



# Commemorating 40 Years Of Disability Advocacy 1973-2013

August 20, 2013

Catherine Lhamon  
Assistant Secretary for Civil Rights  
U.S. Department of Education  
400 Maryland Ave SW.  
Washington, D.C. 20202

Stephanie Valentine  
Acting Director  
Information Collection Clearance Division  
U.S. Department of Education  
400 Maryland Ave SW., LBJ, Room 2E105

RE: Mandatory Civil Rights Data Collection, <http://www.regulations.gov>,  
Docket No.: ED-2013-ICCD-0079

Dear Assistant Secretary Lhamon and Director Valentine:

The Consortium for Citizens with Disabilities (CCD) Education Task Force appreciates the opportunity to comment on the proposed changes to the Office of Civil Rights Mandatory Civil Rights Data Collection (CRDC). On behalf of the nation's six million students with disabilities eligible under the Individuals with Disabilities Education Act (IDEA) and over 500,000 students eligible for 504 plans under the Rehabilitation Act of 1973, we encourage you to consider the following::

**I. CCD supports the adoption of the following data items as proposed by OCR:**

- **Discipline:** OCR is right to add data collection related to:
  - Removals for K-12 students to alternative schools, regular school for students with and without disabilities
  - corporal punishment
  - school days missed by students on out of school suspensions; and,
  - documented incidents that occurred at the school that would trigger discipline.
- **Transfers:** OCR is right to track involuntary school transfers. This is a method by which students with disabilities are removed from school, which can lead to school disengagement, a key entry point into the prison pipeline.
- **Number of reported allegations of harassment or bullying** of K-12 students.

**II. CCD Recommends OCR consider the following revisions and additions to the CRDC:**

**Recommendation 1:** Do not eliminate the collection of data on *the number of full-time teachers meeting all state licensing and certification requirements.*

**Rationale:** This category of data is the *only* data element on school personnel for which OCR collected data on the 2011-2012 CRDC but is not proposing to collect it for the 2013-14 CRDC. If the CRDC is truly to identify whether LEAs and schools are providing equal educational opportunity, it is essential that the CRDC include accurate data regarding the extent to which high-need students are taught by teachers who have not yet completed their preparation nor earned full certification/licensure from their state. Furthermore, the CRDC provides a rare opportunity to capture accurate national data regarding whether all children are being provided with equitable access to well-prepared, experienced, and effective teachers. We urge you not to omit essential data regarding teacher certification/licensure that was collected in the past.

**Recommendation 2:** Collect data showing *the number of students taught by teachers-in-training enrolled in alternative certification programs*-specified by student grade (K-12) (disaggregated by student race, sex, disability-IDEA; disability-504 only, LEP)

**Rationale:** Consistent with Section 145 of Public Law 112-175--which requires the Secretary of Education to submit a report to Congress by December 31, 2013 that aggregates and reports state- and LEA-level data on the extent to which these non-certified teachers are teaching our children--CCD believes this data is necessary to assuring OCR and the public have a comprehensive and accurate picture of the extent to which our nation's highest-need students are being taught by teachers who are neither fully-prepared nor experienced.

**Recommendation 3:** Collect data showing the *number of students passing key courses where enrollment data is collected* (disaggregated by student race, sex, disability-IDEA; disability-504 only, LEP)

**Rationale:** OCR is collecting data on the students enrolling in key courses such as Algebra I, Algebra II, geometry, calculus and physics, yet is not collecting data on completion of those courses. CCD believes completion rates are important to understand by race, sex, disability and LEP.

**Recommendation 4:** Include student demographic information – including disability status – in the *Justice Facility Educational Program Participants Table*.

**Rationale:** CCD commends OCR for expanding the CRDC to include justice facilities as more information and data is needed in this area. In addition to providing a cumulative count on the number of students who participated in justice facility, we encourage OCR to request this information be disaggregated racial/ethnic, disability status, and limited English proficiency status. Having this additional information would provide the public with actionable data from which positive change can occur.

**Recommendation 5:** Increase resources and technical assistance to states and school districts to support the accurate completion of the Civil Rights Data Collection.

**Rationale:** CCD recognizes the CRDC is the catalyst for addressing in both pervasive challenges across states and targeted interventions for individual schools. However, particularly in this difficult fiscal time in which the federal investment in education programs has been cut by over \$2 billion, CCD recognizes that a data collection of this magnitude requires a substantial investment in human capital. Indeed, OCR estimates that it will take schools 14 hours to complete this survey, an increase of 1.2 hours from 2011. Furthermore, to make the CRDC most meaningful, the public must have confidence in the accuracy of the data. Therefore, CCD encourages the U.S. Department of Education to support increased investments and technical support to support states and school districts in their efforts to comply with the many federal data requirements, including the CRDC.

CCD appreciates the opportunity to comment and looks forward to having this data to improve educational practice and inform policy moving forward.

Sincerely,

Advocacy Institute  
American Dance Therapy Association  
Association of University Centers on Disabilities  
Bazelon Center for Mental Health Law  
Council for Exceptional Children  
Council of Parent Attorneys and Advocates  
Disability Rights and Education Defense Fund  
Easter Seals  
Learning Disability Association of America  
National Association of School Psychologists  
National Center for Learning Disabilities  
National Association of Councils on Developmental Disabilities  
National Disability Rights Network  
School Social Work Association  
The Arc of the United States  
The National Alliance on Mental Illness  
United Cerebral Palsy

The Consortium for Citizens with Disabilities is a coalition of nearly 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. For additional information, please contact:

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