November 18, 2019

Director of the Information Collection Clearance Division
Attn: Rosa Olmeda
U.S. Department of Education
550 12th Street SW, PCP, Room 9089, Washington, DC 20202-0023

RE: Comments to the U.S. Department of Education Regarding Proposed Revision to Components of the Mandatory Civil Rights Data Collection [ED-2019-ICCD-0119]

Dear Ms. Olmeda:

New America appreciates the opportunity to comment on the proposed changes to the Civil Rights Data Collection (CRDC). New America is an independent, non-profit policy and research organization, and our Education Policy Program works to strengthen and improve our nation's education system so that all individuals— from birth to workforce—have equitable access to high-quality learning that prepares them for college, careers, and civic life in a time of rapid technological and social change. We bring intentional and sustained attention to the students, families and communities that are least well-served by existing educational policies and practices.

The CRDC provides policymakers, researchers, practitioners, and advocates with crucial data on equity in public education. We appreciate the Administration's goals of responsible stewardship of taxpayer dollars and quelling redundancies in data collection. However, proposed changes to retire data in several categories including early childhood education, school finance, teacher experience, and English Learners, require strong reconsideration. We understand that the goal of ceasing to collect these data is to "alleviate unnecessary regulatory burdens," but these data are actually quite necessary and useful for protecting children's civil rights and improving the quality of schooling for our nation's students broadly. The U.S. Department of Education could retain these data and still meet its goal of reducing burden through updates to how the data collection system itself functions, as we note in the last section. Below, please find a more detailed description of New America's comments.

Early Childhood Education

New America agrees with the Administration's proposal to discontinue collection of two data points related to early childhood education.

- First, the Administration recommends combining data points on preschool students who received one out-of-school suspension with those who received more than one out-of-school suspension into one category. We believe the data points can be merged without sacrificing the ability to examine the negative impacts of denying learning time as a punishment for young children's behavior. After all, even one out-of-school suspension in preschool is too many. The CRDC has been instrumental in uncovering the systemic failure of suspension and expulsion in preschool, particularly with regards to the disturbing racial disparities revealed in the data.[1] We continue to stand alongside our peer organizations in disparaging such practices[2] and want to stress the importance of the CRDC continuing to collect data around suspension and expulsion in the early grades, disaggregated by race, sex, disability-IDEA, English learner status.

- Second, we support the administration's recommendation to retire the collection of data on whether "preschool serves non-IDEA students age 3 years; age 4 years; age 5 years (LEA)" because of the similar data point that remains: "Whether the school's preschool program serves non-IDEA students age 3 years; age 4 years; age 5 years." Eliminating this data point reduces redundancy and still provide stakeholders with the relevant information regarding preschool access by age.

New America strongly disagrees with the Administration's proposal to discontinue multiple additional early childhood education data points.

- First, the Administration recommends retiring whether an LEA's early childhood programs serve non-IDEA children from birth through two-years-old. The early care and education community relies on these data to determine if, and how, infants and toddlers are receiving public services outside of federal programs like Early Head Start. The

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[1] *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities* (United States Government Accountability Office, Mar 22, 2018), https://www.gao.gov/products/GAO-18-258

[2] *Standing Together Against Suspension & Expulsion in Early Childhood*, (National Association for the Education of Young Children, April 2016) https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDFs/resources/topics/Standing%20Together.Joint%20Statement.FINAL__9.pdf

infant and toddler years are critical to children's development, and the earlier they have access to high-quality care and education, the more likely they are to begin elementary school prepared. New America supports birth-to-third grade strategies that create a cohesive and coordinated path for even the youngest learners. There are multiple ways that districts can serve infants and toddlers, and collecting these data signals to LEAs that they can play a role in this space. These data are also used by researchers, advocates, and policymakers to inform their analysis and decision making.

- Second, the administration proposes retiring the collection of "Whether preschool is provided to: all students, students with disabilities (IDEA), students in Title I schools, students from low income families (LEA)." With the ultimate goal of expanding access to preschool to serve all students, we believe it is important to have data on which populations of students states are serving. In general, collecting data on preschool signals to LEAs that they need to be thinking about children before they enter kindergarten and focusing on preventing the achievement gap rather than just addressing it later through remediation. All students stand to benefit from preschool, but certain populations stand to benefit more from public access. It is important for policymakers, researchers, and advocates to know how LEAs are prioritizing preschool access.

