



September 6, 2025

Ross Santy  
Chief Data Officer, Office of Planning, Evaluation and Policy Development  
U.S. Department of Education  
400 Maryland Ave. SW, LBJ, Room 4C210  
Washington, DC 20202–1200

RE: Mandatory Civil Rights Data Collection (Docket No. ED-2024-SCC-0128)

Dear Mr. Santy:

The Consortium for Constituents with Disabilities Education Task Force (CCD) is providing comments regarding the Department of Education's (ED) proposed information collection for the mandatory Civil Rights Data Collection (CRDC) for school years 2025-26 and 2027-28.

The [CCD Education Task Force](#) is the largest coalition of national organizations working together to monitor federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal laws such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). On behalf of these children, their families, and the educators who support them, and consistent with formal comments made regarding the CRDC in December 2024, we offer the following recommendations.

**I. Reconsider and include data disaggregation on nonbinary students.**

Rationale: Consistent with CCD's input to the CRDC in January 2022 and October 2022, respectively, we strongly support the definition of nonbinary students as well as the need to capture data that will provide a greater understanding of the experiences of nonbinary students who may experience disability at higher rates than their cisgender peers. We believe these data are critical to the mission of the Office for Civil Rights (OCR) to enforce Title IX's prohibition on discrimination.

**II. Proceed to Include all Proposed Revised and New Questions**

Rationale: CCD supports the addition of revised and new questions that will help inform and improve transparency in school data with regard to the following:

- Instruction Type - which includes
  - retiring a question about remote instruction during COVID-19 and
  - revising two questions regarding 1) remote instruction setting and 2) remote instruction received by students/percentage.
- Non-LEA Facilities -which includes new questions to provide much-needed data on
  - the number of preschool students enrolled in the LEA and who were being served in non-LEA facilities only (disaggregated by race, sex [male, female], disability IDEA, disability-Section 504 only, EL) (LEA-level)
  - the number of K-12 students enrolled in the LEA and who were being served in non-LEA facilities only (disaggregated by race, sex [male, female], disability-IDEA, disability-Section 504 only, EL) (LEA-level)

- the number of K-12 students enrolled in the LEA and who were being served in non-LEA facilities only, subjected to mechanical restraint (disaggregated by race, sex [male, female, nonbinary], disability-IDEA, disability-Section 504 only, EL) (LEA-level)
- the number of K-12 students enrolled in the LEA and who were being served in non-LEA facilities only, subjected to physical restraint (disaggregated by race, sex [male, female], disability-IDEA, disability-Section 504 only, EL)
- the number of K-12 students enrolled in the LEA and who were being served in non-LEA facilities only, subjected to seclusion (disaggregated by race, sex [male, female], disability-IDEA, disability-Section 504 only) (LEA-level)
- Informal Removal - which includes
  - the addition of a definition of Informal Removal
  - the addition of a question regarding Informal Removal in preschool and K-12 classrooms for students with disabilities, disaggregated by race, sex [male, female,], disability-Section 504 only, English Learner (EL); the addition of a question regarding
  - the addition of a question regarding Informal Removal in preschool and K-12 classrooms for students without disabilities, disaggregated by race, sex, and English Learner (EL)
  - the proposal to add NEW questions for preschool and K-12, respectively, that would require schools to report the number of instances of informal removals for students with/without disabilities, disaggregated.
  - the addition of a new definition for Informal Removal.
- Threat Assessments - which includes
  - the addition of definition of Threat Assessment
  - the addition of a question regarding the number of preschool students who were referred for a threat assessment (disaggregated by race, sex [male, female], disability-IDEA, disability-Section 504 only, EL)
  - the addition of a question regarding the number of K-12 students with disabilities who were referred for a threat assessment (disaggregated by race, sex [male, female], disability-Section 504 only, EL)
  - the addition of question regarding the number of K-12 students without disabilities who were referred for a threat assessment (disaggregated by race, sex [male, female], EL)
  - the addition of a question indicating whether a school has a threat assessment team or any other formal group of persons to identify students who may pose a threat of targeted violence in schools.

Please note: CCD supports the additions regarding Threat Assessment with reservations, as we know from current practice that such systems/protocols and/or teams are known to disproportionately target students with disabilities. When this occurs, the educational experiences and opportunities of students with disabilities are then derailed due to the use and overuse of exclusionary discipline and/or aversive practices such as suspension, expulsion, restraint, seclusion, referrals to law enforcement, informal removal from school, and more. With that, we also believe having more school-level data on these systems and practices can help us support children, families, and schools so the opportunities and rights of children with disabilities can be promoted and protected rather than trodden on or ignored.

CCD appreciates the opportunity to comment. If you have questions, please contact one of the cochairs below.

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