

Note: The 60-day comment period notice for this proposed Information Collection Request (ICR) package has been sent to the Office of the Federal Register and is scheduled for publication by November 19, 2021, at www.regulations.gov. The Department is only soliciting comment at this time and the ICR will not be approved for use until the Office of Management and Budget (OMB) completes its review with a current OMB control number and new expiration date.

DEPARTMENT OF EDUCATION

Docket No.: [will be provided]

Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection

AGENCY: Department of Education (ED), OCR

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision to an existing information collection, the Civil Rights Data Collection (CRDC).

DATES: Interested persons are invited to submit comments on or before [insert the 60th day after publication of this notice].

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2021-ICCD-XXXX. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 22-482, Washington, DC 20202-4537.

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FOR FURTHER INFORMATION CONTACT: For specific questions related to the collection activities, please contact Rosa Olmeda at Rosa.Olmeda@ed.gov.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Mandatory Civil Rights Data Collection

OMB Control Number: 1870-0504

Type of Review: A revision of an existing information collection

Respondents / Affected Public: State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 17,884

Total Estimated Number of Annual Burden Hours: 2,165,918

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Abstract: The collection, use, and reporting of education data is an integral component of the mission of the U.S. Department of Education (ED). ED has collected civil rights data about the nation's public schools via the Civil Rights Data Collection (CRDC) since 1968. For school years 2009–10 and 2011–12, the Office of Management and Budget (OMB) approved the CRDC part of the ED Facts information collection (1875-0240). ED Facts, an ED initiative to put performance data at the center of ED's policy, management, and budget decision-making processes for all preschool-grade 12 education programs, has transformed the way in which ED collects and uses data. For school years 2013–14, 2015–16, 2017–18, and 2020–21, the Office for Civil Rights (OCR) cleared the CRDC as a separate collection from ED Facts while maintaining its transformative data collection policies and practices. As with previous CRDC collections, the purpose of the 2021–22 CRDC is to obtain vital data related to the civil rights laws' requirement that public local educational agencies (LEAs) and elementary and secondary schools provide equal educational opportunity. ED has analyzed the uses of many data elements collected in the 2015–16 and 2017–18 CRDCs and sought advice from experts across ED to refine, improve, and where appropriate, add or remove data elements from the collection. ED also made the CRDC data definitions and metrics consistent with other mandatory collections across ED wherever possible. ED seeks OMB approval under the Paperwork Reduction Act to collect from LEAs the elementary and secondary education data described in the sections of Attachment A. In addition to reviewing and commenting on the proposed changes (detailed in Supporting Statement A and Attachments A-1, A-2, A-3, and A-4), ED requests that LEAs and other stakeholders respond to the directed questions found in Attachment A-5.

Dated:

Stephanie Valentine, Acting Director
Information Collection Clearance Division

Tracking and OMB Number: (XXXX.XX) 1870-0504

DRAFT PENDING OMB APPROVAL

Revised: XX/XX/XXXX

RIN Number: XXXX-XXXX (if applicable)

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Office of the Chief Privacy Officer, Office of Planning,
Evaluation and Policy Development

[BILLING CODE 4000-01-P]

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PAPERWORK REDUCTION ACT SUBMISSION

Mandatory Civil Rights Data Collection November 2021

SUPPORTING STATEMENT, PART A: JUSTIFICATION

Note: The 60-day comment period notice for this proposed Information Collection Request (ICR) package has been sent to the Office of the Federal Register and is scheduled for publication by November 19, 2021, at www.regulations.gov. The Department is only soliciting comment at this time and the ICR will not be approved for use until the Office of Management and Budget (OMB) completes its review with a current OMB control number and new expiration date.

The Civil Rights Data Collection (CRDC) is a longstanding aspect of the overall enforcement and monitoring strategy used by the U.S. Department of Education's (ED) Office for Civil Rights (OCR) to ensure that recipients of ED's Federal financial assistance do not discriminate on the bases of race, color, national origin, sex, and disability. OCR uses CRDC data as it investigates complaints alleging discrimination to determine whether the federal civil rights laws it enforces have been violated, initiates proactive compliance reviews to identify particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents, students, and others. In this Supporting Statement, Part A: Justification, ED provides a summary of previous civil rights data collections and a detailed description of and justification for proposed new, restored, revised, and retired civil rights data collected for the 2021–22 school year.

ED has collected civil rights data from the nation's public schools on a biennial basis since 1968. The CRDC includes data and information on student enrollment, course offerings and school characteristics and climate factors. For many years, the collection operated as the Elementary and Secondary School Civil Rights Compliance Report (approved by OMB as control # 1870-0500). ED administered the 2004, 2006, 2009–10, and 2011–12 CRDC primarily on-line through a survey tool in partnership with *EDFacts*. As such, OMB approved these four data collections as part of the *EDFacts* information collection package (OMB control # 1875-0240). Since the 2011–12 CRDC, ED has collected data from a universe of all public schools and school districts, including juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities. The 1976 and 2000 collections were also universe collections. Other collections were from a sample of school districts.

Over the years, OCR has changed the data collected by the CRDC after considering feedback from school administrators and other stakeholders. For the 2013–14 CRDC and 2015–16 CRDC, OCR submitted an information collection request (ICR) package, which OMB approved under control # 1870-0504. This package included data elements that OCR proposed as mandatory for the 2013–14 CRDC (e.g., whether the school's preschool program served non-IDEA students, by age; the count of students who participated in credit recovery programs), as well as data elements proposed as optional for the 2013–14 CRDC, and mandatory for the 2015–16 CRDC (e.g., the number of current teachers employed at the school, and the number of teachers also employed at the school in the prior year). OMB approved the ICR package in February 2014. Based on feedback received from CRDC respondents, OCR submitted a subsequent ICR package to propose changes to a few 2015–16 CRDC data elements. OMB approved the changes in December 2015.

For the 2017–18 CRDC, OCR submitted an ICR package that OMB approved under OMB control # 1870-0504, in October 2017. The package included data elements that were mostly identical to those found in the 2015–16 CRDC.

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For the 2020–21 CRDC, OCR’s ICR package included new data elements that were optional and data elements that were retired or removed. A few data elements that were included as optional for the 2017–18 CRDC, became required for the 2020–21 CRDC.

As in previous years, after receiving stakeholder feedback, OCR is proposing some changes for the 2021–22 CRDC, including the restoration of data elements previously retired that will allow ED to identify and address any inequities in students’ access to educational opportunities. OCR also proposes the addition of new optional and required data elements as well as revisions to data elements to improve the accuracy of data submitted by schools and school districts. The proposed additions are reflective of new data elements that OCR considers to be of pressing concern, such as the extent to which schools provide virtual instruction to students during the COVID-19 pandemic. OCR believes these are areas where additional data are needed to better inform both civil rights enforcement and the provision of technical assistance.

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

Section 203(c)(1) of the 1979 Department of Education Organization Act conveys to the Assistant Secretary for Civil Rights the authority to “collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights.” *See* 20 U.S.C. § 3413(c)(1).

The civil rights laws enforced by OCR for which the CRDC collects data include: Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, including sexual orientation and gender identity; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability. OCR’s implementing regulations for each of these statutes require recipients of ED’s Federal financial assistance to submit to OCR “complete and accurate compliance reports at such times, and in such form and containing such information” as OCR “may determine to be necessary to enable [OCR] to ascertain whether the recipient has complied or is complying” with these laws and implementing regulations. *See*, 34 C.F.R. § 100.6(b), 34 C.F.R. § 106.71, and 34 C.F.R. § 104.61. In addition, pursuant to a delegation by the Attorney General of the United States, OCR shares in the enforcement of Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination based on

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disability. Any data collection that OCR has determined to be necessary to ascertain or ensure compliance with these laws is mandatory.

Additionally, Section 1111(h)(1)(c)(viii) of the Elementary and Secondary Education Act (ESEA), as amended in 2015 by the Every Student Succeeds Act, requires state educational agencies (SEAs) and local educational agencies (LEAs) that receive Title I funds under the ESEA to include in their state and local report cards certain CRDC data. This obligation became effective on December 31, 2018 for the 2017–18 school year. Specifically, when collected by the CRDC, the ESEA requires that the report cards include information on measures of school quality, climate, and safety, such as information on the following:

- In-school suspensions;
- Out-of-school suspensions;
- Expulsions;
- School-related arrests;
- Referrals to law enforcement;
- Chronic absenteeism, including both excused and unexcused absences; and
- Incidents of violence, including harassment or bullying.

Also the report cards must include the number and percentage of students enrolled in preschool programs and accelerated coursework to earn postsecondary credit while still in high school for all students and each student subgroup. OCR has historically collected these data through the CRDC. This information must be reported at the SEA, LEA, and school levels.

OCR also works with ED offices to help them effectively carry out programs of Federal financial assistance that the Secretary of Education is responsible for administering. *See generally*, Sections 201, 202(g), 411(a), and 412 of the Department of Education Organization Act (20 U.S.C. §§ 3411, 3412(g), 3471(a), and 3472). Separately, OCR works with ED's Office of Elementary and Secondary Education (OESE), which is responsible for administering the provisions of the ESEA. In addition, Section 9534 of the ESEA (20 U.S.C. § 7914) prohibits discrimination in funded programs on the basis of race, color, religion, sex (except as otherwise permitted under Title IX), national origin, or disability.

OCR has examined the use of data collected for the 2017–18 CRDC collection, and has considered feedback from other ED offices, school administrators, teachers, and nonprofit education advocacy organizations, in preparing this proposal for changes for the 2021–22 CRDC. A summary of the proposed changes is below.

