



The Education Trust

Closing the gaps in opportunity and achievement, pre-K through college

August 6, 2020

Office of the Chief Data Officer
Attn: Stephanie Valentine
U.S. Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202

RE: Docket ID: ED-2019-ICCD-0119

Dear Ms. Valentine:

Thank you for the opportunity to submit additional public comments regarding the Administration's proposed changes to the U.S. Department of Education's biennial Civil Rights Data Collection (CRDC). We are pleased that the Department will continue to collect data on preschool enrollment, disaggregated by key student groups, as we recommended in the public comments we submitted last fall. However, we are concerned that the Department has not adopted the other recommendations that were included in our prior comments. In fact, nearly all of the comments [we submitted during the prior comment period](#) remain outstanding. The Civil Rights Data Collection is not just a way to monitor compliance with civil rights laws and collect key information in support of potential investigations; it is also a vital tool for assessing educational quality, identifying trends and resource inequities, and empowering families and civil rights advocates in their push for policies that ensure equitable access to high-quality education for Black and Latino students. We continue to urge the Department to take the following steps to ensure that the data needed to protect our students' civil rights remains available:

1. Do not merge separate data elements on preschool students receiving one and more-than-one out-of-school suspensions.
2. Do not eliminate critical data elements on:
 - a. pre-kindergarten and kindergarten duration and cost;
 - b. first and second year teachers;
 - c. students enrolled in Advanced Placement (AP) subjects other than math, science, and computer science;
 - d. students taking AP exams;
 - e. students enrolled in credit recovery programs; and
 - f. school spending.

In addition to the comments we submitted during the prior comment period, we offer these additional comments.

Preschool Discipline

While some schools and districts have taken steps to address disproportionate discipline, too many schools and districts maintain disciplinary policies that disproportionately target Black children and children with disabilities; this [has not significantly improved](#) over the past four decades, despite



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overwhelming evidence of its association with negative long-term outcomes for these students. Racial disparities in preschool discipline exist in every state in the country. Collecting preschool discipline data is critical, but such data will be much [more useful](#) for informing prevention and intervention strategies if it captures the number of students subjected to multiple disciplinary actions versus a one-time disciplinary action, such as an out-of-school suspension. To enable educators to use evidence-based practices to eliminate disproportionate preschool discipline, preschool data should include data on preschool students receiving one suspension, and those receiving one or more out-of-school suspensions. Without this distinction, important nuances of disciplinary practices and outcomes will be lost, along with data that is essential to informing effective intervention strategies.

To this end, we urge the Department to maintain the CRDC's separate data elements on preschool students receiving one out-of-school suspension and more than one out-of-school suspension.

Novice Teachers

[Research](#) shows that teachers improve in their first few years of teaching. There are many proxies for teaching quality (including teacher experience, certification, and effectiveness). The Department's assertion that teacher certification data makes teacher experience data unnecessary is simply wrong. For example, our internal analyses of 2015-16 CRDC data suggest that there are inequities in exposure to novice teachers among schools where all teachers are certified; furthermore, over 5 million students attend schools in which all teachers are certified, but more than 20% of teachers are in their first two years of teaching. Separately, data on teacher certification and experience each tell one part of the story about students' access to strong teachers. But together they paint a much clearer picture.

Therefore, it is critical that the Department maintain its data collection on teacher experience, in addition to its data collection on teacher certification.

Advanced Placement

While the College Board collects and reports data on AP exam taking and passing, it does not make these data points publicly available at the school level. In addition, this data is based on the number of exams taken, rather than the number of students who take exams. CRDC allows us to identify the extent to which [students](#) are taking AP courses AND taking and passing AP exams.

[The Education Trust's analysis of CRDC data](#) reveals that many schools across the country do not fairly enroll Black and Latino students in AP courses. But that's only part of the story of inequities in access to, and success in, advanced placement courses: If schools serving high concentrations of Black or Latino students are getting these students into advanced courses but failing to ensure they take and pass the exam, those schools are still falling short. The Department's proposal to eliminate data on exam taking and passing would mask disparities experienced by students of color in the classroom.

Even if the College Board publicly reported data at the school level, it would not replicate the data reported through the CRDC. We urge the Department to continue to collect data on AP exam taking and passing.



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Credit Recovery

Credit recovery programs give students the opportunity to make up courses online. As a result of school closures amid the COVID-19 pandemic, schools may need to rely heavily on programs like credit recovery to help students make up for lost instructional time and graduate high school ready for college and a career. Research suggests that the quality of these programs varies greatly, and it would be a mistake to retire the data elements on credit recovery enrollment just as more students may be pushed into these programs. What's more, their elimination would hinder our ability to know whether schools with large concentrations of students of color, English learners, and students with disabilities are disproportionately funneling students into these programs. For example, thanks to this data, researchers from the Thomas B. Fordham Institute learned that schools with at least [75% students of color are more likely to offer credit recovery](#) programs.

We urge the Department to continue to gather data on credit recovery enrollment, so it can determine whether credit recovery programs are being misused to deny students access to empowering, rigorous academic curricula.

School Spending

The COVID-19 pandemic makes it incredibly important to track school-level spending data – so we can understand the extent to which schools serving high percentages of students of color were shortchanged before the pandemic, and how states' and districts' responses to the pandemic and economic recession might be exacerbating or ameliorating within-district funding inequities. [School funding matters](#), and by eliminating this national source on school-level funding, the Department is abdicating its responsibility to monitor and enforce civil rights laws as they pertain to fair school funding. In response to data quality concerns, the Department should work with districts to improve the accuracy of the data, not eliminate the data altogether.

We urge the Department to continue to collect data on school-level spending until the ESSA per-pupil spending reporting requirement can meet the Department's civil rights enforcement needs.

Thank you for the additional opportunity to comment on this important topic.

Sincerely,

Ary Amerikaner
Vice President for P-12 Policy, Research, and Practice
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