

Opening Statement of Ranking Member Robert C. “Bobby” Scott
Committee on Education and the Workforce
Full Committee Hearing: “Protecting Privacy, Promoting Data Security:
Exploring How Schools and States Keep Data Safe”
March 17, 2018 at 10 a.m.

Thank you, Madame Chairwoman. I want to begin my remarks by recognizing the importance of student data privacy. Privacy, is an important civil rights issue, is an area ripe for bipartisan cooperation and is worthy of this Committee’s time and attention.

That said, I must That Today, May 17th, is the 64th anniversary of the Supreme Court’s unanimous and landmark ruling in *Brown v. Board of Education*. Sixty-four years ago, our nation’s highest court declared separate to be inherently unequal and ordered public education to desegregate in order to provide equitable learning opportunities to all students.

Unfortunately, since taking office, the Trump administration has relentlessly chipped away at civil rights protections, including civil rights protections in education. In its first year, the administration rescinded one Obama-era civil rights guidance that protected the rights of transgender students and rescinded another that pushed colleges to meet their legal obligations under Title IX in addressing campus sexual assault.

This year, Secretary DeVos has taken steps to erode protections for students of color with disabilities by proposing a delay of the Equity in IDEA rule – a delay overwhelmingly opposed by students, parents, teachers, civil rights advocates, and individuals with disabilities. This important rule is set to go into effect this July and clarifies when school districts must take action to address disparities in over-identification, placement, and discipline of students of color with disabilities.

Most recently, Secretary DeVos directed the Department’s Office of Civil Rights to stop investigating cases of systematic inequities that harm minority students and even reopened previously resolved cases concerning accessibility for students with disabilities.

Next Tuesday, Members of the Committee will have the first opportunity to question Secretary DeVos, nearly a year and a half into her tenure. Such a delay of oversight of the Secretary of Education is unprecedented in recent history.

The importance of meaningful oversight is growing. Secretary DeVos is publicly signaling her intent to rescind the 2014 Education-Justice School Discipline Guidance package promulgated under the Obama administration. And that guidance outlined how school districts can avoid racial disparities in discipline especially suspensions, without jeopardizing school systems and school safety.

Rescinding that guidance would be particularly troubling in light of a Its findings show that discipline disparities aren’t merely a function of poor students acting out more, as is often the claim. The role of racial bias in perpetuating educational inequity – whether explicit or implicit – cannot be ignored.

Many observers believe the administration's attack on the 2014 discipline guidance is a first step in a full-scale assault on the disparate impact doctrine, which will deprive us of a fundamental tool for investigating violations of Civil Rights law.

Later today, I will be joined by Ranking Member Nadler, Democratic Caucus leadership, and Tri-Caucus Leadership in introducing a resolution to express the Sense of Congress that disparate impact remains a fundamental enforcement mechanism under title VI of the Civil Rights Act. I encourage every Member of this Committee to join this resolution and articulate their support for advancing educational equity.

It is our job, as the Committee on Education and the Workforce, to ensure the Department of Education is implementing and enforcing federal law – including civil rights laws.

There is an appropriate time to challenge of student data privacy as a standalone issue. But while we do this, we should also take the time to honor both the legacy of Linda Brown and cause of millions of students, parents, teachers, and civil rights leaders across the country who continue her fight for a system of public education that lives up to our ideals of equity and fairness.

While I welcome all of today's witnesses, I am especially grateful to Catherine Lhamon, a former Assistant Secretary for Civil Rights at the Department of Education under the Obama administration, for accepting our invitation to help broaden the focus of this hearing.

Thank you Madame Chair and yield the balance of my time.