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PRA Clearance Coordinator  
Information Collection Clearance Program  
Office of the Chief Information Officer  
U.S. Department of Education  
550 12th Street SW  
PCP, Room 9089  
Washington, DC 20202-0023

Re: Docket ID Number: ED-2019-ICCD-0119, Agency Information Collection Activities; Comment Request; Civil Rights Data Collection

Dear Ms. Valentine:

On behalf of the Southeast Asia Resource Action Center (SEARAC), we write in response to the notice published in the Federal Register on September 19, 2019 regarding the Civil Rights Data Collection (CRDC).

SEARAC is a national civil rights organization that empowers Cambodian, Hmong, Laotian, Vietnamese, and other communities of color to create a socially just and equitable society. The Southeast Asian American (SEAA) community is the largest refugee community ever to be resettled in the United States. We now number over 3 million in the country today, including over 2,104,000 Vietnamese Americans, over 331,000 Cambodian Americans, over 309,000 Hmong Americans, and over 265,000 Laotian Americans.<sup>1</sup>

As advocates for SEAA and Asian American, Native Hawaiian, and Pacific Islander (AANHPI) communities, we are strong proponents for accurate data that identifies the diverse challenges and opportunities that our communities face, including disparities in accessing high quality educational opportunities. The CRDC is critical to identifying barriers in access to equal educational opportunities and provides all stakeholders—including schools, districts, students, families, and policymakers—with the information they need to ensure equitable outcomes. Any changes to the CRDC to limit the data

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<sup>1</sup> US Census Bureau, American Community Survey, 2017 1-Year Estimates

collection's content, frequency, or accessibility would harm efforts to provide a high-quality education to every child.

In response to the proposed changes to the CRDC, we offer the following comments:

1. Disaggregate race and ethnicity data by the categories captured by the US Census Bureau's American Community Survey;
2. Add data elements on characteristics of diverse English Learner (EL) students, described below, and retain EL cross-tabulations; and
3. Include race and ethnicity data elements for educators.

### **Disaggregate race and ethnicity data by the categories captured by the US Census Bureau's American Community Survey (ACS)**

Our country has made significant strides in collecting disaggregated data about student achievement for the major racial and ethnic groups in the last two decades, such as for “Asian” and “Native Hawaiian or Pacific Islander” students. However, federal data policies and most states and district policies continue to fail to accurately represent diverse communities. For example, the US Census Bureau reports data annually on at least 22 distinct, self-identified AANHPI groups, each with unique linguistic, cultural, and historical differences that often influence their outcomes and opportunities throughout their lives. OCR should disaggregate race and ethnicity data for the CRDC to reflect this diversity.

For Southeast Asian Americans, the mass collective trauma from war, genocide, displacement, and the stressors associated with relocation—like English language difficulties and cultural conflicts—affect student outcomes. In the aggregate, only 14% of Asian American adults have less than a high school diploma.<sup>2</sup> However, disaggregated data show that 34% of Cambodian, 30% of Hmong, 30% of Lao, and 28% of Vietnamese American adults have less than a high school diploma—twice the percentage or more of Asian Americans overall.<sup>3</sup> The monolithic “Asian” or “Native Hawaiian or Pacific Islander” categories thus gloss over the immense variation in outcomes for different AANHPI ethnic groups. Smaller ethnic groups like SEAAs, who face high poverty and low education attainment rates, are especially rendered invisible when data are not broken down by ethnic group.

The race and ethnicity categories used by the American Community Survey roll up to the current Office of Management and Budget minimum standards. Additionally, the US Department of Health and Human Services provides an ongoing example of detailed federal data collection; HHS uses the same race and ethnicity categories as the American Community Survey for its final standards on data collection on race, ethnicity, sex, primary language and disability.<sup>4</sup>

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<sup>2</sup> US Census Bureau, American Community Survey, 2015 5-Year Estimates.

<sup>3</sup> US Census Bureau, American Community Survey 2015 5-Year Estimates, ethnicity alone or in any combination.

