

APPENDIX

Table 1A

Documents Used for Context Development and Analysis

Date	Event/Document	Content	Code
04/19/2011	DOJ Brief - <i>Doe v. Lower Merion Sch. Dist.</i> - 665 F.3d 524 (3d Cir. 2011) (<i>Doe v. Lower Merion School District</i> , 2011)	Case on race-conscious student assignment policies. The District Court concluded that the redistricting plan required strict scrutiny, but it was constitutional because the plan did not use race impermissibly.	Obama tools and agenda: Cross-sector coordination
2011-12	Civil Rights Data Collection Q&A Sheets (Office for Civil Rights, 2011)	Added new data items, including preschool suspensions and expulsions.	Obama tools and agenda: OCR
06/2012	The National Commission on School Diversity Issue Brief #4: Federal Support for School Integration: A Status Report (Tegeler et al., 2014)	USED issued Joint Guidance on Voluntary School Integration and has included a preference for school integration in its permissible funding preferences, but there was no school integration requirement reflected in competitive grant programs.	Obama tools and agenda: Inconsistencies
11/13/2012	Federal Register Vol. 77, No. 219: Rule change for the 2010 MSAP grants (Magnet Schools Assistance Program, 2012b)	Eliminated the prior rule that had a binary definition of minority group isolation	Obama tools and agenda: Lack of clarity
12/31/2012	Federal Register Vol. 77, No. 250: Additional rule changes for MSAP grants (Magnet Schools Assistance Program, 2012a)	Requires examination of MSAP grant desegregation effects on magnet and feeder schools and increased the number of points awarded for plans reducing or eliminating minority group isolation.	Obama tools and agenda: Lack of clarity

Date	Event/Document	Content	Code
01/08/2014	Guidance on the Nondiscriminatory Administration of School Discipline (U.S. Department of Justice & U.S. Department of Education, 2014)	The letter explains what disparate impact is and the steps the OCR will take if a discipline policy results in a disparate impact on students of color.	Obama tools and agenda: ED & DOJ
04/2015	OCR Report to the President and Secretary of Education: Protecting Civil Rights, Advancing Equity, FY 13-14(Office for Civil Rights, 2015b)	Summarizes the compliance and enforcement activities of the OCR and identifies civil rights or compliance issues, seeking support.	Obama tools and agenda: OCR
02/06/2016	Civil Rights Division, Department of Justice FY 2017 Performance Budget Congressional Submission (U.S. Department of Justice, 2016)	The budget request emphasized, in part, the need to expand opportunities through desegregation support.	Obama tools and agenda: ED & DOJ
06/03/2016	HUD, DOT, & ED Joint Dear Colleagues Letter on the Affirmatively Furthering Fair Housing rule (U.S. Department of Housing and Urban Development et al., 2016)	Provides guidance and public education about ways communities could work to voluntarily promote diversity.	Obama tools and agenda: Cross-sector coordination
12/2016	OCR Report to the President and Secretary of Education: Securing Equal Educational Opportunity (Office for Civil Rights, 2016)	Summarizes the compliance and enforcement activities of the OCR and identifies civil rights or compliance issues, seeking support.	Obama tools and agenda: OCR
01/30/2017	Executive Order No. 13771 Reducing Regulation and Controlling Regulatory Costs (Exec. Order No. 13771, 2017)	Outlines approach to governing, for every one regulation enacted, two must be removed.	Trump tools and agenda: Deregulation