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A. Restoration of Key Data Elements

OCR proposes to restore certain data elements removed by the previous administration that have long been valued for their illumination of disparities and inequities. The data elements include the following:

- Early Childhood, Preschool, and Kindergarten
 - Indication of whether the LEA provided early childhood services or programs, in either LEA- or non-LEA facilities, to non-IDEA children age birth to 2 years [*see*, Attachment A-2, page 38 (Data Group 926)];
 - Indication of whether the LEA's preschool services or programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge [*see*, Attachment A-2, page 72 (Data Group 954)];
 - Indication of whether the LEA's preschool services or programs, in either LEA- or non-LEA facilities, were being offered to: all children; IDEA children; children in Title I schools; low-income children [*see*, Attachment A-2, page 73 (Data Group 955)]; and
 - Indication of whether the LEA's kindergarten programs were: full-day and no charge; full day and partial/full charge; part-day and no charge; part-day and partial/full charge [*see*, Attachment A-2, page 61 (Data Group 944)].
- Credit Recovery Programs and Advanced Placement (AP) Courses
 - Number of students in credit recovery program [*see*, Attachment A-2, page 29 (Data Group 992)]; and
 - Number of students enrolled in at least one AP course in other subject areas [*see*, Attachment A-2, page 10 (Data Group 900); *see also*, Attachment A-3, page 38 (Data Category: Subject Area (Advanced Placement))].
- Teachers
 - Number of FTE teachers with the specified length of experience (first year teacher; second year teacher) [*see*, Attachment A-2, page 111 (Data Group 985); *see also*, Attachment A-3, page 40 (Data Category: Teaching Experience)];

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- Number of FTE teachers absent more than 10 school days [*see*, Attachment A-2, page 98 (Data Group 983)]; and
- Number of teachers employed at the school during both the previous and current school years [*see*, Attachment A-2, page 109 (Data Group 1040)].

B. Restoration and Revision of Key Data Elements

OCR proposes to restore and revise certain data elements removed by the previous administration that have been useful to both OCR and ED for several CRDC cycles in identifying disparities and inequities in students' access to educational programs and activities. Specifically, OCR proposes restoring the preschool data element inquiring whether an LEA or school provides preschool services or programs to non-IDEA children and combining ages 4 and 5 into one group. OCR proposes to combine these ages because compared to 3-year-old children, 4- and 5-year-old children tend to engage in kindergarten readiness activities that involve higher-order learning and more structured skill building.

OCR also proposes to restore the data elements on the number of preschool children who received one out-of-school suspension and the number of preschool children who received more than one out-of-school suspension. OCR will retire the 2020–21 data element that combines the two elements by requesting the number of preschool children who receive one or more out-of-school suspensions. Additionally, OCR recommends expanding the disaggregation of preschool discipline item to include students with disabilities who receive services under Section 504 only. OCR proposes to restore the collection of enrollment data for English Learner students in English language instruction educational programs, and collect these data by sex and IDEA student status. OCR also proposes to restore the count of teachers employed at the school during the current school year data element, and to begin collecting these data by race/ethnicity and sex.

- Preschool
 - Indication of whether the LEA was providing preschool services or programs, in either LEA- or non-LEA facilities, to non-IDEA children, by age 3, 4-5 [*see*, Attachment A-2, page 72 (Data Group 953)];
 - Indication of whether the school was providing preschool services or programs to non-IDEA children, by age 3, 4-5 [*see*, Attachment A-2, page 72 (Data Group 953)]; and
 - Number of preschool children who were disciplined during the school year (one out-of-school suspension; more than one out-of-school suspension) [*see*, Attachment A-2, page 33 (Data Group 921); *see also*, Attachment A-3, page 18 (Data Category: Discipline Method (Preschool))].
- Teachers

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- Number of teachers employed at the school during the current school year [*see*, Attachment A-2, page 108 (Data Group 1003); *see also*, Attachment A-3, page 35 (Data Category: Sex (Membership))].
- EL Students
 - Number of EL students enrolled in English language instruction educational programs [*see*, Attachment A-2, page 39 (Data Group 947); *see also*, Attachment A-3, page 12 (Data Category: Disability Status (IDEA))].

C. Revised Data Elements

OCR proposes to revise certain data elements to be able to better enforce civil rights laws and monitor how schools are meeting their responsibilities to provide equal educational opportunities to students.

For the collection of counts of students (ages 2, 3, 4, and 5) served in preschool programs by the LEA, OCR proposes to combine the 2-year-old and the 3-year-old categories. The 2-year-old category collects data for children who are 2 years of age and will turn 3 years of age during the school year. OCR also proposes to expand the collection of preschool children enrollment counts to include disaggregated data by sex and students with disabilities who receive Section 504 only.

For the data elements involving preschool to grade 12 student enrollment counts, counts of students served under IDEA, counts of students served under Section 504 only, counts of EL students, and counts of EL students in EL programs, OCR proposes to change the grade span required for the collection of these data from preschool to grade 12 to K to grade 12. OCR proposes to create a new separate collection of enrollment counts of preschool students. The new proposed preschool data elements are presented in section H below. Also, for the data element on the number of preschool students who received an expulsion and those who received corporal punishment, OCR proposes to expand the disaggregation categories to include Section 504 only.

For mechanical restraint, physical restraint, and seclusion, OCR proposes revised definitions. A U.S. Government Accountability Office report recommended that OCR refine and clarify for the CRDC its definitions for restraint and seclusion. OCR's proposed revised definitions are informed by extensive stakeholder engagement, including listening sessions with school administrators, teachers, non-profit education advocacy organizations, and other stakeholders who provided feedback on the current definitions. The revised mechanical restraint, physical restraint, and seclusion definitions will allow OCR to collect more accurate data regarding the use of restraint and seclusion on students nationwide. The proposed revised definitions are below.

The impacted data elements are included in the following:

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- **Preschool Enrollment**
 - Number of students served by the LEA in preschool programs (disaggregated by age 3 years; 4 years; 5 years) [*see*, Attachment A-2, page 75 (Data Group 957); *see also*, Attachment A-3, page 6 (Data Category: Age (Preschool))]; and
 - Number of students enrolled in the school's preschool program [*see*, Attachment A-2, page 74 (Data Group 956); *see also*, Attachment A-3, page 13 (Data Category: Disability Status (Section 504 Only))].

- **Student Enrollment**
 - Number of students enrolled in school [*see*, Attachment A-2, page 8 (Data Group 979); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students served under IDEA [*see*, Attachment A-2, page 92 (Data Group 980); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students served only under Section 504 of the Rehabilitation Act [*see*, Attachment A-2, page 93 (Data Group 981); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students enrolled in school who are ELs [*see*, Attachment A-2, page 38 (Data Group 946); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)]; and
 - Number of EL students enrolled in English language instruction educational programs [*see*, Attachment A-2, page 39 (Data Group 947); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)].

- **Preschool Discipline**
 - Number of preschool children who were disciplined during the school year [*see*, Attachment A-2, page 33 (Data Group 921); *see also*, Attachment A-3, page 13 (Data Category: Disability Status (Section 504 Only))].

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- Restraint and Seclusion Definition
 - *Mechanical restraint* refers to the use of any device or equipment to restrict a student's freedom of movement. The term includes the use of handcuffs or similar devices by sworn law enforcement or other school security to prevent a student from moving the student's arms. The term does not include devices used by trained school personnel or a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
 - Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - Restraints for medical immobilization; or
 - Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
 - *Physical restraint* refers to a personal restriction, imposed by a school staff member or other individual, that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort includes a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing a student to walk to a safe location, when the contact does not continue after arriving at the safe location. Physical escorting that involves methods utilized to maintain control of a student should be considered a physical restraint.
 - *Seclusion* refers to the involuntary confinement of a student in a room or area, with or without adult supervision, from which the student is not permitted to leave. Students who believe or are told by a school staff member that they are not able to leave a room or area, should be considered secluded. The term does not include a behavior management technique that is part of an approved program, which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave. Seclusion does not include placing a student in a separate location within a classroom with others or with an instructor where that student continues to receive instruction, is free to leave the location, and believes they can leave the location.

D. New Data Elements

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OCR proposes the addition of new data elements that are designed to identify possible barriers to equity and nondiscriminatory access to education. The data will inform OCR's policy development and enforcement efforts and will allow ED to assess the initial impacts of the substantial increase in federal funding to LEAs and schools to ensure students received equitable access to instruction and other activities during the COVID-19 pandemic.

For the 2020–21 CRDC, in which schools will begin submitting data in December 2021, OCR added directional indicators to the school survey relating to virtual, hybrid, and in-person instruction due to COVID-19. OCR proposes that the 2021–22 CRDC add two new COVID-19-related items that collect the amount of virtual instruction that students received per day and the percentage of students who received virtual instruction. The COVID-19-related data are essential to understanding how the ongoing pandemic has affected students' access to education and the efforts by educators nationwide to meet the needs of students in public schools. The data would also enable us to understand disparities in the occurrence of pandemic-related remote learning.

OCR proposes to add a nonbinary sex category for the 2021–22 CRDC that will capture data regarding nonbinary students. Only LEAs that indicate that they collect this information from students would be required to report student enrollment data for nonbinary students. The inclusion of a nonbinary sex category would allow OCR to capture data that would provide a greater understanding of the experiences of nonbinary students and would help to further OCR's mission to enforce Title IX's prohibition on discrimination on the basis of sex, which includes discrimination based on sexual orientation and gender identity. Nonbinary would be defined as students who do not identify exclusively as male or female. The definition would not refer to transgender students who identify exclusively as either male or female. The reporting of other data for nonbinary students (e.g., participation in certain classes; suspensions; experience of harassment or bullying) would be optional for the 2021–22 CRDC, and mandatory for future collections.

