013_14)

<sup>14</sup> Office for Civil Rights, *Civil Rights Data Collection*, 2013-2014

<sup>15</sup> Dolores A. Stegelin, *Preschool Suspension and Expulsion: Defining the Issues*, Institute for Child Success, 2018,

<https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>

<sup>16</sup> U.S. Department of Education, *Office of Civil Rights*, 2018, <https://www2.ed.gov/about/offices/list/ocr/aboutocr.html>

<sup>17</sup> Dolores A. Stegelin, *Preschool Suspension and Expulsion*

<sup>18</sup> Robert Balfanz, *Sent Home and Put Off-Track*

- 
- <sup>19</sup> Administration for Children and Families, *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings*, U.S. Department of Health and Human Services, 2016, <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ecce-expulsions-suspensions.pdf>
- <sup>20</sup> Office for Civil Rights, *Civil Rights Data Collection Data Snapshot: Early Childhood Education Issue Brief No. 2*, U.S. Department of Education, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-early-learning-snapshot.pdf>
- <sup>21</sup> Administration for Children and Families, *Policy Statement on Expulsion and Suspension Policies*, U.S. Department of Health and Human Services, 2016, [https://www.acf.hhs.gov/sites/default/files/ecdc/expulsion\\_ps\\_numbered.pdf](https://www.acf.hhs.gov/sites/default/files/ecdc/expulsion_ps_numbered.pdf)
- <sup>22</sup> U.S. Department of Education, *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, 2014, <https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>
- <sup>23</sup> U.S. Department of Education, *Guiding Principles: A Resource Guide*
- <sup>24</sup> U.S. Department of Education, *Guiding Principles: A Resource Guide*
- <sup>25</sup> Christine Johnson Staub, *Equity Starts Early*, CLASP, 2017  
[https://www.clasp.org/sites/default/files/publications/2017/12/2017\\_EquityStartsEarly\\_0.pdf](https://www.clasp.org/sites/default/files/publications/2017/12/2017_EquityStartsEarly_0.pdf)
- <sup>26</sup> Liz Ben-Ishai, Hannah Matthews, Jodie Levin-Epstein, *Scrambling for Stability: The Challenges of Job Schedule Volatility and Child Care*, 2014, <https://www.clasp.org/sites/default/files/public/resourcesand-publications/publication-1/2014-03-27-Scrambling-for-Stability-The-Challenges-of-JobSchedule-Volat-.pdf>; Christine Johnson Staub, *Equity Starts Early*
- <sup>27</sup> Liz Ben-Ishai, "Volatile Job Schedules and Access to Public Benefits," CLASP, September 2015, <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/2015.09.16-Scheduling-Volatility-and-Benefits-FINAL.pdf>; Liz Watson and Jennifer E. Swanberg, "Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation," Georgetown Law and University of Kentucky, May 2011, <https://www.shrm.org/hr-today/news/hr-magazine/Documents/LWPpolicyFinal.pdf>
- <sup>28</sup> U.S. Department of Education Office of Civil Rights, *Key Data Highlights on Equity and Opportunity Gaps*
- <sup>29</sup> CLASP analysis of 2016 Current Population Survey, March Supplement.; *Building Strong Foundations: Racial Inequity in Policies that Impact Infants, Toddlers, and Families*, CLASP and Zero to Three, 2018, CLASP, <https://www.clasp.org/sites/default/files/publications/2018/11/Building%20Strong%20Foundations%20Racial%20Equity%20Brief.pdf>
- <sup>30</sup> Linda Darling-Hammond, *Investing for Student Success: Lessons from State School Finance Reforms*, *School Finance Series*, Learning Policy Institute, 2019, [https://learningpolicyinstitute.org/sites/default/files/product-files/Investing\\_Student\\_Success\\_REPORT.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Investing_Student_Success_REPORT.pdf)
- <sup>31</sup> Desiree Carver-Thomas, Linda Darling-Hammond, *Teacher Turnover: Why It Matters and What We Can Do About It*, Learning Policy Institute, August 2017, [https://learningpolicyinstitute.org/sites/default/files/product-files/Teacher\\_Turnover\\_REPORT.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Teacher_Turnover_REPORT.pdf)
- <sup>32</sup> Carver-Thomas, *Teacher Turnover*
- <sup>33</sup> Carver-Thomas, *Teacher Turnover*