



January 26, 2018

Stephanie Valentine,
Acting Director, Information Collection Clearance Division
U.S. Department of Education
400 Maryland Ave., SW 20202

RE: ED-2017-ICCD-0132

Dear Ms. Valentine,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 22 undersigned organizations, we offer the following comments in response to the notice published in the Federal Register on December 27, 2017 regarding information collection for the DC School Choice Incentive Program. The collection of accurate, comprehensive data by the federal government is central to implementing, monitoring, and evaluating a vast range of civil rights laws and policies, including education programs. For these reasons, the civil and human rights community has long supported the collection and analysis of data by federal agencies as it is central to implementing and enforcing civil rights laws, implementing and improving education programs, and facilitating a better understanding of barriers to social and economic opportunity for diverse communities throughout the country.

The DC School Choice Incentive Program is federally funded, not privately funded by individuals nor funded by local taxes raised from the residents of the District of Columbia, creating specific obligations regarding oversight generally and nondiscrimination specifically. Since 1964, Congress has prohibited federal funding for schools that discriminate based on race, color, or national origin; since 1972 for schools that discriminate based on sex; and since 1973 for schools that discriminate based on disability. Federal funds should not flow to schools that violate these laws and discriminate against children.

We support the U.S. Department of Education (ED) in collecting statutorily-required data elements collected for program evaluation, and also urge ED to also collect additional information using the authority granted the Secretary under P.L. 115-31 to assess the experiences of students and their families seeking to use or currently using a voucher under this program and/or seeking an education while enrolled in a school under this program. In addition to comparable disaggregated student achievement data, cohort graduation rate data, and data about the satisfaction of students and their parents with their schools, data about the experiences of students who are LGBTQ, English learners, or students with disabilities (for example) will allow for a more complete measure of this program.

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Women & Families

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National Organization for Women

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International Union, UAW

John C. Yang

Asian Americans Advancing Justice |

AAJC

Policy and Enforcement

Committee Chair

Michael Lieberman

Anti-Defamation League

President & CEO

Vanita Gupta

Specifically, ED should evaluate which criteria are used by voucher-receiving schools to make enrollment decisions, including how often students are denied admission, or admitted, because of their sex (including sexual orientation or gender identity); race, color, or national origin (including their English proficiency or immigration status); disability (including disability type); or religion. ED should also evaluate:

- how often students leave their schools due to bullying, harassment, or hostility based on the student characteristics above or because they did not have access to the services required under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973;
- disaggregated disciplinary records, data about the use of seclusion and restraint, and other data comparable to that available for all public schools through the Civil Rights Data Collection;
- the use of single sex classrooms and other methods of segregating students from one another based on the categories of race, national origin, sex, or disability;
- how students with disabilities and English learners are identified and what supports, services, and accommodations are provided to enable those students equal access to the educational program;
- the share of students with low-incidence disabilities;
- whether information is made available to families in a language that parents understand, including in languages other than English and in ways accessible to parents with disabilities;
- what information is provided to students and their families about their right to be free from discrimination and specifically the rights and remedies available to children with disabilities who had Individualized Education Programs (IEPs) or 504 plans while they attended a public school, and how that information is provided.

ED's investigation of the ways in which student demographic characteristics are used to exclude students from schools should include school promotional materials, in addition to decisions about individual students and their individual backgrounds. A school mission statement or description of available programs, for example, could be written in a way to discourage LGBTQ students or students with disabilities from even attempting to enroll.

This public information will assist families, policymakers, and advocates in making informed decisions about how best to ensure all students have equal access to a high-quality education free from discrimination. Students deserve, and the law requires, a Department of Education that is working to protect all students from discrimination and to provide for equal educational opportunity. If you have any questions, please contact Leadership Conference Director of Education Policy Liz King at king@civilrights.org or 202.466.0087.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Association of University Women (AAUW)
American Federation of State, County, and Municipal Employees (AFSCME)
American Federation of Teachers
Anti-Defamation League
Autism Society of America

Judge David L Bazelon Center for Mental Health Law
Children's Defense Fund
Clearinghouse on Women's Issues
Council of Parent Attorneys and Advocates
Disability Rights Education & Defense Fund
Education Law Center - PA
Feminist Majority Foundation
GLSEN
Human Rights Campaign
National Disability Rights Network
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Center for Transgender Equality
National Council of Jewish Women
National Down Syndrome Congress
National Education Association
National Women's Law Center