Also, OCR proposes to collect full-time equivalent (FTE) counts of teachers certified to teach in mathematics, science, special education, and English as a second language to bolster the collection of universe data on teachers because the information is not currently being collected for all schools and school districts.

For schools that provided virtual instruction, OCR proposes to add the collection of data on the number of students who needed Wi-Fi enabled devices for virtual learning; the number of students who received Wi-Fi enabled devices for virtual learning; the number of students who needed a Wi-Fi hotspot for virtual learning; and the number of students who received a Wi-Fi hotspot for virtual learning.

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OCR also proposes to add data elements to collect the number of all students in grades 9-12 who participated on interscholastic athletic sports teams; the number of data science classes taught to students in grades 9-12; the number of students in grades 9-12 enrolled in data science courses; the number of documented incidents of school shootings, regardless of whether anyone was hurt; and the number of documented incidents of homicides that occurred at the school.

OCR proposes to collect additional information focused on harassment or bullying in schools. Specifically, OCR plans to: collect information on whether the LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of: sexual orientation, gender identity, or religion; request that LEAs provide a weblink to the written policy or policies prohibiting discriminatory harassment or bullying of students on the basis of sexual orientation, gender identity, or religion; and collect data on the number of harassment or bullying allegations reported by students on the basis of gender identity.

The proposed data elements follow:

- COVID-related Data Elements

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- Virtual instruction provided by teachers [*see*, Attachment A-2, page 114 (Data Group 1041)]; and
- Virtual instruction received by students [*see*, Attachment A-2, page 114 (Data Group 1042)].
- Nonbinary Option in Addition to Male/Female Categories
 - Number of students enrolled in school [*see*, Attachment A-2, page 8 (Data Group 979); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students served under IDEA [*see*, Attachment A-2, page 92 (Data Group 980); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students served only under Section 504 of the Rehabilitation Act [*see*, Attachment A-2, page 93 (Data Group 981); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students enrolled in school who are ELs [*see*, Attachment A-2, page 38 (Data Group 946); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of EL students enrolled in English language instruction educational programs [*see*, Attachment A-2, page 39 (Data Group 947); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students enrolled in gifted/talented programs [*see*, Attachment A-2, page 42 (Data Group 931); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
 - Number of students who participated on interscholastic athletic sports teams [*see*, Attachment A-2, page 53 (Data Group 1036); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
 - Number of students in grades 7-8 enrolled in Algebra I [*see*, Attachment A-2, page 18 (Data Group 908); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
 - Number of students in high school enrolled in Algebra I [*see*, Attachment A-2, page 19 (Data Group 909); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
 - Number of students in grades 7-8 who passed Algebra I [*see*, Attachment A-2, page 21 (Data Group 911); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];

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- Number of students in high school who passed Algebra I [*see*, Attachment A-2, page 22 (Data Group 912); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in science classes [*see*, Attachment A-2, page 89 (Data Group 974); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in mathematics classes [*see*, Attachment A-2, page 66 (Data Group 951); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in computer science classes [*see*, Attachment A-2, page 27 (Data Group 1013); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in data science classes [*see*, Attachment A-2, page 31 (Data Group 1031); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in an AP course [*see*, Attachment A-2, page 11 (Data Group 901); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in an AP course, by subject area [*see*, Attachment A-2, page 10 (Data Group 900); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in the International Baccalaureate Diploma Programme [*see*, Attachment A-2, page 52 (Data Group 936); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in a distance education course [*see*, Attachment A-2, page 36 (Data Group 993); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students enrolled in a dual enrollment/dual credit program [*see*, Attachment A-2, page 37 (Data Group 994); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students who participated in the SAT and/or ACT [*see*, Attachment A-2, page 80 (Data Group 964); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students who participated in a high school equivalency exam preparation program [*see*, Attachment A-2, page 51 (Data Group 929); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];

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- Number of students who were retained, by grade level [*see*, Attachment A-2, page 79 (Data Group 963); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students with disabilities who were disciplined, by discipline method [*see*, Attachment A-2, page 34 (Data Group 922); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of students without disabilities who were disciplined, by discipline method [*see*, Attachment A-2, page 35 (Data Group 923); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];
- Number of school days missed by students who received an out-of-school suspension [*see*, Attachment A-2, page 84 (Data Group 966); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)];

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- Number of students disciplined for harassment or bullying [*see*, Attachment A-2, page 49 (Data Group 934); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
- Number of students reported as harassed or bullied [*see*, Attachment A-2, page 50 (Data Group 935); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)];
- Number of students served under IDEA subjected to restraint or seclusion [*see*, Attachment A-2, page 76 (Data Group 959); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)]; and
- Number of non-IDEA students subjected to restraint or seclusion [*see*, Attachment A-2, page 77 (Data Group 960); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Expanded)].
- **Preschool Enrollment**
 - Number of students enrolled in preschool who are ELs [*see*, Attachment A-2, page 39 (Data Group 1032); *see also*, Attachment A-3, page 35 (Data Category: Sex (Membership))];
 - Number of EL preschool students enrolled in English language instruction educational programs [*see*, Attachment A-2, page 40 (Data Group 1033); *see also*, Attachment A-3, page 35 (Data Category: Sex (Membership))];
 - Number of preschool students served under IDEA [*see*, Attachment A-2, page 93 (Data Group 1037); *see also*, Attachment A-3, page 35 (Data Category: Sex (Membership))]; and
 - Number of preschool students served only under Section 504 of the Rehabilitation Act [*see*, Attachment A-2, page 94 (Data Group 1038); *see also*, Attachment A-3, page 35 (Data Category: Sex (Membership))].
- **Preschool Discipline**
 - Number of instances of corporal punishment that preschool students received (disaggregated by preschool students without disabilities, preschool students with disabilities-IDEA and Section 504 only) [*see*, Attachment A-2, page 28 (Data Group 1010); *see also*, Attachment A-3, page 28 (Data Category: Preschool (Corporal Punishment))]; and
 - Number of instances of out-of-school suspensions that preschool students received (disaggregated by preschool students without disabilities, preschool students with disabilities-Section 504 only) [*see*, Attachment A-2, page 97 (Data Group 1008); *see also*, Attachment A-3, page 29 (Data Category: Preschool (Suspension))].

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- Courses and Classes
 - Number of data science classes [*see*, Attachment A-2, page 30 (Data Group 1030)]; and
 - Number of students enrolled in data science classes [*see*, Attachment A-2, page 31 (Data Group 1031); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)].
- Interscholastic Athletics
 - Number of students who participated on interscholastic athletic sports teams [*see*, Attachment A-2, page 53 (Data Group 1036); *see also*, Attachment A-3, page 37 (Data Category: Sex (Membership)—Extended)].
- Harassment or Bullying
 - Whether an LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of sexual orientation; gender identity; or religion [*see*, Attachment A-2, page 44 (Data Group 1034)];
 - Weblink to written policy or policies prohibiting discriminatory harassment or bullying of students on the basis of sexual orientation; gender identity; or religion [*see*, Attachment A-2, page 46 (Data Group 1035)]; and
 - Number of harassment or bullying allegations reported by students on the basis of gender identity [*see*, Attachment A-2, page 47 (Data Group 933); *see also*, Attachment A-3, page 9 (Data Category: Civil Rights Category (Allegations))].
- Offenses
 - Number of incidents of offenses of school shootings and homicides [*see*, Attachment A-2, page 67 (Data Group 952); *see also*, Attachment A-3, page 26 (Data Category: Offense Type)].
- Teachers
 - Number of teachers certified in specified areas (mathematics; science; English as a Second Language; or special education) [*see*, Attachment A-2, page 100 (Data Group 1039); *see also*, Attachment A-3, page 7 (Data Category: Certification Areas)].
- Wi-fi Enabled Devices and Hotspots
 - Number of students who needed Wi-Fi enabled devices for virtual learning [*see*, Attachment A-2, page 115 (Data Group 1043)];

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- Number of students who received Wi-Fi enabled devices for virtual learning [*see*, Attachment A-2, page 115 (Data Group 1044)];
- Number of students who needed a Wi-Fi hotspot for virtual learning [*see*, Attachment A-2, page 115 (Data Group 1045)]; and
- Number of students who received a Wi-Fi hotspot for virtual learning [*see*, Attachment A-2, page 115 (Data Group 1046)].

E. Retired Data Elements and Burden Reduction

To reduce the reporting burden on schools and school districts, OCR proposes retiring data elements on certain offenses, interscholastic athletics, and courses and classes for the reasons presented below.

- Offenses – Sexual Harassment and School Shootings

OCR proposes retiring data elements related to incidents of sexual harassment by school staff members disaggregated by determination of responsibility and employment consequences for accused staff members (resignation, reassignment, etc.). However, OCR will continue to collect data on the number of documented incidents of offenses that occur at the school, including the number of documented incidents of sexual assault committed by students and staff.

Additionally, OCR proposes to retire data elements that collect information on whether there were any incidents at the school that involved shootings and homicides. However, as described above, OCR proposes to revise the data element that collects information on the number of certain offenses by including the number of incidents of school shootings and homicides. Doing so will allow OCR to collect more detailed information about these offenses at our nation's schools.

In summary, OCR proposes to retire the following data elements:

- Whether any of the school's students, faculty, or staff died as a result of a homicide committed at the school [*see*, Attachment A-2, page 32 (Data Group 919)];
- Whether there has been at least one incident at the school that involved a shooting [*see*, Attachment A-2, page 40 (Data Group 927)];
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination [*see*, Attachment A-2, page 70 (Data Group 1026)];
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a determination

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that the school staff member was responsible or not responsible for the offense [*see*, Attachment A-2, page 70 (Data Group 1027)];

- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which had a determination that remained pending [*see*, Attachment A-2, page 71 (Data Group 1028)]; and
- Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination [*see*, Attachment A-2, page 71 (Data Group 1029)].