Date	Event/Document	Content	Code
10/09/2017	Executive Order No. 13891 Promoting the Rule of Law Through Improved Agency Guidance Documents (Exec. Order No. 13891, 2017)	Modifies procedural requirements to prohibit federal administrative agencies from issuing binding rules through guidance documents.	Trump tools and agenda: Deregulation
11/02/2018	USCCR Testimony: Panel Three: Advocates and Community Experts in Civil Rights Enforcement (Advocates and Community Experts in Civil Rights Enforcement, 2018)	Janel George and Vanita Gupta call for transparency in CRDC data.	Obama tools: OCR
12/18/2018	Final Report of the Federal Commission on School Safety (Federal Commission on School Safety, 2018)	Report attacks the principle of disparate impact because it led to discipline decisions to be about statistics rather than safety.	Trump tools and agenda: Deregulation
12/21/2018	Updates to Department of Education and Department of Justice Guidance on Title VI (school discipline) (U.S. Department of Justice & U.S. Department of Education, 2018)	The Dear Colleague letter rescinds Obama school discipline guidance and associated documents to remove the use of disparate impact analysis in education. *Currently under review and has the potential to be removed.	Trump tools and agenda: Race neutral
03/13/2019	OCR Discrimination Complaint to Montgomery County Public Schools (MD) (Office for Civil Rights, 2019)	The complainants allege that the district discriminated on the basis of race by using race as a factor for admission to two of its magnet middle schools. Specifically, they opened an investigation into the intentional exclusion of Asian and Asian American students.	Trump tools and agenda: Race neutral
05/08/2019	Equity and Inclusion Enforcement Act (introduced by Scott and Nadler) (Equity and Inclusion Enforcement Act, 2019)	Would allow families to sue over policies with a disparate impact, which would supersede <i>Alexander v. Sandoval</i> . (passed by House on 9/16/20 but not by Senate)	Trump tools and agenda: Deregulation

Date	Event/Document	Content	Code
11/13/2019	USCCR: Performance and Accountability Report for Fiscal Year 2019 (U.S. Commission on Civil Rights, 2019)	Outlines the OCR's programmatic output, including the number of discrimination complaints received and resolved.	Obama tools and agenda: OCR
06/16/2020	Trump press conference on police reform (Trump, 2020)	Trump signs executive order on policing, but during his speech, he lists his administration's achievements for Black, Hispanic, and Asian communities, including expanding school choice.	Trump tools and agenda: Education privatization
01/08/2021	Fact sheet: Governor's Emergency Education Relief Fund II: Coronavirus Response and Relief Supplemental Appropriations Act 2021 (Office of Elementary & Secondary Education, 2021)	Outlines that private schools received about \$2.75 billion in COVID relief funds after Trump left office. However, they could not be used for vouchers or scholarships.	Trump tools and agenda: Education privatization

Table 2A

Summary of CRDC Data Changes

Years	New Data Items (Required & Optional)	Data Items No Longer Collected
2009-10	Required: students' participation in algebra and other college-prep subjects, retention, teacher experience/absenteeism, school counselors, school funding, harassment, restraint/seclusion, SAT/ACT participation, desegregation plans, access to K and pre-K programs, and discipline *Most of the data will be disaggregated by race, sex, disability, and limited English proficient status.	
2011-12	Required: preschool suspensions and expulsions	Disaggregated data on the number of students served under the IDEA by disability category or educational environment nor the high school completer (instead, they collected the data reported to the SEA)

Years	New Data Items (Required & Optional)	Data Items No Longer Collected
2013-14	<p>Required: students absent 15 or more school days (disaggregated), students enrolled in distance education, students enrolled in dual enrollment or credit recovery programs, if sworn law enforcement officer (including school resource officer) is assigned to a school, if the LEA's preschool or kindergarten programs are offered at a cost to parents or guardians, if the school's preschool program serves non-IDEA students (by age), if the LEA has civil rights coordinators (with contact information), and justice facility questions regarding facility type, school year length, and educational program duration</p>	<p>Students awaiting special education evaluation (LEA), if students are ability grouped for English/Math, students enrolled in AP foreign language (disaggregated), separate count of students who took AP exams for all AP courses enrolled in (disaggregated), and separate count of students who passed AP exams for all AP courses enrolled in (disaggregated)</p>
2015-16	<p>Required: child count for 2-year-olds served in LEA preschool, incidents of violent and serious crimes, school days missed by students who received out-of-school suspensions, students transferred for disciplinary reasons to alternative schools, instances of corporal punishment, preschool students who received corporal punishment, allegations of harassment or bullying on the basis of sexual orientation or religion, students who participated in justice facility educational program (by specific length), students enrolled in any distance education courses or dual enrollment/dual credit programs, students who participate in a credit recovery program, science classes in grades 9-12 taught by teachers with a science certification (Biology, Chemistry, Physics), FTEs for psychologists, social workers, nurses, security guards, and sworn law enforcement officers, school-level expenditures for teachers and total personnel (funded with federal and state/local funds), school-level expenditures and number of FTEs for instructional aides, support services staff, and school administration staff (funded with federal and state/local funds; funded with state/local funds), as well as amount of non-personnel</p>	<p>Students transferred to a regular school for disciplinary reasons, Algebra I classes in grades 7-12, students enrolled in Algebra I in grades 7-8, students who passed Algebra I in grades 7-8, Geometry classes in grades 7-12, students enrolled in Geometry in grades 7-12, and total amount of instructional staff (teachers & instructional aides) salaries</p>

