



March 22, 2021

**Officers**

**Chair**

Judith L. Lichtman  
National Partnership for  
Women & Families

**Vice Chairs**

Derrick Johnson  
NAACP  
Farhana Khera  
Muslim Advocates  
Thomas A. Saenz  
Mexican American Legal  
Defense and Educational Fund  
**Secretary**

Fatima Goss Graves  
National Women's Law Center

**Treasurer**

Lee A. Saunders  
American Federation of State,  
County & Municipal Employees

**Board of Directors**

Kimberly Churches  
AAUW  
Alphonso B. David  
Human Rights Campaign  
Rory Gamble  
International Union, UAW  
Jonathan Greenblatt  
Anti-Defamation League  
Mary Kay Henry  
Service Employees International Union  
Damon Hewitt  
Lawyers' Committee for  
Civil Rights Under Law  
Sherrilyn Ifill  
NAACP Legal Defense and  
Educational Fund, Inc.  
David H. Inoue  
Japanese American Citizens League  
Benjamin Jealous  
People for the American Way  
Derrick Johnson  
NAACP  
Virginia Kase  
League of Women Voters of the  
United States  
Samer E. Khalaf  
American-Arab  
Anti-Discrimination Committee  
Marc Morial  
National Urban League  
Janet Murguia  
UnidosUS  
Debra L. Ness  
National Partnership for  
Women & Families  
Christian F. Nunes  
National Organization for Women  
Rabbi Jonah Pesner  
Religious Action Center  
Of Reform Judaism  
Rebecca Pringle  
National Education Association  
Lisa Rice  
National Fair Housing Alliance  
Anthony Romero  
American Civil Liberties Union  
Fawn Sharp  
National Congress of American Indians  
Maria Town  
American Association of  
People with Disabilities  
Richard L. Trumka  
AFL-CIO  
Randi Weingarten  
American Federation of Teachers  
John C. Yang  
Asian Americans Advancing Justice |  
AAJC

Interim President & CEO  
Wade Henderson

Suzanne Goldberg  
Acting Assistant Secretary  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Dear Acting Assistant Secretary Goldberg:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 29 undersigned organizations, we urge you to make changes to the current plan to proceed with the process put in place by the previous administration regarding the Civil Rights Data Collection (CRDC) timing and survey instrument. While there are certainly no great options, we believe there are choices that would more effectively advance the mission of the Department of Education (Department) to ensure equal educational opportunity and would more closely support President Biden's January 20 Executive Order on Advancing Racial Equity.<sup>1</sup>

The global COVID-19 pandemic has significantly affected the lives of children, their teachers, and school systems across the country. Not only are families mourning lives lost, but children have missed months and months of in-person instruction, and some children have not even had meaningful access to remote learning. School systems are now, in many cases, doing the difficult work of reopening safely and ensuring that they are prepared to receive children again. Educators from the classroom through the education state chiefs have been asked to be flexible and creative in unprecedented ways.

We understand and would expect that changes and modifications may be needed for federal data collection – even for critical surveys that provide basic information about whether students' civil rights are being met at all. However, we must not allow critical information about our children to be lost or for years to pass without any clear picture of what has happened for children who experience the greatest marginalization in school. We must find the best way possible to get useful, timely, and comprehensive data – even during a pandemic. The COVID-19 pandemic and long-term school closures have made it even more clear that access to educational opportunity is not equally available to all in this country and that the inequity in resources, support, and funding available for children in marginalized communities must be documented and made transparent. We commend the Department's

---

<sup>1</sup> Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. The White House. January 20, 2021. <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

quick work in repurposing the National Assessment of Educational Progress (NAEP) survey to get a snapshot of how schools are currently teaching students and working to return to in-person learning.

The Department currently plans to collect data for the 2020-2021 school year using the survey instrument finalized on December 28, 2020, and then collect data for the 2022-2023 school year using a new survey. Instead, we ask that the Department forgo the collection of data during this current school year (2020-2021), begin the annual and universal administration of the CRDC in the 2021-2022 school year, and collect whatever data may be available to be submitted for the 2019-2020 school year.

**Begin the universal and annual collection of data in the 2021-2022 school year.**

Beginning the universal and annual collection of data in the 2021-2022 school year would provide critical information in the first full year of in-person learning. Corrections and improvements can also be made to the survey instrument that was finalized on December 28, 2020, to return to a survey that provides more useful information about students' educational opportunities and experiences.<sup>2</sup> In addition to revisiting the various questions, the Department should consider data disaggregation that better represent the diversity of our classrooms. One of the most important improvements made to CRDC in the last several years has been the move to a universal collection. The inclusion of all public schools – and importantly all children – is significant and should be preserved. The next important step is to move the data collection from bi-annual to annual. This shift would allow both better understanding of changes over time, as well as better represent each individual annual snapshot. Children spend a short period of time in school from preschool through 12th grade, so it is critically important that data be available for every year. The Department, educators, families, and advocates need access to regular, timely data in order to address issues and to intervene quickly so that no children lose access to educational opportunities. Moving the CRDC to an annual schedule will enhance the accuracy and timeliness of this critical tool for tracking potential civil rights violations and responding to discrimination and inequity in communities. Beginning the universal and annual collection of data in the 2021-2022 school year would also allow for corrections and improvements to be made to the survey instrument that was finalized on December 28, 2020.