- Interscholastic Athletics

OCR proposes to retire the data elements related to single-sex interscholastic athletics to reduce the reporting burden on schools and to allow for the collection of more accurate data on all students participating in interscholastic athletics, regardless of gender identity. As noted previously, OCR proposes to add a data element to collect the number of all students in grades 9-12 who participated on interscholastic athletic sports teams. A list of proposed retired elements follows:

- Number of high school-level interscholastic athletics sports in which only male or only female students participate [*see*, Attachment A-2, page 53 (Data Group 937)];
- Number of high school-level interscholastic athletics teams in which only male or only female students participate [*see*, Attachment A-2, page 54 (Data Group 938)]; and
- Number of participants on high school-level interscholastic athletics sports teams in which only male or only female students participate [*see*, Attachment A-2, page 55 (Data Group 939)].

- Courses and Classes

OCR proposes to retire the data elements on the number of certain classes (Algebra I; Geometry; Algebra II; advanced mathematics; Calculus; Computer Science; Biology; Chemistry; Physics) taught by certified teachers, and instead, as indicated above, collect a full-time equivalent (FTE) count of teachers certified to teach in specific areas (i.e., mathematics; science; special education; and English as a second language). This change will reduce the reporting burden on schools and will allow OCR to collect more universe data on teachers that are not currently being collected. The proposed retired data elements are:

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- Number of Algebra I classes in grades 7-8 taught by teachers with a mathematics certification [*see*, Attachment A-2, page 15 (Data Group 1004)];
- Number of classes in mathematics courses at the high school level taught by teachers with a mathematics certification [*see*, Attachment A-2, page 64 (Data Group 1005)];
- Number of classes in science courses at the high school level taught by teachers with a science certification [*see*, Attachment A-2, page 87 (Data Group 1006)]; and
- Number of classes in computer science courses at the high school level taught by teachers with a computer science certification [*see*, Attachment A-2, page 25 (Data Group 1012)].

F. Proposed Retired and Revised Data Elements

In the past, OCR has collected only total counts, for grade 7 Algebra I course enrollment and passage, and total counts for grade 8 Algebra I course enrollment and passage disaggregated by race, ethnicity, English learner status, and disability status. OCR proposes to retire grade 7 Algebra I data elements and combine grades 7 and 8 for the Algebra I course enrollment and passage data element to reduce the reporting burden on schools, as well as to capture important disaggregated data for Algebra I course enrollment and passage for both grades 7 and 8. This grade combination also parallels how OCR captures course enrollment and passage for grades 9 and 10 and grades 11 and 12.

OCR also proposes to no longer collect the names and phone numbers of civil rights coordinators and continue to collect email addresses. The impacted data elements follow:

- Courses and Classes
 - Number of students in grade 7 enrolled in Algebra I course [*see*, Attachment A-2, page 17 (Data Group 907)];
 - Number of students in grade 7-8 enrolled in Algebra I course [*see*, Attachment A-2, page 18 (Data Group 908)];
 - Number of students in grade 7 who passed Algebra I course [*see*, Attachment A-2, page 20 (Data Group 910)]; and
 - Number of students in grade 7-8 who passed Algebra I course [*see*, Attachment A-2, page 21 (Data Group 911)].

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- Civil Rights Coordinators
 - Contact information (i.e., email address) for the civil rights coordinators that carry out the LEA's responsibilities under federal law prohibiting discrimination on the basis of: sex; race, color, or national origin; or disability [*see*, Attachment A-2, page 23 (Data Group 916)].

G. Data Element that will Remain Retired – School Expenditures

OCR proposes to maintain the retirement of school expenditure data elements and continue its collaboration with ED's National Center for Education Statistics (NCES) to explore options for how to require SEAs to complete NCES' School-Level Finance Survey (SLFS). The SLFS expenditure data items are analogous to the former school-level finance data that were collected for the 2009–10, 2011–21, 2013–14, 2015–16, and 2017–18 CRDCs. Currently, about 30 states report data to the SLFS, which is a voluntary collection and would become a required collection so that OCR may utilize the SLFS expenditures data for civil rights enforcement purposes. This will reduce the reporting burden on LEAs, remove reporting redundancies between the CRDC and the SLFS, and keep the CRDC survey focused on the concrete ways that resource disparities may affect opportunities for students. The aim is to implement this change to the SLFS survey for the 2022–23 school year collection.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

OCR uses CRDC data as it investigates complaints alleging discrimination to determine whether the federal civil rights laws it enforces have been violated, initiates proactive compliance reviews to identify particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents/guardians, students, and others.

Other ED offices have used the CRDC for purposes such as monitoring compliance with requirements for federal professional development funding, monitoring states under ESEA flexibility waivers, and evaluating the Office of English Language Acquisition's (OELA) programs and activities. Other federal agencies and researchers and policymakers also use CRDC data.

Further, as noted above (in response to Item 1), in 2015, Congress amended the ESEA to require SEAs and LEAs that receive Title I funds to include certain information submitted in accordance with the data collection conducted pursuant to OCR's authority, *i.e.*, the CRDC, in their state and local report cards sent to parents and made available to the public (20 U.S.C. § 6311(h)(1)(c)(viii)).

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State and federal agencies, policymakers, researchers, and many others outside of ED also use the CRDC data, which are available to the public via the OCR's website in privacy-protected format. For each of these constituencies, the CRDC is a source of information about our nation's public schools. Researchers, advocacy organizations, and news media have used CRDC data to identify possible civil rights concerns in our nation's schools. And for LEAs and schools across the country, the CRDC data are a tool for self-analysis, and a mechanism for highlighting and correcting areas of educational concern.

In 2009, OCR extensively redesigned the CRDC. It sought input from a wide range of experts within ED and throughout the federal government, and from stakeholders, including SEAs and LEAs and the broader education community, through meetings and two public comment periods. Sources of advice and expertise included the Education Information Management Advisory Committee (a committee of the Council of Chief State School Officers), the NCES Forum, state data coordinators from ED's *EDFacts* data submission system, and a sampling of LEAs to ensure coordination among data collections and to minimize the burden on LEAs.

The 2011–12 CRDC built on these efforts by adding more data quality checks to ensure the data's integrity, and by combining the fall snapshot data and spring outcome data collection periods into a single collection period to minimize the burden to respondents.

For the 2013–14 CRDC, OCR developed an enhanced data submission system. The system improved the user interface and experience and the CRDC online survey. Additionally, OCR introduced several data entry and systems tools to make the process intuitive and reduce the burden for the user. OCR also refined the ability to reset passwords and add additional users, as well as the skip logic, downloadable error reports and data summaries. This enhanced system has been maintained in collections since then, including in the 2015–16 and 2017–18 collections, and OCR routinely makes system changes, such as the addition of an action plan feature for LEAs that cannot submit all of the required data, in order maximize the system's utility for OCR, and LEAs and SEAs that report data.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden. If there is an increase or decrease in burden related to using technology (e.g. using an electronic form, system or website from paper), please explain in number 12.

As in past civil rights data collections, the primary collection instrument for the 2021–22 CRDC will be a Web-based system; users will either upload data files and/or enter the data in response to

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questions displayed on the screen; and the data will be transmitted directly into a database. To reduce burden, OCR will continue to use the user-friendly interactive tool, developed for the 2013–14 CRDC that ensures schools and LEAs only have to answer applicable questions. Guiding questions facilitate this approach and may precede data group tables. For example, if a user indicates the school serves only elementary students, the questions about high schools will not be presented. Similarly, a high school will be asked if the school provided AP courses. If the user answers “No,” then the series of tables about AP will be skipped; if the user answers “Yes,” then the tables about AP will be presented.

Flat data file submissions, such as Excel files, are allowed for districts that have the capacity to create them; and paper submissions are allowed for LEAs with no Internet connectivity or limited Web access. States that volunteer to pre-populate the survey forms with data for their LEAs are allowed to do so, as they have been in the past, to help reduce burden on LEAs.

Prior to the 2011–12 CRDC, LEAs had to choose to submit all their data either by flat file submission or through the Web-based system. For the 2011–12 CRDC, OCR implemented improvements to the web collection tool to allow LEAs the flexibility to use both methods of submitting their data to the CRDC.

The flexibility in submission methods allows LEAs to submit whatever portion of the CRDC is included in their student information system in flat files. These flat files then “pre-populate” the Web-based screens and allow the school, or another department within the school district, to either verify or complete the remaining sections of the CRDC. This option will continue to be available in the 2021–22 collection.

Through computer control of the data collection process and the monitoring of responses, the web-based system offers the capacity for substantial improvements in data quality and data collection efficiency over a survey conducted using paper and pencil. Incidents of missing and inconsistent data are greatly reduced since questionnaire skip patterns are automatically controlled. Moreover, invalid entries, contradictory entries, or entries inconsistent with available data on the school or LEA are questioned by the system and must be resolved or confirmed by the respondent during the self-directed Web instrument data collection.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The CRDC is the unique source of data for the vast majority of data elements collected. Since the 2009–10 CRDC, OCR has leveraged data submitted to ED by SEAs to reduce the burden on LEAs. Additionally, in planning the 2009–10 CRDC, OCR carefully examined all data groups already

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collected by *EDFacts* and removed several tables previously in the CRDC because the data were available through the state-based portion of *EDFacts*, the EDEN Submission System (ESS).

For the 2013–14 and 2015–16 CRDC collections, OCR met with program offices across ED to eliminate any duplication of data items and, where possible, ensure that the CRDC uses definitions consistent with those used by other program offices. In order to consolidate and centralize preschool-grade 12 data collections, definitions need to be standardized. If the same term has multiple definitions, the reporting burden on LEAs and SEAs increases significantly. Therefore, the same definitions of terms are used whenever possible.