<sup>4</sup> US Department of Health & Human Services. (2014). Explanation of Data Standards for Race, Ethnicity, Sex, Primary Language, and Disability. Retrieved from <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=3&lvlid=54>

## **Add new data elements on characteristics of diverse English Learner (EL) students and retain EL cross-tabulations**

OCR should add data elements to capture differences among EL students, including the number of years EL students are enrolled in EL programs and cross-tabulating the data with home language, particularly for older EL students. English learner students in high school may fall into four subcategories: long term ELs who have been identified as such for six or more years; newcomer students with interrupted formal education; newcomer students at or close to grade level, who arrive with grade appropriate skills in their native language; and progressing ELs, who are on track to exit EL status within the average four- to seven-year period.<sup>5</sup> Two of the top five languages spoken by EL students include Chinese and Vietnamese, and in the top 10 languages, Hmong as well.<sup>6</sup> The CRDC should account for such diversity among older EL students in order to ensure that AANHPI EL students are appropriately represented in EL programs.

OCR should also retain the cross-tabulation of data on EL students enrolled in EL programs with data on disability status. English learner students who also require special education services are often overlooked and underserved, though schools must provide special education services to all students who require such and are also enrolled in EL programs. OCR should retain the collection of data on EL program enrollment cross-tabulated with disability-IDEA status to ensure that such students are adequately supported in compliance with federal laws.

## **Include race and ethnicity data elements for educators**

The CRDC should add data elements on the race and ethnicity of educators. A substantial and growing body of research suggests that student outcomes, including academic outcomes as well as non-tested outcomes like attendance or aspirations for the future, are positively affected by own-race teachers.<sup>7</sup> Yet, the teaching force remains overwhelmingly white, even as children of color represent a rapidly increasing proportion of students and will soon comprise the majority of all students. During the 2015-2016 school year, 2% of teachers were Asian, and the number of Pacific Islander teachers were so few that they rounded to zero,<sup>8</sup> but 5% of students identified as Asian/Pacific Islander.<sup>9</sup> The inclusion of educator race and ethnicity data will help ensure that diverse teachers are appropriately distributed across schools and districts as

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<sup>5</sup> Sugarman, J. (2019). *The Unintended Consequences for English Learners of Using the Four-Year Graduation Rate for School Accountability*. Washington, DC: Migration Policy Institute.

<sup>6</sup> National Center for Education Statistics. (2019). English Language Learners in Public Schools. Retrieved from [https://nces.ed.gov/programs/coe/indicator\\_cgf.asp](https://nces.ed.gov/programs/coe/indicator_cgf.asp)

<sup>7</sup> Dee, T.S. (2006). Teachers, Race, and Student Achievement in a Randomized Experiment. *Review of Economics and Statistics*, 86(1), 195-210.; Egalite, A.J., Kisida, B., & Winters, M.A. (2015). Representation in the classroom: The effect of own-race teachers on student achievement. *Economics of Education Review*, 45, 44-52.; Holt, S.B., & Gershenson, S. (2015). The Impact of Teacher Demographic Representation on Student Attendance and Suspensions. *IZA Discussion Paper Series No. 9554.*; Gershenson, S., Lindsay, C.A., Hart, C.M.D., & Papageorge, N.W. (2017). The Long-Run Impacts of Same-Race Teachers. *IZA Discussion Paper Series No. 10630*.

<sup>8</sup> National Center for Education Statistics. (2019). A Slightly More Diverse Public School Teaching Workforce. Retrieved from <https://nces.ed.gov/blogs/nces/post/a-slightly-more-diverse-public-school-teaching-force>

<sup>9</sup> National Center for Education Statistics. (2019). Indicator 6: Elementary and Secondary Enrollment. Retrieved from [https://nces.ed.gov/programs/raceindicators/indicator\\_rbb.asp](https://nces.ed.gov/programs/raceindicators/indicator_rbb.asp)

well as identify opportunities for the teaching force to become more diverse and more inclusive.

Data are absolutely critical to ensuring that all students, especially those who have been long underserved and unseen by education policy, are justly afforded a high-quality education. Without data that are detailed and meaningful, schools, districts, and policymakers cannot know and cannot be held accountable for the success of Southeast Asian American students and all students.

For further questions, please contact Katrina Dizon Mariategue, Director of National Policy, at [katrina@searac.org](mailto:katrina@searac.org), or Anna Byon, Education Policy Advocate, at [anna@searac.org](mailto:anna@searac.org).

Sincerely,

*Ryan Dinh*

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Executive Director