**Forgo the collection of data for the 2020-2021 school year.**

Unlike in the 2019-2020 school year when school closures did not begin until March (allowing for seven months of in-person instruction and related data collection prior to closures), many schools have not yet opened for in-person instruction during this year and may remain closed in the weeks to come. For schools that opened in March of 2021 and that do not extend the school year into the summer, students will only have received in-person instruction for three months. A properly tailored data collection, with questions designed to address the predominantly online learning environment most students experienced in 2020-2021, could provide useful information for responding to future disasters that might disrupt in-person learning. Unfortunately, the previous administration did not make any adjustments to the CRDC's questions to account for the circumstances resulting from COVID – despite waiting until the middle of this school year to finalize the survey questions. And it is far too late now, with the school year nearly three-quarters over, to start providing guidance and clarifications for how to collect data to make it responsive to these unadjusted questions. Although we are loathed to lose data about any school year – especially one as consequential as this – we recognize that the Department of Education's Office for Civil

---

<sup>2</sup> Please refer, for example, to previously recommended data elements in the comment submitted by The Leadership Conference on Civil and Human Rights and 37 other organizations on August 6, 2020. Letter Re: Docket ID ED-2019-SCC-0119, Comments in Response to Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Mandatory Civil Rights Data Collection. <http://civilrightsdocs.info/pdf/policy/letters/2020/CRDCCComment080620SIGNED.pdf>

Rights' (OCR) resources are limited and that the value of data collected by CRDC during this largely virtual school year would be similarly limited. We believe the better course of action is to preserve the funds intended for this school year and to instead begin the universal and annual collection of data with the next school year, which we hope and expect will be fully in-person for all children.

**Collect voluntary data for the 2019-2020 school year.**

Although we recognize that the Department previously made the decision to cancel the scheduled 2019-2020 CRDC, we believe there is some value in requesting that districts and states voluntarily provide data that is still available to them (perhaps data already reported by the districts to their state), so as to fill the gap since the last time the survey was administered. The educational consequences of school closures and inequitable remote learning opportunities will impact students' educational experiences for years to come. Foregoing the collection and reporting of data showing the experiences of students in the previous school year, when in-person school closures in many communities began, would be a mistake. Data from the 2019-2020 school year, even if imperfect, would provide a better baseline for comparison than would the 2017-2018 collection released in October of 2020, which comprised data from three years before the pandemic began.

**Utilize the CRDC's user-friendly interface to make data available from other Department data sets.**

The CRDC is a unique government data collection survey because the information shared is much more publicly accessible and user-friendly to the community than other data sets and tools provided by the Department. The Department, educators, families, and advocates can easily access critical information and data presented in the CRDC by utilizing the user-friendly quick search tools and data analysis tools. However, other school- and district-level data, such as that included in the National Center for Education Statistics' (NCES') Common Core of Data and in EdFacts, are not as publicly accessible as the data presented in the CRDC. Integrating data systems across the Department so that students, families, and the community at large can access and interpret school, district, state, and national information about public schools in an accessible format is essential to ensuring equal educational opportunities. Such clarity would enable better understanding of students' educational opportunities and experiences. Populating data from other federal collections into the CRDC would provide for more information than is available now, without asking for any additional reporting by schools, districts, or states.

The civil and human rights community has relied on the CRDC since the collection began in 1968. We believe it is vitally important that we preserve and increase the scope, frequency, and public accessibility of the information so as to support the Department's work, and the work of others, in ensuring equal educational opportunity and compliance with federal law. The CRDC plays an important role in ensuring OCR takes its civil rights responsibilities seriously and provides schools with the tools they need to address disparities. Disaggregated data reported in the CRDC by race, ethnicity, native language, socioeconomic status, English learner status, disability status, disability type, and sex (including sexual orientation, gender identity, and pregnant or parenting status) help us to know about students' experiences in schools and whether all students have equal access to education. Effective data collection and dissemination are necessary for evaluation and review of all other programs and activities. Any plan that limits the scope, frequency, or public accessibility of the CRDC would hamper the ability of the Department to fulfill its legal obligations and undermine our shared interest in the best education for every child.

As organizations committed to the fair and appropriate treatment of all children in all settings, we continue to press for changes to policy and practice – and for the critical data that make systemic change possible. A comprehensive, timely, reliable, and accessible CRDC is essential to ensuring equal

educational opportunity and compliance with nondiscrimination laws. Our children deserve no less. Thank you for your consideration of our views. We hope to have the opportunity to meet with you to discuss the concerns and recommendations included in this letter. If you have any questions or need additional information, please contact Steven Almazan, K12 Education Program Analyst at The Leadership Conference on Civil and Human Rights, at [almazan@civilrights.org](mailto:almazan@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
American Association of University Women (AAUW)  
American Atheists  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Center for Law and Social Policy (CLASP)  
Center for Learner Equity  
Clearinghouse on Women's Issues  
Committee for Children  
Council of Parent Attorneys and Advocates  
Education Law Center - PA  
Feminist Majority Foundation  
Girls Inc.  
GLSEN  
Hispanic Federation  
IDRA (Intercultural Development Research Association)  
Lambda Legal  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
National Alliance for Partnerships in Equity (NAPE)  
National Black Justice Coalition  
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)  
National Center for Youth Law  
National Disability Rights Network (NDRN)  
National Education Association  
National Women's Law Center  
Poverty & Race Research Action Council  
Southeast Asia Resource Action Center (SEARAC)  
The Center for Civil Rights Remedies at UCLA's Civil Rights Project  
UnidosUS  
YWCA USA