Years	New Data Items (Required & Optional)	Data Items No Longer Collected
2017-18	<p>expenditures (funded with federal and state/local funds), preschool students served by the LEA in preschool programs in LEA and non-LEA facilities, students enrolled in LEA and served in non-LEA facilities only, current teachers employed at the school, teachers also employed at the school in prior year, students ages 16-19 who participated in LEA-operated high school equivalency exam preparation program (disaggregated by race, sex, disability-IDEA, LEP), and students ages 16-19 who participated in LEA-operated high school equivalency exam preparation program, succeeded on test, and received high school equivalency credential (disaggregated)</p> <p>Optional: computer science classes in grades 9-12, computer science classes in grades 9-12 taught by teachers with a computer science certification, students enrolled in computer science classes in grades 9-12 (disaggregated), students enrolled in AP computer science in grades 9-12 (disaggregated), if the school is connected to the Internet through fiber-optic connection, if the school has Wi-Fi access in every classroom, if the school allows students to take home school-issued devices that can be used to access the Internet for student learning, if the school allows students to bring to school student-owned devices that can be used to access the Internet for student learning, and the number of Wi-Fi enabled devices provided by the school to students for student learning use</p>	<p>Students ages 16-19 who participated in LEA-operated high school equivalency exam preparation program, succeeded on test, and received high school equivalency credential (disaggregated), students enrolled in one or more AP courses who received a qualifying score on one or more AP exams, students enrolled in one or more AP courses who did not receive a qualifying score on any AP exams, and students absent 15 or more school days (disaggregated)</p>
2019	No information provided	No information provided
2020-21	<p>Required: number of preschool students receiving one or more OSS (disaggregated)</p> <p>Optional: incidents of rape, attempted rape, and sexual assault committed by students that occurred at the school and school staff member that occurred at the school,</p>	<p>Number of EL students enrolled in EL programs (disaggregated by disability-IDEA), number of preschool students who received one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL), number of</p>

Years	New Data Items (Required & Optional)	Data Items No Longer Collected
	<p>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, determination that the school staff member was responsible for the offense, determination that the school staff member was not responsible for the offense, determination that remained pending, or followed by a duty reassignment prior to final discipline or termination, and incidents of harassment and bullying based on perceived religion or shared ancestry</p>	<p>preschool students who received more than one out-of-school suspension (disaggregated by race, sex, disability-IDEA, EL), preschool and kindergarten length offered and cost, number of students enrolled in and/or took an AP course/exams (disaggregated), school-level salaries, teacher experience, and teacher absenteeism, among others</p>

Note: All data was collected from the CRDC Q&A forms (Office for Civil Rights, 2009; 2011; 2013; 2015b; 2017; 2020), but for a more comprehensive and detailed list, review the Data Elements list. Additionally, it was not until 2015-16 that the Office of Management and Budget (OMB) approved the OCR to require all public schools and districts to respond to the 2013-14 CRDC and all LEAs (i.e., charter schools, juvenile justice facilities, alternative schools, and schools serving students with disabilities) to the 2020-21 CRDC.