To coordinate the definitions used and identify possible duplication of data elements, OCR met with key staff throughout ED and convened a two-day technical working group, including participants from NCES, the Office of Planning, Evaluation and Policy Development, the Office of English Language Acquisition, the Office of Special Education Programs, and the Correctional Re-Entry Group, to review the proposed 2013–14 and 2015–16 CRDC collections. This cross-program office coordination provided an opportunity for experts in content areas and survey design to raise potential areas of overlap. OCR has also worked with the Department of Justice's Office of Justice Programs to improve the coordination of information about the educational programs and opportunities that are available to youths in justice facilities.

OCR consulted with other program offices within ED in preparation for the 2020–21 and 2021–22 CRDC collections. OCR also participated in a technical review panel meeting with field experts in September 2018 to discuss the content of NCES' School Survey on Crime and Safety, and to explore ways to improve both surveys and reduce burden and eliminate duplication. OCR continues to coordinate with other program offices to determine where it is possible to reduce burden and eliminate duplication.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

With the exception of LEAs in one SEA, each LEA that is required to participate in the CRDC submits an LEA summary survey and a survey about each school in the LEA. One SEA provides all the data on behalf of their LEAs. In its smallest collection, the collection included a sample of about 6,000-7,000 LEAs. The 1976, 2000, 2011–12, 2013–14, 2015–16, and 2017–18 collections were universal collections from all LEAs. Similarly, the 2020–21 collection will be a universal

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collection, and the 2021–22 collection is being proposed as a universal collection. Having a universal collection is particularly appropriate after Congress required in the ESEA in 2015 that school districts and states use the data reported to OCR in the CRDC to populate their state and local report cards.

Smaller LEAs often face challenges with the timing of the CRDC collection. At the close of the school year, small and rural LEAs “roll over” their data systems, effectively closing out one school year and beginning the next. The end of year “roll over” can make accessing data from the prior school year challenging. OCR previously developed a set of pre-collection tools to allow smaller LEAs to collect and store their CRDC data in a format that could be easily uploaded into the CRDC submission system. With these tools, smaller LEAs can store their CRDC data in ready-to-use flat files once the survey submission website opened in the fall of the next school year. Smaller LEAs across the country used these pre-collection tools and OCR received many positive comments regarding their ease of use. As a result, OCR continued to provide these tools for the 2020–21 CRDC and will continue to do so for the 2021–22 CRDC.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

OCR collects civil rights data regularly to allow ED and other stakeholders to measure education success and failure of nation’s schools. Also, current data are essential to the investigation and resolution of discrimination complaints filed with OCR. The most recent CRDC contained data from the fall and spring of school year 2017–18. It is critical that more recent information be available so that OCR can carry out its mandate to ensure civil rights under the applicable laws. Further, OCR enforcement offices rely on data in the CRDC to prepopulate data requests to districts and schools when conducting compliance reviews. Also, Congress required in the ESEA that school districts and states use the data reported to OCR in the CRDC to populate their state and local report cards. If the CRDC were not conducted or were conducted less frequently, then schools, school districts, and states would not be able to include the most up-to-date data in their ESEA reports.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**

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- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection activity does not have special circumstances that would include any of the requirements listed above.

- 8. As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

Include a citation for the 60 day comment period (e.g. Vol. 84 FR ##### and the date of publication). Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. If only non-substantive comments are provided, please provide a statement to that effect and that it did not relate or warrant any changes to this information collection request. In your comments, please also indicate the number of public comments received.

For the 30 day notice, indicate that a notice will be published.

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Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

ED will provide the public an opportunity to comment on the proposed data elements for the 2021–22 CRDC through both 60-day and 30-day notices.

Additionally, (as referenced in response to Item 4), in preparation for the 2021–22 CRDC collection, OCR met with key staff throughout ED and outside field experts who offered their recommendations on improvements to data items.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.

There is no current remuneration for any school district or school.

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10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided.¹ If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data. If no PII will be collected, state that no assurance of confidentiality is provided to respondents. If the Paperwork Burden Statement is not included physically on a form, you may include it here. Please ensure that your response per respondent matches the estimate provided in number 12.

There has been no assurance of confidentiality provided to the respondents beyond the agreement to protect individual student information under the Federal Educational Rights and Privacy Act. The CRDC does not collect any personally identifiable information (PII). Confidentiality issues with the CRDC are specific to the amount of data found in a “cell” that might make the identification of an individual student or staff member possible when combined with other information not collected in the CRDC. OCR is committed to protecting individual privacy by employing statistical methodologies to make small, random adjustments to the data. Furthermore, OCR privacy protects individual privacy by applying to the collected data a privacy protection routine to mitigate the risk of identifying an individual in the data by perturbing some of the data elements. OCR will continue to review the submitted data for any other security requirements.

The Paperwork Burden Statement is included in the Attachment A-1 document.

¹ Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information).

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11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

As in prior collections, OCR proposes to continue to collect data on the number of allegations received by a school of harassment or bullying on the basis of religion or sexual orientation in addition to the collection of data on the number of allegations based on sex, race, color, and national origin, and disability. OMB first approved the collection of religion and sexual orientation allegations data in February 2014 (OMB control #1870-0504) for the 2013–14 and 2015–16 CRDC collections. While optional in 2013–14, LEAs were required to report the new allegations data beginning in the 2015–16 CRDC.

For the 2021–22 CRDC, OCR proposes the new collection of allegations of harassment or bullying data on the basis of gender identity. Gender identity refers to a student's sense of self as cisgender, transgender, or nonbinary. OCR also proposes the continued data collection of the number of allegations received by a school of harassment or bullying on the basis of perceived religion, regardless of whether the targeted student actually identifies with that religion, for each of 14 religion categories. The 14 religion categories are adapted from the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program, and are described in the FBI's *Hate Crime Data Collection Guidelines and Training Manual* (2015), available at <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf>. Further, OCR proposes to collect information on whether the LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of: sexual orientation, gender identity, or religion; and the LEA's weblink to the written policy or policies prohibiting discriminatory harassment or bullying of students on the basis of sexual orientation, gender identity, or religion. Finally, OCR proposes to add to its current sex category, which includes male and female, a third category that will capture data regarding students who identify as nonbinary. OCR provides the following justification for (1) the proposed continued collection of data at the school-level regarding harassment or bullying; (2) the new collection of data on harassment or bullying; and (3) the new collection of data for nonbinary students.

Harassment or bullying of students on the basis of sexual orientation and religion is reportedly prevalent. For example, the 2017–18 CRDC showed that LEAs reported about 18,400 allegations of harassment or bullying based on sexual orientation, and about 6,000 based on religion. The religion data are informed by an understanding of the perceived religions targeted with harassing

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or bullying behavior, which is why OCR proposes to continue the collection of this data by categories that mirror the FBI's Hate Crimes Data Collection religion categories.

During the development of the 2013–14 CRDC and 2015–16 CRDC ICR, OCR met with SEAs from 10 states to determine whether making an inquiry about the number of allegations of harassment or bullying received by a school would raise concerns about privacy. Those SEAs, who were at that time already collecting data, such as harassment and bullying on the basis of sexual orientation and religion, reported that at the time they had received no student or parental complaints. Further, the SEAs reported that there were no known incidents of teachers invading student privacy in an effort to fill out the state's data reporting forms. OCR also contacted several LEAs (of various sizes and urban/rural mix) to determine whether these data reporting requirements had led to sexual-orientation notations on individual student records or had raised any complaints or concerns and none were reported. Since the introduction of the collection of allegations of harassment or bullying on the basis of sexual orientation and religion data in the 2013–14 CRDC, OCR has not received any complaints from LEAs regarding this specific data collection.

According to the results from the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Survey (available at <https://www.cdc.gov/mmwr/volumes/68/wr/mm6803a3.htm>), in 2017, about 2 percent of high school students identified as transgender, 27 percent felt unsafe at or going to or from school, 35 percent were bullied at school, and 35 percent attempted suicide. In addition, compared to cisgender students, transgender students were more likely to report suicide risk, substance use, and being victims of violence. These findings support OCR's proposed school-level collection of harassment or bullying data involving gender identity.

The harassment or bullying school-level questions are intended to record, for any reported harassment, the school's understanding of the harasser's perceived motivation. In classifying the allegations of harassment or bullying, respondents are directed to look to the likely motives of the alleged harasser/bully, and not the actual status of the alleged victim. For the proposed new allegations of harassment or bullying on the basis of perceived gender identity question, this instruction also applies. Because the harassment or bullying allegations questions are not focused on the alleged victim's sexual behavior or attitudes or religious beliefs, OCR does not believe these questions are of a sensitive nature. LEAs will not be required to include religious affiliation, sexual orientation, or gender identity of students as part of their administrative records.

The harassment or bullying questions are not intended or expected to elicit private information about students. The school district-level questions that indicate whether a school district has a policy or policies that prohibit(s) harassment or bullying for all specified categories (i.e., race, color, or national origin; sex; disability; sexual orientation; gender identity; and religion), and provide a web link to the policy or policies for all specified categories, do not collect data that are

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sensitive in nature. OCR considers the proposed harassment or bullying policy questions important to gauge school districts' efforts to establish and maintain an educational climate that does not impede the ability of all students to learn.

According to OCR's research, there are at least 11 SEAs that already allow for the reporting of three categories for student sex.² Therefore, the collection of data for nonbinary students would allow LEAs that already collect this information to report more accurate data about their student populations. By collecting these data, OCR shows that it recognizes and affirms the existence of individuals who do not identify as male or female and may provide some insights into the educational experience of nonbinary students as a class. Recognizing a broader definition of sex in data collection is also consistent with the broad scope of Title IX.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Provide an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. Address changes in burden due to the use of technology (if applicable). Generally, estimates should not include burden hours for customary and usual business practices.**
- **Please do not include increases in burden and respondents numerically in this table. Explain these changes in number 15.**

² The 11 SEAs are found in the following states: California, Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, Oregon, Utah, and Virginia.

