



ZERO TO THREE
Early connections last a lifetime

November 18, 2019

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

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Re: Notice of Proposed Rulemaking: Agency Information Collection Activities;
Comment Request; Mandatory Civil Rights Data Collection

Docket No: ED-2019-ICCD-011

Dear the Director of the Information Collection Clearance Division,

Thank you for the opportunity to comment on the United States Department of Education's proposed rule on the revision of agency collection activities on Civil Rights Data Collection (CRDC). We strongly oppose the proposal to severely curtail the collection of information on children in early childhood education settings, including information on services to infants and toddlers through Local Education Agencies (LEA). We are particularly alarmed by the elimination of the collection of data disaggregated by race/ethnicity and other characteristics, which would hamper efforts to promote equity of access to early childhood services needed to ensure all children enter kindergarten on track developmentally. Together with the reduced information on preschool expulsion and suspension, the loss of the ability to disaggregate the experiences of young children would seem to run counter to the mission of the Office of Civil Rights.

Founded more than 40 years ago, ZERO TO THREE is a national nonprofit organization located in Washington, DC, whose mission is to ensure that all babies and toddlers have a strong start in life. We translate the science of early childhood development into useful knowledge and strategies for parents, practitioners, and policymakers. We work to ensure that babies and toddlers benefit from the family and community connections critical to their well-being and healthy development.

It is because of our focus on the well-being of all young children that we are alarmed by the section of the notice of proposed rulemaking to revise the collection of mandatory civil rights data for young children in preschool settings. Through the CRDC, the U.S. Department of Education provides an essential nationwide source of equity-related education data, including for preschool-age children. The inclusion of data on early childhood programs not only provides significant insight to how such programs are growing and being integrated with the K-12 continuum, it also signals the importance of services to support early



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development and learning from birth. The ability to examine who is receiving these services aids in determining disparities in access that can reverberate throughout a child's life. The proposal to severely curtail key data elements that allow early childhood educators, researchers, advocates, and policymakers to identify early education opportunities for young children and build more equitable early education programs and systems, as well as to enforce applicable civil rights laws ultimately will cause severe harm. We urge the Department of Education to reject these changes to the CRDC and continue requiring detailed information about early childhood services as well as preschool enrollment data that can be disaggregated by race/ethnicity and other key characteristics.

The education sector has increasingly recognized the importance of programs that support the early learning and development of young children, starting from birth. Research demonstrates that the earliest years of a child's life are critical for building the early foundation of learning, health, and wellness needed for success in school and later in life. During these formative years, children's brains are developing rapidly, influenced by the experiences – both positive and negative – that they share with their families, caregivers, teachers, peers, and in their communities.¹ Further, a child's early years set the course for the relationships and successes they will experience for the rest of their lives – making it crucial that children's earliest experiences foster their development. High-quality early childhood programs provide critical positive experiences that, along with parents or other caretakers, nurture positive learning and development spanning a child's lifetime.

Over time, the CRDC data have provided an indispensable window into the state of early childhood education programs across the country, thereby informing efforts to ensure all young children have access to high quality early learning opportunities. We believe it is critically important that the CRDC continue to give a picture of the types of services available to young children and their families, including full-day vs. part-day services, whether there is a cost, and—particularly from our perspective—whether services for infants and toddlers are offered to children not in IDEA programs.

The most troubling aspects of the proposed changes in the data collection related to early childhood education are around (a) eliminating counts that are disaggregated by demographic subgroups and (b) condensing the preschool expulsion and suspension counts into one indicator. When we consider the combined impact of these two changes, i.e., less informative data on expulsion/suspension that cannot be disaggregated by race/ethnicity, the result would be absolutely counter to the mission of the Office of Civil Rights to promote equity of access to quality education. It would harm our efforts to



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reduce both disparities in outcomes among young children and the loss of access to vitally important services that results from suspension and expulsion.

The U.S. Department of Health and Human Services and the U.S. Department of Education have recognized jointly that expulsion and suspension practices in early childhood settings, two stressful experiences young children and their families may encounter in early childhood programs, should be prevented, severely limited, and eventually eliminated.ⁱⁱ However, the prevalence of these practices exacerbates the chronic exclusion of some young children from positive early learning environments. Existing data shows that children, especially boys, of color are disproportionately excluded from early childhood settings through expulsion and suspension.ⁱⁱⁱ The CRDC data are critical in telling this story at a national level. The most recent CRDC data shows that while Black children make up 18 percent of the preschool population, they account for 48 percent of preschool children with one or more out-of-school suspension.^{iv} A number of other factors already make access to positive early learning experiences particularly challenging for young children of color. Because they are more likely to be affected by poverty than their white counterparts, parents of color are, on average, less likely to afford the high cost of high-quality child care, and are more likely to live in economically disadvantaged communities that lack options for high-quality child care providers.^v These stressors undermine parents' availability to engage in early learning experiences at home^{vi} that can bolster young children's development outside of the classroom. By further excluding children of color from overburdened and under-resourced families from positive early learning experiences, we are halting the opportunity to change the very trajectory of their lives.

Excluding the young children who could benefit most from early learning environments has major consequences. Research has found that the experiences of suspension and expulsion are stressful and negative experiences that can potentially influence adverse outcomes across later child development, health, and education.^{vii} Further, young children who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not.^{viii} Expulsion or suspension early in a child's education has been shown to predict expulsion and suspension in later school grades.

