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Information Collection Clearance Program
Office of the Chief Information Officer
U.S. Department of Education
550 12th Street SW, PCP, Room 9089
Washington, DC 20202-0023.

RE: Docket No. ED-2019-ICCD-0119, Comments on Mandatory Civil Rights Data Collection

The Division for Early Childhood (DEC) of the Council for Exceptional Children appreciates the opportunity to submit the following comments in response to opportunity to the proposed changes to the Office of Civil Rights (OCR) Mandatory Civil Rights Data Collection (CRDC) for FY 2019-2020. DEC is the largest membership organization focused solely on the development and education of young children (ages birth–8) with or at risk for disabilities and other special needs and their families.

DEC supports the collection and use of high-quality data to inform state and local continual improvement to support the provision of evidenced-based practice to enhance outcomes for children and their families. Only with the availability of high-quality data can we continue to improve services and supports for young children. We take this opportunity to strongly encourage the Department to *NOT* reduce the scope of the OCR data collection related to young children and their families. These data are key to the nation’s work toward ensuring equity, reducing discrimination and enforcing civil rights laws. Emphases on the collection and use of high-quality early childhood data is consistent with and critical to the success of the Preschool Development Grant B-5 Program (PDG-B-5). These efforts all work together toward ensuring children’s successful outcomes in the early childhood years and later in school.

Specifically, under the **Discipline** section, DEC opposes the proposal to combine questions on the number of preschool students who received one out-of-school suspension and those who receive more than one out-of-school suspension. There is value in being able to distinguish between preschools with single incidences of out-of-school suspensions and those with higher rates. Combining pre-school suspension for one day with more than one day eliminates the information that may be used to determine cause of suspension for high rate LEAs. Eliminating the requirement to disaggregate students ages 3-5 as proposed under Early Childhood Education

will also make it impossible to analyze discipline data for this group of students, thus we oppose that change as well.

DEC continues to be extremely concerned about the discipline data for preschoolers. These reported data document a shocking use of suspension and expulsion for young children, including a totally unacceptable disproportionate use according to race/ethnicity and gender. Despite this, we must note that these data are significantly underestimated for several reasons. These data only include children served in public education programs, leaving out many preschoolers served in private community-based early care and learning programs.

In addition, there is a lack of consistent definitions of the terms suspension and expulsion by entities serving young children. DEC continues to hear a significant number of stories from families across the country whose early care and learning program will call them to remove their child in the middle of the program day, keep their child home for a period of time, or exclude the child from the program. Reasons given may be the child is tired, not getting along with their peers, or not able to handle the program hours or days. These instances clearly limit or eliminate a child's learning opportunities but rarely if ever are considered "suspension" or "expulsion" and do not provide the family procedural safeguards or parental rights.

We strongly recommend that OCR/ED confer with the OCR within Health and Human Services as well as with programs under the Administration for Children and Families to determine how valid and reliable data can be collected across all early learning and care programs to provide an accurate data profile of the actual use of suspension and expulsion with young children. Only then will it be possible to use these data to make critically needed improvements in evidence-based practices at the local level.

Under the **Early Childhood** section, DEC opposes the proposal to remove questions on whether local education agencies (LEAs) early childhood and preschool programs serve all young children; select program characteristics (free, partial/full day, partial/full charge); and disaggregation by race, sex, disability-IDEA, EL from the question on the number of students ages 3-5 years enrolled in preschool.

Information about the costs and availability of preschool for children is important so that information can be used to determine resource equity and the availability of inclusion options for children with disabilities. Similarly, day length is also essential to that analysis as many young children with disabilities require full day preschool to meet their needs. In addition, we recommend that these child count collections also include reporting by each year of the child's age (e.g., birth-one, one-two, two-three, three-four, four-five and kindergarten). This additional level of detail is essential for planning for improvement at the state and local level.

Thank you for the opportunity to submit comments on this important matter. DEC is available to provide additional information at your request. Feel free to contact us if we may be of further assistance.

Sincerely,
Peggy Kemp, DEC Executive Director