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- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the table below.**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. [Use this site](#) to research the appropriate wage rate. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14. If there is no cost to respondents, indicate by entering 0 in the chart below and/or provide a statement.**

Provide a descriptive narrative here in addition to completing the table below with burden hour estimates.

Estimated Annual Burden and Respondent Costs Table

Information Activity or IC (with type of respondent)	Sample Size (if applicable)	Respondent Response Rate (if applicable)	Number of Respondents	Number of Responses	Average Burden Hours per Response	Total Annual Burden Hours	Estimated Respondent Average Hourly Wage	Total Annual Costs (hourly wage x total burden hours)
			17,884	17,884	121	2,165,918	\$51.30	\$111,111,593
Annualized Totals			17,884	17,884	121	2,165,918	\$51.30	\$111,111,593

Please ensure the annual total burden, respondents and response match those entered in IC Data Parts 1 and 2, and the response per respondent matches the Paperwork Burden Statement that must be included on all forms.

For the CRDC, data depicted as data groups and data categories are factored into OCR’s burden estimates, while data collected by directional indicators are not. Also, the respondent is the LEA; the LEA must complete one LEA-level survey, plus one school-level survey for each of its schools. For the 2011–12 CRDC, the burden was estimated to be 1,282,492 hours across 16,785 LEA

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respondents, and their approximately 96,523 schools with students in membership, based on an estimated 12.8 hours per school survey and 2.8 hours per LEA survey on average. For elementary schools, the burden was estimated to be 8.1 hours per school survey since several of the data elements are only applicable to secondary schools. For secondary schools, the burden was estimated to be 14.9 hours per school survey.

The 2013–14 CRDC mandatory survey content remained about the same when compared to the 2011–12 CRDC survey for Preschool-grade 12 schools. Across 17,620 LEAs and their 101,849 schools, the total burden estimate was 1,342,818 hours. For elementary schools, the burden was estimated to be 8.3 hours per school survey because several of the data elements were only applicable to secondary schools. For secondary schools, the burden was estimated to be 14.6 hours per school survey. By combining several data elements on Advanced Placement, the overall reporting burden for secondary schools decreased slightly from the 2011–12 CRDC to the 2013–14 CRDC. OCR estimated that a district with only one school would, on the average, take 2.8 hours for the LEA survey and 12.7 hours for the school survey, for a total of 15.5 hours. An LEA with 10 schools would take a total of 129.8 hours.

The 2015–16 CRDC survey content increased by 12.5 percent compared to the 2013–14 CRDC survey for Preschool-grade 12 schools, based on a total burden estimate of 1,520,260 hours. For elementary schools, the burden was estimated to be 9.3 hours per school survey. For secondary schools, the burden was estimated to be 15.9 hours per school survey. OCR estimated that a district with only one school would, on the average, take 4.2 hours for the LEA survey and 14.2 hours for the school survey, for a total of 18.4 hours. An LEA with 10 schools would take a total of 146.2 hours.

The 2017–18 CRDC survey content decreased by 1.7 percent compared to the 2015–16 CRDC survey for Preschool-grade 12 schools, based on a total burden estimate of 1,521,827 hours. For elementary schools, the burden was estimated to be 9.2 hours per school survey. For secondary schools, the burden was estimated to be 15.8 hours per school survey. OCR estimated that a district with only one school would, on the average, take 3.7 hours for the LEA survey and 14.1 hours for the school survey, for a total of 17.8 hours. An LEA with 10 schools would take a total of 144.7 hours.

The 2020–21 CRDC survey content decreased by 12.5 percent compared to the 2017–18 CRDC survey for Preschool-grade 12 schools, based on a total burden estimate of 1,434,594 hours. For elementary schools, the burden was estimated to be 9.0 hours per school survey. For secondary schools, the burden was estimated to be 15.1 hours per school survey. OCR estimated that a district with only one school would, on the average, take 2.9 hours for the LEA survey and 13.9 hours for the school survey, for a total of 16.8 hours. An LEA with 10 schools would take a total of 141.9 hours.

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For the 2021–22 CRDC, the items OCR is proposing to add or expand more items than the items that OCR is proposing to discontinue. There will be an increase in burden of 47.5 percent for the total number of responses required in the LEA survey. For the school survey, there will be an increase in burden of 51.2 percent for an elementary school and 48.8 percent for a secondary school, for the total number of responses required. For elementary schools, the burden is estimated to be 13.6 hours per school survey because several of the data elements are only applicable to secondary schools. For secondary schools, the burden is estimated to be 22.5 hours per school survey. The number of schools per LEA varies so widely, it should be noted that a district with only one school would, on the average, take 4.3 hours for the LEA survey and 21.0 hours for the school survey, for a total of 25.3 hours. An LEA with 10 schools would take 4.3 hours on the LEA survey and average 21.0 hours on each of the school surveys, for a total of 214.3 hours.

	Respondents	Hours/Response	Total Hours
Previous – CRDC (2013–14)	Schools: 95,507 LEAs: 16,758	Schools: 14.2 LEAs: 4.2	Schools: 1,356,199 LEAs: 70,384 Total: 1,426,583
Previous – CRDC (2015–16)	Schools: 96,360 LEAs: 17,337	Schools: 14.2 LEAs: 4.2	Schools: 1,368,312 LEAs: 72,815 Total: 1,441,127
Previous – CRDC (2017–18)	Schools: 97,632 LEAs: 17,604	Schools: 14.1 LEAs: 3.7	Schools: 1,376,611 LEAs: 65,135 Total: 1,441,746
Previous – CRDC (2020–21)	Schools: 103,307 LEAs: 17,621	Schools: 13.9 LEAs: 2.9	Schools: 1,435,967 LEAs: 51,101 Total: 1,487,068
New – CRDC (2021–22)	Schools: 99,477 LEAs: 17,884	Schools: 21.0 LEAs: 4.3	Schools: 2,089,017 LEAs: 76,901 Total: 2,165,918
New Burden (2020–21 to 2021–22)	Schools: 99,477 LEAs: 17,884	Schools: 7.1 hrs/survey LEAs: 1.4 hrs/survey	

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The total respondent cost for the 2021–22 CRDC is estimated to be \$111,111,593 (2,165,918 hours multiplied by an average wage of \$51.30³ per hour). There is a wide range of hourly salaries associated with the professionals that will provide this data, making this estimation approximate.

³ The mean hourly wage for an LEA education administrator is estimated at \$51.30 per hour (SOC code 11-9039, Education Administrator), based on May 2020 Occupation and Employment Statistics, Bureau of Labor Statistics website, <https://www.bls.gov/oes/current/999201.htm#25-0000>, accessed October 29, 2021.

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13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12.**

Total Annualized Capital/Startup Cost:

Total Annual Costs (O&M):

Total Annualized Costs Requested:

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The collection of CRDC data for the foreseeable future will require no additional systems development efforts by the local agencies.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated annual government cost for the next CRDC is \$1.9 million. This estimate is based on contractual costs to enhance the survey tool, provide technical support for all LEAs in the nation, collect the data, and produce and analyze the resulting database of survey responses.

15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).

Provide a descriptive narrative for the reasons of any change in addition to completing the table with the burden hour change(s) here.

	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Requested
Total Burden	0	678,850 (Annual Burden Hours)	0	2,165,918 (Annual Burden Hours)

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Total Responses	0		263 (Annual Number of Responses)	17,884 (Annual Number of Responses)
Total Costs (if applicable)	0	\$44,490,947 (Annual Cost Burden)	0	\$111,111,593 (Annual Cost Burden)

The 2021–22 CRDC survey content revisions are a result of program change due to agency discretion. Also, OCR’s estimated universe of public LEA respondents increased for the 2021–22 CRDC survey. This was due to an increase in the number of public LEAs in the U.S. during the 2020–21 school year. Approximately 17,884 LEAs will respond for themselves and their 99,477 schools to the request for data. This results in a total burden estimate of 2,165,918 hours for SY 2021–22. The annual government cost is similar to the cost of previous surveys, the last of which is the 2020–21 CRDC.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

ED presently makes CRDC results available on its website, with privacy protections in place. Additionally, ED makes national and state projections based on the raw data available on its website. ED makes data available through a website that displays a “summary of select facts” for a district or school, which displays data about key issues through tables and charts. Users then have the option to access additional data for that district or school. The website also contains a Flexible Tables interface, which allows users to select data from more than one district or school, for the current CRDC and/or prior CRDCs.

In an effort to make the new CRDC easily usable by the public and OCR’s investigators and attorneys, OCR designed a new Web-based data reporting tool that allows users to tailor the school-level indicators and produce visually intuitive graphic displays of school- and district-level tables, and made it available to the public in a privacy-protected format on OCR’s website, <http://ocrdata.ed.gov>. The new website is also research-friendly. For example, users have enhanced ability to search and query the database for types of schools, as well as schools or districts meeting certain criteria.

There are three distinct phases of the collection of CRDC data from LEAs:

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- Notification and verification of reporting status,
- Collection of data by LEAs, and
- Survey submission window.

The first phase in the CRDC includes notifying school districts of their obligation to report, having school districts designate a principal point of contact, and verifying the reporting status of LEAs and schools. The result of this first phase is a full directory of LEAs and schools and their CRDC reporting status. This phase will begin in Summer 2021 for the 2021–22 collection.

