**Response to the U.S. Department of Education’s Request Regarding the 2017-2018 Civil Rights Data Collection (CRDC)**

Docket No.: ED-2016—ICCD—0147

Dear Ms. Valentine:

As a stakeholder I urge the Department of Education to maintain the current Civil Rights Data Collection by preserving the existing questions, requiring all schools and districts to report the data, and continuing to make the CRDC accessible to the public.

I am a former teacher and, currently, an attorney at the Education Law Center in Newark, New Jersey. I am also an Equal Justice Works Fellow and my fellowship is focused on dismantling the school-to-prison pipeline as it impacts Newark’s children. I am particularly focused on improving discipline policies within both public and charter schools in the area.

In order to ensure its students can learn, school communities must feel safe and respected in school buildings. The National Education Association reports that a “positive school climate is recognized as an important target for school reform and improving behavioral, academic, and mental health outcomes for students.” (*Importance of School Climate*, November 2013, https://www.nea.org/assets/docs/15584\_Bully\_Free\_Research\_Brief-4pg.pdf) The report cites various studies that have found links between schools with positive climates and higher student motivation, increased student engagement, and elevated psychological well-being among students. Additionally, the studies have found that schools with positive climates tend to have less disciplinary issues, bullying, and incidents of violence and aggression.

Through collecting disaggregated school discipline data, measuring police force against students, and collecting data on alternative disciplinary practices, government officials, school districts, and the public are able to gain a comprehensive understanding of school climate and safety in their communities and what barriers, if any, are impeding children from accessing the education and school-based relationships critical to their success.

Such data is critical to informing state, district, and community approaches to discipline reform and improvement of discipline practices. This data allows states to determine which districts need assistance regarding their disciplinary policies and school environment and provides the foundation for states and communities to develop effective action plans targeting those districts.

The Department is proposing to change the 2017-2018 CRDC to reduce the burden on school districts. However, the Department’s primary goal must be to collect all the data needed to ensure that schools and districts are upholding the civil rights of all students, especially students of color and other student groups that often face discrimination, including students with disabilities and students who identify as Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ). Communities must also have all the information they need to accurately assess the quality of their schools and districts and to support local efforts to advocate for improvements when needed. Thank you for considering the following recommendations:

**I. Collect data on police use of force against students**

The Department should collect data on police use of force against students including: number of students subjected to pepper spray, tasers, physical attack (e.g. tackling, body slamming, etc.), and number of students injured or killed by a firearm. Data on police use of force against students would provide education officials and community members additional information on the impact of school police on students’ well-being and school safety, as well as provide additional evidence to support local efforts to end the regular presence of police in schools.

1. **Disaggregate discipline data by reason for the disciplinary action**

Students of color, students with disabilities, and students who identify as LGBTQ are often disproportionately disciplined for minor, subjective offenses such as disobedience and disruptive behavior. The Department should disaggregate all data on practices that push students out of the classroom (e.g. in- and out-of-school suspensions, expulsions, referrals to law enforcement, and school-related arrests) for this reason. This will provide important information about how many and which students are disciplined for non-violent, subjective offenses. These data would help to show if trainings for school staff and school administrators, as well as other interventions, are needed to prevent and address discrimination.

**Collect data on the use of alternative discipline practices**

Schools and districts should indicate whether or not they are implementing restorative practices or School-Wide Positive Behavioral Interventions and Supports. This would allow comparisons of discipline rates and disparities between schools and districts implementing these approaches and those that are not, which would provide families and community members the evidence they need to advocate for these practices in their own communities.

1. **Ensure that all discipline data is disaggregated by race, sex, disability, and LEP and is reported on an annual basis**

Some of the CRDC’s data elements related to school discipline are not disaggregated by race, sex, and Limited English Proficiency. This leaves out important information about the outcomes for several student groups. The Department should fully disaggregate all data elements related to discipline to ensure that outcomes for all student groups are tracked.

The Department should also collect data through the CRDC each year. Current data is needed to identify and address disparities as soon as possible to limit the negative impact on students. Ensuring that families, community members, and advocates have access to the most recent data would also prevent school and district officials from claiming that issues from previous school years have been resolved when older data is used to advocate for improvements.

Sincerely,

Shira Baron, Esq.

Education Law Center