- Third, we strongly disagree with the administration's recommendation to discontinue the disaggregation of preschool enrollment data by race, sex, disability-IDEA, and English learner status (please see more on the importance of disagregrating based on English Learner status in the following section). Preschool and early learning are imperative for children's healthy cognitive, physical, and emotional development. Enrollment data broken down by race, ability status, and language level are crucial to ensure that all subgroups have equal access to these critical experiences. For instance, a recent evaluation by The Education Trust found that Black and Latino students were less likely to have access to state preschool programs.[3] The ability to disaggregate data by subgroups is important to accurately analyze access.

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[3] Carrie Gillispie, *Young Learners, Missed Opportunities: Ensuring That Black and Latino Children Have Access to High-Quality State-Funded Preschool* (Washington, DC: The Education Trust, November 2019), https://s3-us-east-2.amazonaws.com/edtrustmain/wp-content/uploads/2014/09/05162154/Young-Learners-Missed-Opportunities.pdf

- Fourth, we oppose the Administration's recommendation to retire the collection around the length of the instructional day for preschool and kindergarten. Program length is one of many indicators of quality in early education. Children who attend full-day preschool outperform peers on literacy assessments upon kindergarten entry and have stronger receptive vocabulary skills than their peers.[4] Children who participate in full-day kindergarten programs have greater gains in literacy and math and increased exposure to subjects like science, social studies, and art.[5] Full-day programs also function as an important work support for parents, as they align better with the traditional work day. Shorter programs can be especially burdensome for low-income parents who struggle to afford supplemental care and for parents working nontraditional hours or with unpredictable schedules. Data on program length are critical to exposing which children have access to the length of instructional programming that is most beneficial to them. This data point allows advocates to push for policy changes, policymakers to respond to inequities, and for researchers and practitioners to accurately track student outcomes based on the services they receive.

- Fifth, the Administration proposes to stop collecting data around whether families incur a cost to send their children to preschool or kindergarten. Charging families for education creates an inequitable system, whereby families with less financial resources are denied access. All children stand to benefit from high-quality early learning, but research shows that those from low-income families often benefit most.[6] Many states now ban districts from charging tuition for kindergarten, recognizing the inequity it creates. These data shine a light on these practices, which can encourage other states and LEAs to follow suit.

Lastly, we propose adding one data point around early childhood education. Maintaining a focus on equity in response to challenging behaviors is critical, and research has shown that younger children are more likely to experience

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[4] Allison Atteberry , Daphna Bassok , Vivian C. Wong, *The Effects of Full-day Pre-kindergarten: Experimental Evidence of Impacts on Children's School Readiness* (2019), https://cepa.stanford.edu/content/effects-full-day-pre-kindergarten-experimental-evidence-impacts-childrens-school-readiness
[5] National Center for Education Statistics, https://nces.ed.gov/pubs2004/web/2004078.asp
[6] Hirokazu Yoshikawa, Christina Weiland, Jeanne Brooks-Gunn, et al. *Investing in Our Future: The Evidence Base on Preschool Education* (New York, NY: Foundation for Child Development, October 2013), https://www.srcd.org/sites/default/files/file-attachments/mb_2013_10_16_investing_in_children.pdf#page=13

restraint and seclusion.[7] We commend your continuation of information collection around restraint and seclusion in K-12, and propose adding preschool to the data collection in order to capture a more complete understanding of young children's experiences in public schools.

English Learners

We have questions and suggestions regarding the recommendations to amend and eliminate the collection of data on English Learner (EL) students.