During the second phase of the CRDC, LEAs gather and validate the required data to be submitted to OCR. During this time, OCR provides frequent training opportunities for school districts to understand the data elements collected on the CRDC and the survey submission process. A support center is also available to school districts to call or email questions regarding the content of the data to be collected. OCR has also provided pre-collection tools for school districts to gather and prepare flat files of the required data to prepare for the survey submission opening. This second phase will begin in Summer 2022.

During the third phase, the survey submission window opens with email notification to all participating school districts. School districts are typically given a minimum of three months to submit their data to OCR. During the survey submission period, frequent communication occurs with participating school districts to offer technical assistance and, as the survey due date approaches, reminders are sent to school districts that have not yet certified their CRDC submission. ED anticipates this third phase will take place between Fall 2022 and Winter 2023.

Following the close of the survey submission window, OCR reviews the data to identify possible reporting anomalies and offer LEAs an opportunity to amend their CRDC submission as necessary. This process takes approximately three months. Following the data quality review, OCR then works to post the data on its reporting website (<http://ocrdata.ed.gov>) to provide the public with easy access and visually intuitive displays of the data. OCR also makes the data available in a downloadable data file.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

This collection will display the OMB approval date in all transmittal documents requesting the information from the state or local agencies and in any written discussion or representation of the collection. The OMB number will be properly displayed on any Web form and paper form used by the Civil Rights Data Collection.

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18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.

ED is requesting no exemptions from the Certification.

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APPENDIX: LIST OF 2021–22 CRDC DATA ELEMENTS

Data elements that OCR is proposing to change from the previously-approved 2020–21 CRDC Information Collection (approved in December 2021) are indicated by underline (add new element), double underline (restore data element previously dropped), or ~~strikethrough~~ (delete data element previously collected).

COVID-related Items

- Amount of virtual instruction provided by teachers.
- Percentage of students who received virtual instruction.

School & District Characteristics

- Number of public schools (LEA).
- Grades offered (preschool-12) (Preschool excludes children age birth to 2 years).
- Whether an ungraded school has mainly elementary school age students; middle school age students; high school age students; elementary and middle school age students; middle and high school age students; elementary middle, and high school age students.
- Number of students (preschool-12) enrolled in the LEA and served in LEA facilities, non-LEA facilities, or both (LEA).
- Number of students (preschool-12) enrolled in the LEA and served in non-LEA facilities only (LEA).
- Number of students (~~preschool~~ K-12) enrolled in school (disaggregated by race, sex, nonbinary, disability-IDEA, disability-Section 504 only, EL). (Nonbinary required for schools that report classifying students as nonbinary in their enrollment records).
- Number of students with disabilities (~~preschool~~ K-12) served under IDEA (disaggregated by race, sex, nonbinary, EL). (Nonbinary required for schools that report classifying students as nonbinary in their enrollment records).
- Number of students with disabilities (~~preschool~~ K-12) served under Section 504 of the Rehabilitation Act (disaggregated by race, sex, nonbinary, EL). (Nonbinary required for schools that report classifying students as nonbinary in their enrollment records).
- Number of EL students (~~preschool~~ K-12) enrolled in school (disaggregated by race, sex, nonbinary). (Nonbinary required for schools that report classifying students as nonbinary in their enrollment records).
- Number of EL students (~~preschool~~ K-12) enrolled in EL programs (disaggregated by race, sex, nonbinary, disability-IDEA). (Nonbinary required for schools that report classifying students as nonbinary in their enrollment records).
- Whether the school is operating a magnet program for all students or some students within the school

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(and if so, whether entire school population participates in the magnet program).

- Whether the school is an alternative school (and if so, for academic, discipline, or both).
- Whether the school is a special education school.
- Whether the school is a charter school.
- For justice facility only:
 - Type of facility (pre- or post-adjudication/conviction or both);
 - Number of days that makeup the justice facility's regular school year;
 - Total number of hours per week that educational program is offered during regular school year;
 - Number of students who participated in educational program for less than 15 calendar days; 15-30 calendar days; 31-90 calendar days; 91-180 calendar days; more than 180 calendar days.
- Number of single-sex academic classes (with males only; with females only) in the following courses/subject areas:
 - ~~Algebra I, Geometry, and/or Algebra II;~~
 - ~~Other mathematics;~~
 - Mathematics;
 - Science;
 - English/reading/language arts; and
 - Other academic subjects.
- Whether an LEA has designated one or more employees (either part-time or full-time) to act as civil rights coordinators to coordinate efforts to carry out its responsibilities under federal law prohibiting discrimination on the basis of: sex; race, color, or national origin; or disability. (LEA).
- Contact information (~~first name; last name; phone number;~~ email address) for the civil rights coordinators that carry out the LEA's responsibilities under federal law prohibiting discrimination on the basis of: sex; race, color, or national origin; or disability. (LEA).
- Whether an LEA is covered by desegregation order or plan (LEA).

Discipline

- Students (K-12) who received one or more in-school suspension:
 - Number of students without disabilities who received one or more in-school suspension (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of students with disabilities who received one or more in-school suspension (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Students who received one out-of-school suspension:
 - Number of preschool students who received one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL, disability-Section 504 only); (Section 504 only expansion optional for 2021–21 CRDC)
 - Number of K-12 students without disabilities who received one out-of-school suspension

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- (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
- Number of K-12 students with disabilities who received one out-of-school suspension (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Students who received more than one out-of-school suspension:
 - Number of preschool students who received more than one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL, disability-Section 504 only); (Section 504 only expansion optional for 2021–21 CRDC)
 - Number of K-12 students without disabilities who received more than one out-of-school suspension (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of K-12 students with disabilities who received more than one out-of-school suspension (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- ~~Students who received one or more out-of-school suspension:~~
 - ~~Number of preschool students who received one or more out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL).~~
- Number of preschool students who were expelled (disaggregated by race, sex, disability-IDEA, EL, disability-Section 504 only). (Section 504 only expansion is optional for 2021–21 CRDC)
- Students (K-12) who were expelled (with educational services; without educational services; because of zero-tolerance policies):
 - Number of students without disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of students with disabilities who were expelled (with educational services; without educational services; because of zero-tolerance policies) (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Students (K-12) who were transferred for disciplinary reasons to alternative school
 - Number of students without disabilities who were transferred for disciplinary reasons to alternative school (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of students with disabilities who were transferred for disciplinary reasons to alternative school (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Students who received corporal punishment:
 - Number of preschool students (ages 3-5) who received corporal punishment (disaggregated by race, sex, disability-IDEA, EL, disability-Section 504 only); (Section 504 only expansion optional for 2021–21 CRDC)
 - Number of K-12 students without disabilities who received corporal punishment (disaggregated

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- by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
- Number of K-12 students with disabilities who received corporal punishment (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Number of instances of corporal punishment that preschool students received (disaggregated by all preschool students, preschool students with disabilities-IDEA).
- Number of instances of corporal punishment that preschool students received (disaggregated by preschool students without disabilities, preschool students with disabilities-IDEA and Section 504 only). (Optional for 2021–22 CRDC)
- Number of instances of out-of-school suspensions that preschool students received (disaggregated by all preschool students, preschool students with disabilities-IDEA).
- Number of instances of out-of-school suspensions that preschool students received (disaggregated by preschool students without disabilities, preschool students with disabilities-Section 504 only). (Optional for 2021–22 CRDC)
- Number of instances of corporal punishment that K-12 students received (disaggregated by students without disabilities, students with disabilities-IDEA and Section 504 only).
- Number of instances of out-of-school suspensions that K-12 students received (disaggregated by students without disabilities, students with disabilities-IDEA, students with disabilities-Section 504 only).
- Number of school days missed by K-12 students who received out-of-school suspensions (disaggregated by race, sex, nonbinary, disability-IDEA, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)

Referrals to Law Enforcement and School-related Arrests

- Students (K-12) who were referred to law enforcement agency or official:
 - Number of students without disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of students with disabilities who were referred to law enforcement agency or official (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)
- Students (K-12) who were arrested for school-related activity:
 - Number of students without disabilities who were arrested for school-related activity (disaggregated by race, sex, nonbinary, EL); (Nonbinary expansion optional for 2021–21 CRDC)
 - Number of students with disabilities who were arrested for school-related activity (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–21 CRDC)

Offenses

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- Number of documented incidents that occurred at the school of:
 - Robbery with a weapon;
 - Robbery without a weapon;
 - Physical attack or fight with a weapon;
 - Physical attack or fight without a weapon;
 - Threat of physical attack with a weapon;
 - Threat of physical attack without a weapon;
 - Rape or attempted rape;
 - Sexual assault (other than rape);
 - Possession of a firearm or explosive device;
 - Shooting (regardless of whether anyone was hurt); (Optional for 2021–22 CRDC)
 - Students, faculty, or staff deaths as a result of a homicide (Optional for 2021–22 CRDC)
- ~~Whether any of the school's students, faculty, or staff died as a result of a homicide committed at the school.~~
- ~~Whether there has been at least one incident at the school that involved a shooting (regardless of whether anyone was hurt).~~
- Number of documented incidents of offenses committed by a student that occurred at the school. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- Number of documented incidents of offenses committed by a school staff member that occurred at the school. Offenses categories include: rape or attempted rape, and sexual assault (other than rape).
- ~~Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)~~
- ~~Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a determination that the school staff member was responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)~~
- ~~Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a determination that the school staff member was not responsible for the offense. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)~~
- ~~Number of allegations made against a school staff member of offenses that occurred at the school, which had a determination that remained pending. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)~~
- ~~Number of allegations made against a school staff member of offenses that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination. Offenses categories include: rape or attempted rape, and sexual assault (other than rape). (Optional for 2020–21 CRDC)~~

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CRDC)

