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LDF Welcomes Release of U.S. Department of Education’s Most Recent Civil Rights Data Collection

Yesterday, the U.S. Department of Education released the Civil Rights Data Collection (CRDC), an essential tool to monitor and enforce compliance with civil rights law in K-12 schools. Civil rights organizations and community-based education advocates have long awaited the release of this year’s data collection, which provides school systems and the public with key data and analysis pertaining to educational equity during the 2020-2021 school year when schools faced significant challenges from the COVID-19 pandemic.

“In the wake of the Supreme Court’s *SFFA* decision upending affirmative action, the Civil Rights Data Collection (CRDC) exposes longstanding racial inequities in K-12 education and further highlights the urgency with which states, school districts, and postsecondary institutions must act to increase educational opportunities and improve outcomes for students of color, especially Black students, in both K-12 and higher education,” said [Legal Defense Fund](#) (LDF) Associate Director-Counsel Tona Boyd. “This release should be viewed as an urgent call to action for state legislatures and superintendents around the country to ensure that all students are college- and career-ready, regardless of race or gender. We urge state and local educational agencies to comply with federal anti-discrimination law, including Title VI of the Civil Rights Act of 1964, by eliminating these longstanding racial disparities and deepening their commitment to educational equity, especially as we approach the 70th anniversary of the Supreme Court’s seminal decision, *Brown vs. Board of Education*.”

LDF renews its call for the Department of Education to more fully advance its stated mission “to prohibit discrimination and ensure equal access to educational excellence” by restoring and expanding the CRDC to: (1) permanently implement an annual, universal collection of CRDC data; (2) disaggregate school discipline data to include the reasons for disciplinary action and begin collecting data on informal removals; (3) expand data elements to include incidents of school-based law enforcement use of force against students; (4) collect data on school surveillance, threat assessments, and the use of other artificial intelligence tools; and (5) restore data collections on teacher experience levels and school expenditures, especially given the correlation between school finance practices and school desegregation.

“The CRDC has consistently demonstrated that school-based law enforcement leads to the criminalization of students. The overrepresentation of Black students in schools staffed with law enforcement — but no counselors, social workers, or school psychologists — correlates with the stark racial disparities in their referrals to law enforcement and school-based arrests,” said LDF Senior Policy Counsel Hamida Labi. “School policing hinders the development of healthy school climates that lead to greater student achievement, and yet has not been shown to increase school safety. Legislation like the Ending PUSHOUT Act and the Counseling Not Criminalization in Schools Act are critically necessary to divert funds away from practices that lead to discrimination, harassment, and physical violence against students, and instead invest in evidence-based, restorative initiatives that foster safe and inclusive learning environments, advance racial equity, and lead to equal educational opportunities.”

Stark racial disparities across various indicators reflect disproportionate harm to Black students, hampering their educational access and opportunity. The CRDC’s key takeaways include:

- Black students were almost twice as likely to be suspended or expelled, compared to their white peers, in the 2020-21 school year.
- While Black students represented 15% of total K-12 student enrollment, they accounted for 18% of law enforcement referrals and 22% of those subjected to school-related arrests.
- 18% of Black male students were subjected to corporal punishment, yet only accounted for 8% of total student enrollment.
- Black students were also more likely to attend schools staffed with law enforcement but without a counselor, social worker, nurse, or school psychologist.
- A continuing trend of racial disparities in educational curriculum, particularly with respect to access to advanced coursework, a critical factor in the admissions criteria for many institutions of higher education.
- Black students were less likely to have access to Advanced Placement coursework as well as dual enrollment or dual credit programs.
- Only 35% of schools with high enrollments of Black and Latinx students offered calculus, compared to 54% of schools with low enrollments of Black and Latinx students.

LDF urges the Department of Education’s Office for Civil Rights (OCR) to take timely action to enforce Title VI, Title IX, and other key civil rights statutes, particularly in school districts that have reported few or no incidents of harassment while, at the same time, families within the district have filed complaints with OCR. OCR must fully realize its mandate to ensure that civil rights laws are fully enforced in our nation’s schools, and swift action on these complaints is necessary to provide critical support to Black students and other students of color who experience discrimination.

LDF continues to advocate for OCR to expand the CRDC categories and to collect this data annually from all K-12 schools, including charter schools, that receive federal

funds. This data release underscores the urgent need for the Office for Civil Rights to enforce federal civil rights statutes in a timely manner and collect more detailed data on exclusionary discipline.

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Founded in 1940, the Legal Defense Fund (LDF) is the nation's first civil rights law organization. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.