As stated above, we strongly suggest that the administration reconsider its proposal to discontinue disaggregation of preschool children who are ELs. ELs make up a growing segment of the K-12 student population and represent over 30 percent of the young child (birth to 8) population. While there is a substantial amount of federal and state data available for EL students in the K-12 education system, there are scant data sources available to help researchers, policymakers, and the general public understand how these children are or are not being served in preschool programs. According to the National Institute of Early Education Research (NIEER) at Rutgers University, only 29 (out of 61) state preschool programs collect information on whether children served in the program are English learners.[8] These types of data gaps[9] can be supplemented by data from the CRDC and help identify school systems that may be under-enrolling ELs. Research[10] confirms that ELs often have less access to high-quality early education programs despite the benefits[11] of these programs on their cognitive, social, and importantly, English language development.

Currently, fifteen percent of ELs also qualify for special education services. Given strong evidence that ELs are being both over- and under-identified[12]

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[7] Daniel D. French, Christina A. Wojcicki. March 2018. *Restraint and Seclusion: Frequency, Duration, and Rate of Injury for Students with Emotional and Behavioral Disorders*. School Mental Health. Volume 10(1). https://link.springer.com/article/10.1007/s12310-017-9240-5

[8] Allison H. Friedman-Krauss, W. Steven Barnett, Karin A. Garver, Katherine S. Hodges, G.G. Weisenfeld, and Nicole DiCrecchio, *The State of Preschool 2018* (New Brunswick, NJ: Rutgers University, National Institute for Early Education Research, 2019). http://nieer.org/wp-content/uploads/2019/08/YB2018_Full-ReportR3wAppendices.pdf

[9] Janie T. Carnock, "Tracking the Enrollment of Dual Language Learners in Early Ed," *EdCentral* (blog), New America, April 2, 2018, https://www.newamerica.org/education-policy/edcentral/dll-data-gaps-2/

[10] National Academies of Sciences, Engineering, and Medicine, *Promoting the Educational Success of Children and Youth Learning English: Promising Futures*, (Washington, DC: The National Academies Press, 2017), https://doi.org/10.17226/24677

[11] Janie T. Carnock, "Dual Language Learner Gaps: The Need for Better Data in the Early Years," *EdCentral* (blog), New America, March 18, 2018, https://www.newamerica.org/education-policy/edcentral/dll-data-gaps-1/

[12] Janie T. Carnock and Elena Silva, *English Learners with Disabilities: Shining a Light on Dual-Identified Students* (Washington, DC: New America, 2019),

for special education, it is imperative that we collect data disaggregated for ELs by IDEA and 504 status. Regarding the proposed change in collection of data on EL students that would "continue to collect data disaggregated by sex and race/ethnicity, but not by sex and IDEA student status," we recommend clarification on whether this would discontinue data on IDEA status or also 504 status. While other data sources can show IDEA status by LEP status, CRDC is the only source for 504 data. These data are essential because we are seeing shifts in enrollment in 504s (doubling from 2006 to 2014) at the same time we have disproportionate identification of ELs in certain disability categories under IDEA.

School Finance

We recommend retaining the collection of school finance data as the CRDC is a key resource in providing school-level data. Without school-level data, researchers, policymakers, and advocates cannot see (and therefore cannot address) within-district inequities in school spending. Given existing within-district spending inequities, we should be increasing efforts toward data collection and transparency, not limited it. The Department's own research stresses the importance and utility of school-level spending data.[13]

K-12 Educators

We are very concerned about the Administration's proposal to eliminate data collection of first-year and second-year teachers, as well as the removal of data on teacher absenteeism. Research has documented the importance of experienced teachers for student achievement, as well as other measures such as school attendance.[14] In their first two years in the profession, teachers are still learning how to put together the myriad number of skills and knowledge necessary to establish a productive learning environment and promote student learning. Not surprisingly, gains in teacher effectiveness associated with experience are most steep in teachers' initial years. Schools with an oversupply of novice teachers are also more likely to struggle to support student learning because there are few experienced

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https://www.newamerica.org/education-policy/reports/english-learners-disabilities-shining-light-dual-identified-students/

[13] *Exploring the Quality of School-Level Expenditure Data:Practices and Lessons Learned in Nine Sites*, (U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, January 2017), https://www2.ed.gov/rschstat/eval/title-i/quality-expenditure-data/report.pdf

[14] Tara Kini and Anne Podolsky, *Does Teaching Experience Increase Teacher Effectiveness? A Review of the Research (Washington, DC: Learning Policy Institute, 2016),* https://learningpolicyinstitute.org/product/does-teaching-experience-increase-teacher-effectiveness-review-research

teachers available to mentor newer ones in developing their practice to support positive student experiences and outcomes.

