



November 9, 2009

Angela Arrington, Director  
Information Collection Clearance Division  
Regulatory Information Management Services  
Office of Management  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202-4537

Dear Ms. Arrington,

On behalf of the American Civil Liberties Union (AC





gender non-conforming behavior. For example, we have found that LGBT students are five times as likely as their peers to skip school out of fear for their own safety. We would like for schools and districts to document and report cases of LGBT harassment and bullying, in addition

addition, we feel that collection of information on de-enrollments upon arrest or placement in a juvenile justice facility, and re-enrollments upon completion of expulsions, sentences, and juvenile justice placements, is warranted to help the Department and advocates understand what effect those punishments have on students' eventual completion of secondary education.

2. Zero-tolerance policies: We are particularly pleased that the Department is proposing new data collection on discipline under zero-tolerance policies. Disciplinary policies that mandatorily impose severe punishments for particular student infractions are pushing students out of schools and into a pipeline running straight from the classroom to the prison. For these reasons, professional organizations from the American Bar Association to the American Psychological Association to the American Academy of Pediatrics have criticized these draconian methods of discipline. We have found in our research that criminalizing behavior that was previously dealt with more flexibly through the school system aliena

number and targets of incidents of restraint and seclusion in schools. As Professor Reece Peterson testified at the House Education and Labor Committee's May 19, 2009 hearing on use of restraint and seclusion in schools, there is little data currently available to show how often these methods are being used and, importantly, no evidence to show that seclusion and restraint are an effective means of changing student behavior over the long run. Nonetheless, there is significant reason to believe these methods are being used, against the consensus recommendations of education experts. Evidence presented to the House in May ranged from a study which found that schools were employing seclusion and restraint merely to discipline students who did not follow directions, even when they posed no danger to others, to the testimony of parents whose children were killed by in-school use of restraints. In addition, the GAO has investigated the issue and uncovered hundreds of allegations of abuse and death due to restraint and seclusion, yet located not a single agency or government website collecting information about the use of the methods. Thus, the Department's data collection will be filling a critical void that will contribute significantly to our knowledge of the use and prevalence of restraint and seclusion. We would recommend that the Department specify that "restraint" incidents include those in

