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October 31, 2022

Stephanie Valentine  
Office of Planning, Evaluation and Policy Development  
U.S. Department of Education  
Washington, DC 20002

RE: Mandatory Civil Rights Data Collection: OMB 1870-0504, ICR 202111-1870-001

*Submitted via reginfo.gov*

Dear Ms. Valentine:

On behalf of the Council for Exceptional Children (CEC), thank you for the opportunity to provide additional comments regarding changes proposed by the U.S. Department of Education (the Department) to the 2021-2022 Civil Rights Data Collection (CRDC). CEC is a professional association of educators dedicated to improving educational outcomes for infants, toddlers, children, and youth with disabilities and/or gifts and talents.

The CRDC provides invaluable information for educators, families, policymakers, researchers, and other stakeholders to take steps to address pervasive challenges across states and to support targeted interventions for individual schools and districts. The CRDC provides key data that can inform and improve educational opportunity, making it essential to ensuring schools and districts have the resources necessary to meet obligations under all civil rights laws, including the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). As we continue the ongoing work of addressing the challenges of the pandemic and combating racial inequities, which impact all students, including infants, toddlers, children, and youth with disabilities, the CRDC remains a critically important resource.

CEC is pleased by the Department's proposal to add all previously eliminated data items back to the CRDC related to teacher quality, preschool age children, and students with disabilities. We are particularly pleased to see the restoration of items related to teacher, school staff, and administrator salaries, full-time first- and second year teachers, teacher absences, and teacher retention rates. These data points are essential to understanding staffing challenges in light of persistent personnel shortages, including disproportionate shortages in the field of special education. These data are critical to informing key decisions about resources and staffing needs. To achieve the goal of a high quality and equitable education, these data must be maintained.

CEC would like to re-emphasize two recommendations that were submitted to OCR in a January, 2022 comment letter. First, CEC supports the recommendation to add new COVID-19 related data collection on students receiving virtual instruction, and on the percentage of time students spent in virtual instruction, and recommends that both data sets be disaggregated by race, sex, disability-IDEA, disability-Section 504 only, and English Learner (EL). Disaggregating this data is important to understanding the full impact of virtual learning during the pandemic and can offer important information to inform future decisions about virtual instruction should health or other safety issues arise again.



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Second, CEC continues to advocate that any item disaggregated by race, sex, disability-IDEA and EL *also* be disaggregated by “disability-504 only.” More data on students qualifying under Section 504 is necessary within the CRDC because such data are integral to ensuring the Office of Civil Rights fulfills its responsibility to address instances of discrimination against students with disabilities who are afforded protections under Section 504. As the only federal-level data collection that provides information on Section 504-only students, the CRDC has great potential to reveal a fuller picture about qualifying students under Section 504.

Finally, CEC supports the inclusion of data on informal removals in future CRDCs to identify where these practices are happening and how they disproportionately impact certain subgroups. To execute this data collection, a definition of informal removal is necessary. The definition must clarify that informal removal is the removal of a child with a disability for behavior-related reasons from any school or school-based program for any period of time without justification under IDEA or Section 504. Informal removals can include shortened school days or shortened class periods, including requesting that a parent or caretaker pick up a child from school for “having a bad day,” or in order to “cool down.” Any such data should be disaggregated by race, ethnicity, sex, disability-IDEA, disability-Section 504 and EL.

Thank you again for the opportunity to provide additional comments on the CRDC. CEC looks forward to continuing to work together to ensure the rights of infants, toddlers, children, and youth with disabilities are upheld.

Sincerely,

*Danielle M. Kovach*

Danielle M. Kovach, Ed.D  
President  
Council for Exceptional Children