Research also shows that teacher absences negatively impact student achievement, and that teacher absences are most prevalent in schools serving students from low-income backgrounds.[15] While some absences are planned and necessary, excessive absences are a sign that the systems and cultures in a school aren't working for adults, and are likely not working for students either.

The current CRDC data collection of novice teacher experience data and teacher absence data allows the government and the public to identify inequities in distribution of experienced teachers, and where teachers are absent most. For example, because of the CRDC data collection, we know that Black, Latino, American Indian and Native-Alaskan students are three to four times more likely to attend schools with higher concentrations of first-year teachers than white students. We also know that English learners also attend these schools at higher rates than native English speakers. If the Department eliminates this data collection, we will no longer have access to valuable school-level information about which groups of students lack access to reliable, experienced teachers, or attend schools that heavily rely upon ill-prepared substitute teachers to lead classrooms.

Harassment and Bullying

Collecting accurate data on harassment and bullying can be complicated but is essential. We commend the Administration's recommendation to add "perceived religion" to the data collection and to disaggregate these data based on specific religions to better capture trends in bullying and harassment. We also recommend that data on gender-based harassment and bullying be expanded to include gender identity (actual and perceived) so schools and districts have a clear and distinct means to collect data on harassment targeting transgender students, which has been repeatedly shown to be pervasive and harmful. The Department should also review the data points to ensure that the categories included are consistent throughout the questions in this section. For example, currently sexual orientation and religion are only included in the first data point even though they are relevant in multiple. The Office of Civil Rights should provide guidance to schools on how to collect this data effectively.

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[15] Raegen Miller, *Tales of Teacher Absence: New Research Yields Patterns that Speak to Policymakers* (Washington, DC: Center for American Progress, 2008), https://cdn.americanprogress.org/wp-content/uploads/issues/2008/10/pdf/teacher_absence.pdf

Proposed Solutions to Data Collection

Currently, there is an overlap of some collected data points with other federal reporting requirements, which provides a perfect opportunity to improve overall data collection and required reporting. Instead of simply adding and eliminating data points from these collections, agencies should find a way to leverage technology to align and connect datasets. We recommend that contractors who are awarded contracts to collect and store SEA and LEA data be required to create an Application Program Interface (API) that enables the datasets to talk to one another. This simple requirement, which should be stated in requests for proposals, would allow agencies to continue collecting comprehensive data and avoid redundancies and time-consuming reporting.

Additionally, as explained by the Data Quality Campaign, since states are now required to publicly report information included in the CRDC, states can support districts and reduce their burden by partnering with them to submit the needed data or submitting the CRDC data directly so that districts do not have to report the same information to both the state and federal governments.[16] Also, similar to recent updates to Title II reporting on teacher preparation under the Higher Education Act, the Department can allow pre-population of state forms from district forms in order to reduce the overall burden of reporting these data.

Conclusion

The data points currently included in the CRDC help policymakers make better decisions about how to direct resources and craft policies to support schools in protecting students' civil rights, and provide families with data that enable them to advocate for their children, and ensure their civil rights are being met in schools. As such, we are confident that many of the data points selected for removal from the CRDC are not congruent with the administration's goal to reduce *unnecessary* regulatory burden. These data are quite valuable and necessary to the transparent functioning and improvement of our nation's schools. However, through improved technology and systems alignment, the CRDC could still be streamlined to reduce the burden of time and funding that the proposed changes aim to ease.

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[16] *Shining a Light on Equity: Opportunities to Use Data to Serve All Students*, Data Quality Campaign, (Washington, DC: Data Quality Campaign, May 2017), https://dataqualitycampaign.org/wp-content/uploads/2017/06/DQC-CRDC-Bright-Spots-05032017-1.pdf

Thank you for considering these comments. If you have any questions or concerns regarding our comments, please do not hesitate to contact New America by phone at 202-596-3610, or via email at lieberman@newamerica.org.