



**Celina Moreno, J.D.**  
*President & CEO*

November 18, 2019

Kenneth L. Marcus  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
Washington, D.C. 20202

Re: Docket ID Number: ED-2019-ICCD-0119, Agency Information Collection Activities; Comment Request; Civil Rights Data Collection

Dear Assistant Secretary Marcus:

IDRA is an independent non-profit organization dedicated to assuring educational opportunity for every child. Its staff is a vanguard training, policy, research and evaluation team whose mission is to create equitable and excellent schools for all students. For 46 years, IDRA has provided training, technical assistance, evaluation and program development to school districts seeking to improve teaching quality and educational outcomes of students. IDRA has provided technical assistance in many programmatic areas including Title VII, bilingual education, English as a second language (ESL), Chapter I regular, Chapter I migrant, state compensatory, magnet schools, school desegregation, adult and family literacy, and school desegregation. IDRA has produced research and data analyses on the impact of policies related to school funding, English learners, school discipline, and preparation for and success in institutions of higher education.

It is with this perspective of valuing education and understanding the need to improve it for all children that we provide the following comments regarding the proposed changes to the mandatory Civil Rights Data Collection (CRDC) administrated by the U.S. Department of Education's Office for Civil Rights (OCR). We urge OCR to do the following:

- **Continue collecting data related to school finance and expenditures (DG IDs: 967, 968, 970, 971, 972, 995, 996, 997, 998, 999, 1001, 1002).** School funding data are critical to assess the needs and expenditures of schools and instructional programs. Policymakers considering decisions at the federal, state and local levels need information about the number of full-time equivalent (FTEs) personnel and teachers and the salaries or other expenditures of various personnel and non-personnel categories (all, teachers, instructional aides, etc.).

School funding data are crucial to identifying and addressing the inequities in educational opportunities for students that continue to exist across the country. Schools that primarily serve students of color and poor children and programs that support English learners (ELs) and students with disabilities are chronically underfunded, resulting in serious and persistent differences in opportunities and outcomes for those children and their families.<sup>1</sup> Data that enable us to examine and quantify those differences can lead to more equitable school funding policies and practices.

---

<sup>1</sup> Intercultural Development Research Association. (2012). *Report of the Intercultural Development Research Association Related to the Extent of Equity in the Texas School Finance System and Its Impact on Selected Student*. San Antonio, Texas: IDRA. [https://www.idra.org/images/stories/IDRA\\_School\\_Finance\\_Equity\\_Report\\_08162012.pdf](https://www.idra.org/images/stories/IDRA_School_Finance_Equity_Report_08162012.pdf)

- **Continue collecting enrollment and testing data for Advanced Placement (AP) courses (DG IDs 900, 901, and 904).** It is important to understand the differences in the number of students enrolled in AP classes and the number of students taking the AP exams. Evidence shows that taking the exam is what consolidates the benefits of AP courses not simply enrolling in the course itself.<sup>2</sup> Eliminating data about test-taking would create significant gaps in our understanding of how students in the courses are faring. Currently, schools provide this information by race/ethnicity, gender, disability status and EL status. This disaggregation can help education agencies adopt targeted programs for districts and campuses to effectively support students who may not be accessing, enrolling in or completing exams at the same rates as their peers.
- **Continue collecting credit recovery program data (DG ID 992).** Student attrition is a serious problem in many schools across the country, particularly for students of color. IDRA has collected and analyzed attrition data for the state of Texas for over three decades and has found that, since 1986, Texas schools have lost more than 3.8 million students.<sup>3</sup> For the class of 2018, Latinx and Black students were two times more likely to leave school than White students. Collecting data about credit recovery programs can inform policies and other practices that help students stay in school and graduate.
- **Continue collecting data regarding early childhood education, kindergarten programs, and discipline of preschool children (DG IDs 921, 926, 944, 953, 954, 955, and 956).** These data items contribute to our understanding of the availability, cost, duration, enrollment and quality of early education and kindergarten programs across the country. Early learning opportunities prepare students for school. It is important to know the demographic subgroups of the students enrolled in programs in order to identify where inequities in access and quality exist for students of color, students with disabilities and ELs.

Because we know that early education environments are beneficial for young learners, it is critical to continue to collect data about the ways that schools suspend and expel preschoolers,<sup>4</sup> including whether out-of-school suspensions are received once or more than once by a single student. CRDC data have shown that students as young as 3 years old are suspended from preschool programs.<sup>5</sup> We know that these punishments can funnel students, especially students of color and students with disabilities, into the school-to-prison pipeline, potentially limiting academic and life success and increasing the likelihood of contact with the juvenile and adult criminal justice systems.<sup>6</sup> Data about punishments, including the number of times individual students are punished, help us to identify the efficacy of certain programs and adopt alternative policies and practices that can help schools to support young learners.

