

MAJORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,
Chairman

RAÚL M. GRIJALVA, ARIZONA
JOE COURTNEY, CONNECTICUT
GREGORIO KILLI CAMACHO SABLÁN,
NORTHERN MARIANA ISLANDS
FREDERICA S. WILSON, FLORIDA
SUZANNE BONAMICI, OREGON
MARK TAKANO, CALIFORNIA
ALMA S. ADAMS, NORTH CAROLINA
MARK DESAULNIER, CALIFORNIA
DONALD NORCROSS, NEW JERSEY
PRAMILA JAYAPAL, WASHINGTON
JOSEPH D. MORELLE, NEW YORK
SUSAN WILD, PENNSYLVANIA
LUCY MCBATH, GEORGIA
JAHANA HAYES, CONNECTICUT
ANDY LEVIN, MICHIGAN
ILHAN OMAR, MINNESOTA
HALEY M. STEVENS, MICHIGAN
TERESA LEGER FERNÁNDEZ,
NEW MEXICO
MONDAIRE JONES, NEW YORK
KATHY E. MANNING, NORTH CAROLINA
FRANK J. MRVAN, INDIANA
JAMAAL BOWMAN, NEW YORK
MARK POCAN, WISCONSIN
JOAQUÍN CASTRO, TEXAS
MIKIE SHERRILL, NEW JERSEY
JOHN A. YARMUTH, KENTUCKY
ADRIANO ESPAILLAT, NEW YORK
KWEISI MFUME, MARYLAND



COMMITTEE ON
EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

VIRGINIA FOXX, NORTH CAROLINA,
Ranking Member
JOE WILSON, SOUTH CAROLINA
GLENN THOMPSON, PENNSYLVANIA
TIM WALBERG, MICHIGAN
GLENN GROTHMAN, WISCONSIN
ELISE M. STEFANIK, NEW YORK
RICK W. ALLEN, GEORGIA
JIM BANKS, INDIANA
JAMES COMER, KENTUCKY
RUSS FULCHER, IDAHO
FRED KELLER, PENNSYLVANIA
GREGORY F. MURPHY, NORTH CAROLINA
MARIANETTE MILLER-MEEKS, IOWA
BURGESS OWENS, UTAH
BOB GOOD, VIRGINIA
LISA C. MCCLAIN, MICHIGAN
DIANA HARSHBARGER, TENNESSEE
MARY E. MILLER, ILLINOIS
VICTORIA SPARTZ, INDIANA
SCOTT FITZGERALD, WISCONSIN
MADISON CAWTHORN, NORTH CAROLINA
MICHELLE STEEL, CALIFORNIA
JULIA LETLOW, LOUISIANA
VACANCY

December 3, 2021

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Cardona,

We are writing to express concerns with a recent proposal made by the Department of Education (Department) to halt the collection of information that is essential to protecting the safety of students in our nation's public elementary and secondary schools.

As you know, the Department's Office for Civil Rights (OCR) conducts the Civil Rights Data Collection (CRDC) every two years. Through the CRDC, the Department collects a variety of information from public schools that enables OCR to enforce civil rights laws that protect students from discrimination on the basis of race, color, national origin, sex, and disability. For the CRDC conducted during the 2020-2021 school year (delayed by one year because of the onset of the COVID-19 pandemic during the 2019-2020 school year), the Trump administration added questions related to incidents of alleged sexual assaults committed by teachers and other school staff. You have proposed eliminating those questions from this year's collection.

When parents send their children off to school each morning, they trust the teachers and other staff to teach those children and protect them from harm. We know the overwhelming majority of teachers and staff take this sacred trust seriously and do everything they can to provide students with a safe and welcoming educational environment. However, we also know that exceptions exist.

Four days after the Federal Register published the Department's proposal to eliminate questions related to sexual assault by staff, the story of a chemistry teacher who sexually

harassed multiple students over his 24-year teaching career was reported in California.¹ One former student has sued the teacher for allegedly sexually assaulting her repeatedly between 1999 and 2003. Unfortunately, records show that for at least 15 years, a series of administrators ignored complaints from students about the teacher's behavior.

This is why the Trump administration introduced these questions to the CRDC. Parents deserve to know if administrators and local officials are ignoring allegations of sexual assault by staff against students. The only way for parents to get this information is if school districts are required to report it. Unfortunately, this proposed action by the Department continues the Biden administration's troubling trend of undermining parental rights in education. The Biden administration has repeatedly demonstrated that it cares more about the self-interests of teachers unions than the best interests of children.

To be clear, these are the data elements you have proposed to eliminate from the CRDC that we are concerned about:

1. Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a resignation or retirement prior to final discipline or termination.
2. Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a determination that the school staff member was responsible or not responsible for the offense.
3. Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which had a determination that remained pending.
4. Number of allegations made against a school staff member of rape or attempted rape, or sexual assault that occurred at the school, which were followed by a duty reassignment prior to final discipline or termination.

With respect to these data elements, please provide the following information to my staff no later than December 17, 2021:

1. All emails and other communications among Department staff about the removal of these data elements from the CRDC.
2. All emails and other communications between Department staff and any staff of a national or local teachers union about the removal of these data elements from the CRDC.
3. All emails and other communications between Department staff and staff in the Executive Office of the President about the removal of these data elements from the CRDC.
4. A detailed rationale for the proposed removal of these data elements from the CRDC.

¹ <https://www.berkeleyside.org/2021/11/23/berkeley-high-knew-about-matthew-bissell-sexual-misconduct-allegations>

Please provide this requested information to Mandy Schaumburg, at mandy.schaumburg@mail.house.gov, by the deadline. Thank you for your attention to this matter.

Sincerely,



Virginia Foxx
Ranking Member
Committee on Education and Labor



Burgess Owens
Ranking Member
Subcommittee on Early Childhood,
Elementary, and Secondary
Education



Russ Fulcher
Ranking Member
Subcommittee on Civil Rights and Human Services