



NATIONAL ASSOCIATION OF  
**School Psychologists**

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Stephanie Valentine  
Office of Planning, Evaluation and Policy Development  
U.S. Department of Education

RE: Mandatory Civil Rights Data Collection-Docket No.: ED-2021-SCC-0158

*Submitted via regulations.gov*

Dear Ms. Valentine:

The National Association of School Psychologists appreciates the opportunity to comment on the 2021-2022 Civil Rights Data Collection (CRDC). The CRDC is a critical resource that helps identify disparities in education and supports the development of policy and practices intended to address and remedy disparities and promote equity for *all* students. We offer the following comments on the proposed 2021-2022 CRDC for your consideration.

NASP commends OCR for proposing changes that provide more information about access to preschool services, access to quality teaching, access to rigorous coursework, and discipline methods across the country. Particularly for the most underserved students in this country, it is important that we understand where there are gaps in service and how to meet their needs more adequately. As such, we are pleased to see that OCR proposes to reinstate critical data elements related to bullying, harassment, students with disabilities, and sex discrimination that were eliminated from the CRDC by the previous administration. Reinstating these data categories will facilitate easier and more accurate identification of disparities in resource allocation and educational outcomes for all students.

### **Experiences of LGBTQ+ Students**

NASP is appreciative of OCR's commitment to enforcing Title IX and your explicit interpretation of "on the basis of sex" to include discrimination based on sexual orientation and gender identity. We also support the inclusion of a nonbinary as a disaggregated sex category. This will 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. It is our understanding that, for the 2021-2022 CRDC, this element will be required only where LEAs currently collect this information, but will become mandatory in future collections, a decision we support. NASP is committed to advancing policy and practice that create safe and supportive learning environments for all students and appropriate intervention when schools violate civil rights laws. Currently, the civil rights of transgender and gender diverse students are being threatened by proposed school board and state legislative policy. We implore OCR to release a data snapshot and/or issue brief specifically focused on the experiences of LGBTQ+ students and to swiftly intervene where discrimination is apparent.

### **Data on Teachers and other Personnel (funded with federal, state, and/or local funds)**

We ask that the CRDC differentiate between psychologist and school psychologist. Currently the data category "Support Services Staff Type", of which "Psychologists" is a permitted value, combines and conflates these two separate and distinct positions. School psychologists have extensive training in assessment, progress monitoring, instruction, child development, consultation, counseling, crisis response, program evaluation, and data collection and analysis. Their training is specific to applying this expertise within the school context, serving both general education and special education, and includes extensive knowledge in school systems and law. School psychologists work with students, educators, and families to support the academic achievement, positive behavior, and mental wellness of all students, especially those who struggle with barriers to learning. School psychologists help schools and families

address some of our biggest challenges in education: improving and individualizing instruction to close the achievement gap; increasing graduation rates and preventing dropouts; creating safe, positive school climates and preventing violence; providing meaningful accountability; and strengthening family–school partnerships.

Psychologists as a broad category may include individuals with some or none of the above training, providing some or none of the same vital services. The category confuses jobs roles between school psychologists, individuals who work as a critical part of the school team, with psychologists, individuals who potentially rarely enter a school building. Although both school psychologists and psychologists are licensed professionals, *school psychologists* ensure quality, genuinely accessible education for all students. Conflating the two positions is problematic for data collection that seeks to monitor students’ civil rights. By combining the two separate positions, we are unable to differentiate the effects of individuals who may hold vastly different training, roles, and, most importantly, effects on students, schools, and communities. There is a solution to this concern.

In order to reduce the administrative burden on LEAs and SEAs and facilitate consistency across various federal data collections, OCR includes certain data groups collected via the mandatory EdFacts data collection in the CRDC. Beginning with the 2018-2019 school year, ED Facts included a specific category for ‘*school psychologists*’. We suggest that you either 1) add an explicit data category for school psychologists, like currently exists for school counselors, or you include data about FTE school psychologists as reported in Ed Facts. The data groups, as collected through the ESS, are explained in Attachments A and B of the ED Facts school years 2019–20, 2020–21, and 2021–22 information collection package titled, “Annual Mandatory Collection of Elementary and Secondary Education Data through ED Facts.” The ED Facts information collection package (OMB control number: 1850-0925 v.4) is available at <https://www.regulations.gov/docket?D=ED-2018-ICCD-0117>

The Administration is committed to addressing the shortages of school psychologists, and decision makers at all levels have acknowledged the need for increased access to school mental health professionals to help schools and communities thrive. Including ‘*school psychologist*’, as currently collected and defined via Ed Facts facilitates consistent and accurate data about the number of school psychologists in our nation’s schools and provides a valuable data point to help decision makers identify key staffing trends over time; identify reductions/gaps in services or access to services; and potentially reveal inequitable access to school psychologists and comprehensive school psychological services.

If you have any questions or would like to follow up, please contact Dr. Kelly Vaillancourt Strobach, NASP Director of Policy and Advocacy at [kvaillancourt@naspweb.org](mailto:kvaillancourt@naspweb.org) or Dr. Nick Affrunti, NASP Director of Research at [naffrunti@naspweb.org](mailto:naffrunti@naspweb.org).

Sincerely,



Kathleen Minke, PhD, NCSP  
Executive Director