Access to information about young children who are expelled or suspended is critical in developing policies around equity and inclusion in early learning environments as data plays a key role in policy formation. Disaggregated data allows parents and other stakeholders to address the racial composition of school programs for our youngest learners and identify the population most



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likely to be suspended and/or expelled as well as the nature of their experiences (e.g., which children are more likely to experience a single episode or multiple episodes). If CRDC data are curtailed, policymakers, educators, parents, and school leaders will be left without the critical data to assess disparities and provide benchmarks.

Existing research does not fully explain the racial and gender disparities among boys and African American preschoolers and why they are at greatest risk for suspension and expulsion. Some experts attribute much of the inequity in preschool suspension and expulsion to implicit bias.^{ix} Efforts such as anti-bias training and widespread access to early childhood mental health consultation to address disparities in suspension and expulsion are showing promise. As such practices spread, however, without the comprehensive data provided through the CRDC, it is impossible to know if these and other responses have an impact on preschool suspensions and expulsions. As we work to solve this tragic problem, researchers will need to rely on data provided through the CRDC to monitor the levels of suspension and expulsion over time to assess the situation and any progress being made. Quality national data disaggregated by race/ethnicity is needed to conduct research and eventually get at the root of the problem. It is widely understood that any expulsion or suspension practice in early childhood should be prevented, severely limited and eventually eliminated. How will we know if our efforts are working if we are blind to the experiences of young children of color that currently are revealed through the CRDC data?

In recent years, our country has worked to address this problem and prevent children from suspensions and expulsions in recognition of its harmful impacts. I want to underscore how vital the CRDC data has been in that movement, acting as a catalyst to spur action at the federal, state, and community levels. In 2014, results from the 2011-2012 CRDC electrified the early childhood world by providing national data that Black children and boys were vastly overrepresented among preschoolers who experienced expulsion or suspension.^x As a result, the Secretaries of the Department of Health and Human Services and the Department of Education worked together to raise an alarm over this situation with a joint statement that strongly encouraged states to adopt policies to promote children's social-emotional and behavioral health and eliminate or severely limit the practice.^{xi} Since then, more than two dozen states and cities heeded that call, passing new laws and regulations.^{xii} At least 10 states have largely banned suspensions or expulsions for preschoolers and other young children.^{xiii} Additionally, in 2016, the federally funded Head Start program prohibited its centers across the country from removing children.^{xiv}



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Rather than continue with these harmful proposed changes, I urge the Department to continue to require the collection and reporting of early childhood program data. Beyond disaggregated data on preschoolers that are suspended and/or expelled, it is important to understand the types of early childhood programs serving young children, including the extent of services and whether LEA's are devoting attention to foundational infant-toddler development. This data, disaggregated by race/ethnicity, allows policymakers and various stakeholders to remain accountable when it comes to ensuring that everything is being done to promote equitable access to early childhood education and most importantly, prevent children from being excluded from early learning environments that can set them on a positive life trajectory. Lastly, I urge the Department to take a strong stance against preschool suspension and expulsion as previous administrations have. As the CRDC data continues to show, we are persistently leaving children behind during the most formative years in their development.

Sincerely,

Myra Jones-Taylor, Ph.D.

Chief Policy Officer, ZERO TO THREE

ⁱ The United States Department of Education and The United States Department of Health and Human Services. (2016, November 7). Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings. Retrieved from <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ee-expulsions-suspensions.pdf>

ⁱⁱ Ibid.

ⁱⁱⁱ Stegelin, D. A. (2018, December). Preschool Suspension and Expulsion: Defining the Issues. Retrieved from <https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>

^{iv} The U.S. Department of Education. Civil Rights Data Collection: 2013-14 State and National Estimates. Retrieved from https://ocrdata.ed.gov/StateNationalEstimations/Estimations_2013_14

^v Keating, K., Daily, S., Cole, P., Murphey, D., Pina, G., Ryberg, R., Moron, L., & Laurore, J. (2019). *State of babies yearbook: 2019*. Washington, DC: ZERO TO THREE and Bethesda MD: Child Trends. Retrieved from https://stateofbabies.org/wp-content/uploads/2019/05/State-of-Babies-Yearbook_full-digital-yearbook_5.14.19.pdf

^{vi} Ibid.



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^{vii} Stegelin, D. A. (2018, December). Preschool Suspension and Expulsion: Defining the Issues. Retrieved from <https://www.instituteforchildsuccess.org/wp-content/uploads/2018/12/ICS-2018-PreschoolSuspensionBrief-WEB.pdf>

^{viii} Ibid.

^{ix} Gilliam, W. S., Maupin, A. N., Reyes, C. R., Accavitti, M., & Shic, F. (2016, September 28). Do Early Educators' Implicit Bias Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?. Retrieved from

https://medicine.yale.edu/childstudy/zigler/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379_v1.pdf

^x The U.S. Department of Education. (2014, March). Civil Rights Data Collection Data Snapshot: School Discipline. Retrieved from <https://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>

^{xi} The United States Department of Education and The United States Department of Health and Human Services. (2016, November 7). Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings. Retrieved from <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ee-expulsions-suspensions.pdf>

^{xii} Fischer, A., & Weyer, M. (2019, March 29). School Discipline in Preschool Through Grade 3. Retrieved from <http://www.ncsl.org/research/education/school-discipline-in-preschool-through-grade-3.aspx>

^{xiii} School Discipline: Are there limitations placed on suspension or expulsion?. (2018, August). Retrieved from <http://ecs.force.com/mbdata/MBQuest2RTanw?rep=SD1803>

^{xiv} The U.S. Department of Health and Human Services. Head Start Program Performance Standards. Retrieved from <https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii>