

# PRRAC

## *Poverty & Race Research Action Council*

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August 19, 2013

Via <http://www.regulations.gov>

Director of the Information Collection Clearance Division  
U.S. Department of Education  
200 Maryland Avenue, SW  
LBJ Room 2E105  
Washington, DC 20202-4537

Re: Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection (Docket No. ED-2013-ICCD-0079, at 78 Fed. Reg. 37529)

To Whom It May Concern:

The Poverty and Race Research Action Council submits the following comments on the Department of Education's Notice of Proposed Information Collection Requests and the impact the proposed changes will have on the Civil Rights Data Collection (CRDC) from local education agencies (LEAs) and schools. The primary mission of the Poverty & Race Research Action Council (PRRAC) is to help connect advocates with social scientists working on race and poverty issues, and to promote a research-based advocacy strategy on structural inequality issues. At the present time, PRRAC is focused in the areas of housing, education, and health, emphasizing the importance of "place" and the continuing consequences of historical patterns of housing segregation and development for low income families. PRRAC's work is informed by an extensive national network of researchers, organizers, attorneys, educators, and public health and housing professionals.

PRRAC commends the Department for its most recent expansion of data points compiled by the Civil Rights Data Collection (CRDC), especially with regard to data collected on low income and minority students. The newly proposed data points would give advocates a greater degree of insight into disparate treatment of students of color with regard to discipline, including suspensions, which have been shown to be predictors of future academic success. In turn, advocates armed with more detailed information will help ensure states meet their obligation to minority and low-income students.

In implementing the CRDC, it is also important to recognize that the Supreme Court, in the 2007 *Parents Involved* case,<sup>1</sup> declared increasing diversity and reducing the racial isolation of students to be compelling government interests, and the Department of Education, in the Department's 2011 Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools,<sup>2</sup> has

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<sup>1</sup> *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007)

<sup>2</sup> <http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf>

expressed a commitment to increasing diversity and reducing the racial isolation of students. While many of the existing and proposed data points collected by the CRDC are very helpful to advocates in combating racial isolation and increasing diversity in districts, additions to the data collected by the CRDC could go further in aiding advocates in determining the extent to which states, districts, and schools are making progress toward diversity and reducing racial isolation for students, as well as reducing racial and economic segregation.

PRRAC offers the Department the following suggestions, including recommendations for maximizing the quality, utility, and clarity of the information collected.

**1) PRRAC recommends that CRDC include a component that shows the percentage change in the student population by race/ethnicity and economic status at the school level between the two most recent dates of data collection**

The CRDC has been collecting demographic data in schools which provides information on race and ethnicity of students. While this is important, the CRDC does not provide any information on how the population make-up has been changing in each school. The dataset would be even more valuable if, in addition to the figures currently collected, the CRDC included a variable showing the percentage change in the student body in each school by race/ethnicity and economic status between the two most recent dates of data collection. Schools already collect information on student race and ethnicity and free and reduced price lunch participation each year, so this additional dimension would require minimum effort from the either school or district personnel, or the CRDC staff, but will provide a great benefit to the users of this dataset. The inclusion of this information will aid advocates in determining whether schools and districts are making progress toward diversity and reducing isolation for students, and advocates armed with more detailed information will help ensure states meet their obligation to minority students. This information would not only aid in combating racial isolation and increasing diversity in districts, but could help with identifying and remedying disparate treatment of students of different races with regard to disciplinary practices. Additionally, school administrators and researchers will have increased knowledge about the shifts in demography of the student body, which may help them better serve students. Since this variable can be cross-tabulated with other information already available in the CRDC, it will be an important resource to researchers. For example, it may help in discovering important connections between possible civil rights violations and the changes in demography.

**2) PRRAC welcomes the addition of detailed data in school discipline but recommends improvement in reporting enforcement**

The CRDC collects data on students, disaggregated by race/ethnicity, who are subjected to a variety of school disciplinary actions from in-school suspension to zero-tolerance expulsions. The proposed changes to the CRDC on school discipline add even more layers to this existing dataset. The CRDC proposes that the questionnaire will include questions on students who were removed and sent to another school, alternative or regular, for disciplinary reasons. This detailed information on removal from schools will add an important distinction between students who are expelled from a school and students who are transferred to another school for disciplinary reasons. Additionally, the CRDC is proposing to collect data on the reasons a student would face disciplinary actions, for example, why a student is referred to law enforcement or is arrested.

Furthermore, the CRDC is also planning to collect information on pre-school students receiving corporal punishment.

However, the collection of additional information, while commendable, has to be accompanied by stricter reporting guidelines. Our research suggests that schools may not be consistently reporting incidents of disciplinary actions against students. When there is lack of full reporting of the discipline data, it cannot be compared across schools and districts for analysis. Enforcing better compliance with reporting requirements will not put added pressure on schools because schools are already collecting this type of information for administrative purposes. It may just be a matter of reporting the information consistently to the CRDC. Maintaining reliable information will ensure that the CRDC becomes an accurate and complete database to study school disciplinary differences across students belonging to different racial/ethnic groups. Better reporting will make any kind of civil rights violations much easier to detect, identify, and solve.

### **3) PRRAC recommends that CRDC include questions that will help identify schools that have students from low-income families**

The proposed CRDC data collection changes do not include robust data points on low-income students. Prior to the CRDC's separation from ED Facts, significant data on student socioeconomic status was collected, yet the proposed CRDC questions for 2013-2014 and 2015-2016 do not contain pertinent questions related to student socioeconomic status. In order to ensure that states are meeting their obligations to combat socioeconomic isolation of students, the CRDC should collect more comprehensive data on student and family financial status. Lower poverty schools exhibit many documented benefits to students,<sup>3</sup> such as improved math scores<sup>4</sup> and more science instruction. At the very least, the Department should collect district and school level data on the total number of low-income students similar to how data is collected on race and gender. Schools and districts should be able to provide this information fairly easily through the use of free and reduced price lunch data, which can be non-personally identifiable data when correctly collected and used. Additionally, the CRDC should add to their dataset whether the school is in an urban or a rural setting. The Department of Education already has this data, so providing the information will impose no serious burdens, and such information will help researchers know if the schools are in high poverty urban area or rural areas, both of which have different policy implications.

### **4) PRRAC recommends that data on interscholastic athletics should be disaggregated by race/ethnicity**

The existing CRDC dataset has information on interscholastic athletic activity by gender. However, the CRDC does not disaggregate this data by race and ethnicity. Participation in sports and physical activity is increasingly being recognized as providing health benefits and valuable life skills for children.<sup>5</sup> However, minority children of low-income

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<sup>3</sup> Mickelson, Roslyn A. & Bottia, Martha (2010). Integrated Education and Mathematics Outcomes: A Synthesis of Social Science Research. North Carolina Law Review, Vol. 88(3), pp. 993-1090.

<sup>4</sup> Laura B. Perry & Andrew McConney, *Does SES of the School Matter? An Examination of Socioeconomic Status and Student Achievement Using PISA 2003*, 112 Teachers Coll. Rec. 1137 (2010).

<sup>5</sup> Kanters, Michael A, Jason N Bocarro, Michael B Edwards, Jonathan M Casper, and Myron F Floyd. "School Sport Participation Under Two School Sport Policies: Comparisons by Race/Ethnicity, Gender, and Socioeconomic Status." *Annals of Behavioral Medicine: a Publication of the Society of Behavioral Medicine* (2012).

backgrounds are the most disadvantaged in terms of school based sports participation.<sup>6</sup> Including more information on race and ethnicity of students participating in sports activities would inform school administrators and researchers about the opportunities available to minority children and used by them. This will further help to identify specific strategies to encourage sports participation among minority children. More specifically, since information on gender is also available in this database, adding details about race and ethnicity would help discover interconnections between race/ethnicity and gender. This will ensure that administrators are cognizant of maintaining gender equity in sports participation opportunity across all racial/ethnic groups in their schools. Research finds that girls in identified minority groups tend to be underrepresented in athletics in schools.<sup>7</sup> Adding this information will again help school administrators to find ways in which girls' sports participation can be increased.

**5) PRRAC supports the additional information collected on the presence of civil rights coordinators in LEAs**

The proposed CRDC changes include adding a question that reveals the presence of civil rights coordinators in LEAs. This is a positive addition since the civil rights coordinators will be responsible for ensuring that there is no discrimination against students based on gender, race, and disability. The LEAs are also requested to provide the contact information of the civil rights coordinators. This will help the Department of Education to enforce the compliance of their TITLE IX requirement and maintain a direct connection to the LEAs for their inquiries about possible civil rights violations in schools.

Sincerely,



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<sup>6</sup> *Id.*

<sup>7</sup> National Women's Law Center, "The Battle For Gender Equity In Athletics In Elementary And Secondary Schools" (2012), available at [http://www.nwlc.org/sites/default/files/pdfs/titleixbattleforgenderequitysecondaryschoolsfactsheet\\_7.20.12.pdf](http://www.nwlc.org/sites/default/files/pdfs/titleixbattleforgenderequitysecondaryschoolsfactsheet_7.20.12.pdf)