- **Continue collecting data about English learners enrolled in English language instruction programs by sex and disability status (DG ID 947).** More research and data collection are needed to identify strong programs for EL students who have disabilities, develop effective instructional materials and teaching methods, and avoid harmful outcomes like inappropriate placement and instruction. Revising the current data collection to exclude disability status will negatively impact

<sup>2</sup> Warne, R.T., Larsen, R., Anderson, B. & Odasso, A.J. (2015). "The Impact of Participation in the Advanced Placement Program on Students' College Admissions Test Scores," *Journal of Educational Research*, 108:5, 400. <https://www.tandfonline.com/doi/full/10.1080/00220671.2014.917253>

<sup>3</sup> Intercultural Development Research Association. (2018). *Texas Public School Attrition Study 2017-18*. San Antonio, Texas: IDRA. <https://www.idra.org/wp-content/uploads/2018/12/IDRA-Texas-Public-School-Attrition-Study-2017-18Dec.pdf>

<sup>4</sup> Gilliam, W.S. (2005). *Prekindergartners Left Behind: Expulsion Rates in State Prekindergarten Systems*. New York, NY: Foundation for Child Development. [https://medicine.yale.edu/childstudy/zigler/publications/National%20Prek%20Study\\_expulsion%20brief\\_34775\\_5379\\_v1.pdf](https://medicine.yale.edu/childstudy/zigler/publications/National%20Prek%20Study_expulsion%20brief_34775_5379_v1.pdf)

<sup>5</sup> Office for Civil Rights. (March 2014). Civil Rights Collection Data Snapshot: Early Childhood Education. Washington, D.C.: U.S. Department of Education. <https://ocrdata.ed.gov/Downloads/CRDC-Early-Childhood-Education-Snapshot.pdf>

<sup>6</sup> Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M.P., & Booth, E.A. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York: Council of State Governments Justice Center. [https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking\\_Schools\\_Rules\\_Report\\_Final.pdf](https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf)

education agencies' and schools' abilities to provide instruction for EL students with disabilities required by law and exacerbate problems with over- and under-identification of children who need special education services.<sup>7</sup>

- **Continue collecting data about teacher absenteeism and experience (DG IDs 983 and 985).** Teacher absenteeism is a symptom of school morale and therefore influences the quality of students' educational experience and achievement. Similarly, educator experience affects the quality of instruction and the entire campus climate – research shows that teacher experience is positively associated with student academic gains on standardized tests, school attendance, and a supportive campus climate among educators.<sup>8</sup> CRDC data have shown that students of color and English learners are more likely to attend schools with concentrations of first-year teachers, where they are denied access to the benefits of experienced educators.<sup>9</sup> Collecting data about teacher absenteeism, teacher experience and where experienced teachers are working is important to identifying potential solutions and interventions, including remedying concentrations of inexperienced and chronically absent educators in the same schools and districts.

IDRA supports the OCR's proposal to add new data elements to the collection, including data related to instances of harassment or bullying allegations based on religion (DG ID 1023), offense incidents by students or staff (DG ID's 1024 and 1025), and the impact of offense allegations on resignation, reassignments and other school staff employment status (DG IDs 1026, 1027, 1028 and 1029).

Additionally, we urge OCR to collect and publish data about schools in Puerto Rico and expand disaggregation categories for all data groups to ensure information is collected by race, ethnicity, EL status, disability status, economic disadvantage status and gender.

More information and data help policymakers to understand the nature of various factors on school climate, formulate more effective policies, and allocate adequate resources to effectively and equitably address issues. Additionally, and importantly, families, students, educators, and advocates use these data to better understand and analyze the conditions of their schools and advocate meaningful change, starting in their communities. Having transparent data collection methods and publishing accessible, contextualized education data in a timely and frequent manner is critical to improving schools, protecting important civil rights for students, and ensuring meaningful access to the education policymaking process.

Sincerely,



Celina Moreno, J.D.  
President and CEO  
Intercultural Development Research Association

*The Intercultural Development Research Association is an independent, non-profit organization, led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college. IDRA strengthens and transforms public education by providing dynamic training; useful research, evaluation, and frameworks for action; timely policy analyses; and innovative materials and programs.*

---

<sup>7</sup> See Hamayan, E., Marler, B., Jack Damico, J. (2013). *Special Education Considerations for English Language Learners: Delivering a Continuum of Services*, Second Edition. Philadelphia, Penn.: Caslon Publishing.

<sup>8</sup> Kini, T., & Podolsky, A. (2016). *Does Teaching Experience Increase Teacher Effectiveness? A Review of the Research*. Palo Alto, Calif.: Learning Policy Institute. [https://learningpolicyinstitute.org/sites/default/files/product-files/Teaching\\_Experience\\_Report\\_June\\_2016.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Teaching_Experience_Report_June_2016.pdf)

<sup>9</sup> Office for Civil Rights. (March 2014). Civil Rights Collection Data Snapshot: Teacher Equity. Washington, D.C.: U.S. Department of Education. <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-teacher-equitysnapshot.pdf>