Harassment or Bullying

- Number of reported allegations of harassment or bullying of K-12 students on the basis of: sex; race, color, or national origin; disability; sexual orientation; religion.
- Number of reported allegations of harassment or bullying of K-12 students on the basis of gender identity. (Optional for 2021–22 CRDC)
- Number of reported allegations of harassment or bullying of K-12 students on the basis of perceived religion (disaggregated by atheism/agnosticism; Buddhist; Catholic; Eastern Orthodox; Hindu; Islamic (Muslim); Jehovah's Witness; Jewish; Mormon; multiple religions, group; other Christian; other religion; Protestant; Sikh).
- Number of K-12 students who reported being harassed or bullied on the basis of: sex; race, color, or national origin; disability (disaggregated by race, sex, nonbinary, disability-IDEA, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of K-12 students disciplined for engaging in harassment or bullying on the basis of: sex; race, color, or national origin; disability (disaggregated by race, sex, nonbinary, disability-IDEA, disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Whether an LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of all of the following: sex; race, color, or national origin; disability. (LEA).
- Web link to policy or policies prohibiting harassment or bullying of students on the basis of all of the following: sex; race, color, or national origin; disability (LEA).
- Whether an LEA has a written policy or policies prohibiting harassment or bullying of students on the basis of: sexual orientation; gender identity; or religion. (LEA). (Optional for 2021–22 CRDC)
- Web link to policy or policies prohibiting harassment or bullying of students on the basis of: sexual orientation; gender identity; or religion (LEA). (Optional for 2021–22 CRDC)

Restraint and Seclusion

- Students (K-12) subjected to mechanical restraint:
 - Number of non-IDEA students subjected to mechanical restraint (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL); (Nonbinary expansion optional for 2021–22 CRDC)
 - Number of students with disabilities (IDEA) subjected to mechanical restraint (disaggregated by race, sex, nonbinary, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Students (K-12) subjected to physical restraint:
 - Number of non-IDEA students subjected to physical restraint (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL); (Nonbinary expansion optional for 2021–22 CRDC)
 - Number of students with disabilities (IDEA) subjected to physical restraint (disaggregated by

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- race, sex, nonbinary, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Students (K-12) subjected to seclusion:
 - Number of non-IDEA students subjected to seclusion (disaggregated by race, sex, nonbinary, disability-Section 504 only, EL); (Nonbinary expansion optional for 2021–22 CRDC)
 - Number of students with disabilities (IDEA) subjected to seclusion (disaggregated by race, sex, nonbinary, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of instances of mechanical restraint, physical restraint, seclusion (disaggregated by students without disabilities, students with disabilities-IDEA, students with disabilities-Section 504 only).

Interscholastic Athletics

- ~~Number of single-sex interscholastic athletics high school sports (with males only; with females only).~~
- ~~Number of single-sex interscholastic athletics high school teams (with males only; with females only).~~
- ~~Number of student participants on single-sex interscholastic athletics high school sports teams (with males only; with females only).~~
- Number of students in grades 9-12 (or the ungraded equivalent) who participated on interscholastic athletics sports teams (disaggregated by sex, nonbinary).

Early Childhood Education

- Whether the LEA provided early childhood services in LEA or non-LEA facilities to non-IDEA children from birth to age 2. (LEA). (Optional for 2021–22 CRDC)
- Whether preschool is provided to: all students, students with disabilities (IDEA), students in Title I schools, students from low income families (LEA). (Optional for 2021–22 CRDC)
- Whether preschool serves non-IDEA students age: 3 years; age 4 years; ages 4-5 years (LEA). (Optional for 2021–22 CRDC)
- Whether the school's preschool program serves non-IDEA students age: 3 years; age 4 years; ages 4-5 years. (Optional for 2021–22 CRDC)
- Preschool length offered (full-day, part-day) and cost (free, partial/full charge) (LEA). (Optional for 2021–22 CRDC)
- Number of students served by the LEA in preschool programs in LEA and non-LEA facilities (disaggregated by age – 2 years; 3 years; 4 years; 5 years) (LEA).
- Number of students ages 3-5 years enrolled in preschool (disaggregated by race, sex, EL, disability-IDEA, disability-Section 504 only).
- Number of students in preschool who were ELs (disaggregated by race, sex).
- Number of EL preschool students enrolled in EL programs (disaggregated by race, sex, disability-IDEA).
- Number of preschool students with disabilities served under IDEA enrolled in preschool (disaggregated

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by race, sex, EL).

- Number of preschool students with disabilities served under Section 504 only enrolled in preschool (disaggregated by race, sex, EL).
- Kindergarten length offered (full-day, part-day) and cost (free, partial/full charge) (LEA). (Optional for 2021–22 CRDC)

Pathways to College and Career

- Number of students (preschool-12) enrolled in gifted & talented programs (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students (grades 9-12) enrolled in distance education courses (disaggregated by race, sex, nonbinary, disability-IDEA, EL) (LEA). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students (grades 9-12) enrolled in at least one dual enrollment/dual credit program (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students (grades 9-12) who participate in at least one credit recovery program that allows them to earn missed credit to graduate from high school. (Optional for 2021–22 CRDC)
- Number of students ages 16-19 years who participated in LEA-operated high school equivalency exam preparation program (disaggregated by race, sex, nonbinary, disability-IDEA, EL) (LEA). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students enrolled in the International Baccalaureate (IB) Diploma Programme (disaggregated by race, sex, nonbinary, disability-IDEA, disability-504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of different Advanced Placement (AP) courses provided.
- Whether students are allowed to self-select for participation in AP courses.
- Number of students enrolled in at least one AP course (disaggregated by race, sex, nonbinary, disability-IDEA, disability-504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students enrolled in at least one AP course in specific subject area (disaggregated by race, sex, nonbinary, disability-IDEA, EL): (Nonbinary expansion optional for 2021–22 CRDC)
 - AP math of any kind;
 - AP science of any kind; and
 - AP computer science of any kind;
 - Other AP subjects of any kind (including world languages and cultures). (Optional for 2021–22 CRDC)
- Number of Algebra I classes in grades 7-8.
- ~~Number of Algebra I classes in grades 7-8 taught by teachers with a mathematics certification.~~
- ~~Number of students enrolled in Algebra I in grade 7.~~
- Number of students enrolled in Algebra I in grades 7-8 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)

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- ~~Number of students who passed Algebra I in grade 7.~~
- Number of students who passed Algebra I in grades 7-8 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students enrolled in Geometry in grade 8.
- Number of math classes in grades 9-12 (Algebra I, Geometry, Algebra II, Advanced math, Calculus).
- ~~Number of math classes in grades 9-12 taught by teachers with a mathematics certification (Algebra I, Geometry, Algebra II, Advanced math, Calculus).~~
- Number of students enrolled in Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students who passed Algebra I in grades: 9-10; 11-12 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students enrolled in math courses in grades 9-12 (Geometry, Algebra II, Advanced math, Calculus) (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of science classes in grades 9-12 (Biology, Chemistry, Physics).
- ~~Number of science classes in grades 9-12 taught by teachers with a science certification (Biology, Chemistry, Physics).~~
- Number of students enrolled in science classes in grades 9-12 (Biology, Chemistry, Physics) (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of computer science classes in grades 9-12.
- ~~Number of computer science classes in grades 9-12 taught by teachers with a computer science certification.~~
- Number of students enrolled in computer science classes in grades 9-12 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of data science classes in grades 9-12. (Optional for 2021–22 CRDC)
- Number of students enrolled in data science classes in grades 9-12 (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Optional for 2021–22 CRDC)
- Number of students who took SAT, ACT, or both, anytime during school year (disaggregated by race, sex, nonbinary, disability-IDEA, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Number of students retained in specified grade, by grade (K-12) (disaggregated by race, sex, nonbinary, disability-IDEA; disability-Section 504 only, EL). (Nonbinary expansion optional for 2021–22 CRDC)
- Whether the school is connected to the Internet through fiber-optic connection.
- Whether the school has Wi-Fi access in every classroom.
- Whether the school allows students to take home school-issued devices that can be used to access the Internet for student learning.
- Whether the school allows students to bring to school student-owned devices that can be used to access

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the Internet for student learning.

- Number of Wi-Fi enabled devices provided by the school to students (preschool-12) for student learning use.
- Number of students (preschool-12) who needed Wi-Fi enabled devices from the school for student learning use. (Optional for 2021–22 CRDC)
- Number of students (preschool-12) who needed a Wi-Fi hotspot from the school for student learning use. (Optional for 2021–22 CRDC)
- Number of students (preschool-12) who received Wi-Fi enabled devices from the school for student learning use. (Optional for 2021–22 CRDC)
- Number of students (preschool-12) who received a Wi-Fi hotspot from the school for student learning use. (Optional for 2021–22 CRDC)

Teachers and other Personnel (funded with federal, state, and/or local funds)

- Number of FTE teachers (preschool-12).
- Number of FTE of teachers (preschool-12) meeting all state licensing/certification requirements.
- Number of FTE of teachers (preschool-12) not meeting all state licensing/certification requirements.
- Number of FTE first-year teachers (preschool-12). (Optional for 2021–22 CRDC)
- Number of FTE second-year teachers (preschool-12). (Optional for 2021–22 CRDC)
- Number of FTE teachers (preschool-12) absent more than 10 school days. (Optional for 2021–22 CRDC)
- Number of teachers (preschool-12) employed at the school during the 2021–22 regular school year (disaggregated by race, sex). (Optional for 2021–22 CRDC)
- Number of teachers (preschool-12) employed at the school during both the 2020–21 regular school year and the 2021–22 regular school year. (Optional for 2021–22 CRDC)
- Number of FTE school counselors.
- Number of FTE psychologists.
- Number of FTE social workers.
- Number of FTE nurses.
- Number of FTE security guards.
- Number of FTE sworn law enforcement officers (including school resource officers).