

VIA PORTAL

December 16, 2024

Stephanie Valentine

Manager of the Strategic Collections and Clearance Governance and Strategy Division

U.S. Department of Education

RE: Docket No.: ED–2024–SCC–0128

Dear Ms. Valentine:

I. Introduction

Asian Americans Advancing Justice – AAJC (Advancing Justice – AAJC) appreciates the opportunity to comment in response to the notice published in the federal register on October 10, 2024 regarding the collection, use, and reporting of education data. Data reported in the Civil Rights Data Collection help us to understand students’ experiences in schools and whether all students, including students of color, English learners, and students with disabilities, have equal access to education, especially Asian American students. The Civil Rights Data Collection also sheds light on whether individual students or groups of students are experiencing discrimination and whether or not there is equal educational opportunity. Civil Rights Data Collection is important to our community to ensuring all Asian Americans have access to equal educational opportunities and must be collected in a comprehensive and timely fashion, as well as in a manner that disaggregates data for different Asian American subgroups.

II. Organizational Background

Advancing Justice – AAJC is a national non-profit, non-partisan organization founded in 1991. For over thirty years, we have served as a leading Asian American voice on civil rights issues in our nation’s capital. Our mission is to advance civil and human rights for Asian Americans and to build and promote a fair and equitable society for all.

Advancing Justice – AAJC considers data collection and reporting critical to achieving its mission. We have been working to eliminate the barriers that have historically resulted in the undercounting and underreporting of Asian Americans in federal data collection and analysis efforts. We have conducted comprehensive national, state, and local outreach and educational projects focused on the Asian American communities for Census 2000, Census 2010, and Census

2020. Ensuring our communities “see” themselves in how race and ethnic data are collected is an important aspect of our advocacy and engagement on data collection and reporting. We appreciate the importance of fact-based analyses for identifying disparate access and outcomes and devising effective solutions. In addition to extensive work engaging on census policy and community outreach and education to encourage participation in the surveys conducted by the Census Bureau, Advancing Justice – AAJC has been a key stakeholder in discussions over SPD-15. Moreover, we work to promote educational equity for the nation’s diverse Asian American communities and to protect the civil and human rights of all students and families. Finally, more than 300 local organizations are involved in Advancing Justice – AAJC’s Community Partners Network, serving communities in 37 states and the District of Columbia

III. Civil Rights Data Collection and the Updated Race and Ethnicity Standards

Data Disaggregation and SPD-15

Advancing Justice – AAJC strongly supports the updated standards OMB published on March 29, 2024 that provided new guidance for measuring, collecting, and tabulating information on race and ethnicity. We urge Civil Rights Data Collection to begin collecting and reporting out immediately. Below, we explain why the use of disaggregated data as a default is essential for Asian Americans generally and for the collection of Civil Rights Data Collection specifically.

Collecting detailed data by default is particularly critical for Asian Americans, who are among our nation’s fastest growing and most diverse racial groups.¹ Often viewed as homogenous, these communities include more than 30 detailed subgroups that can differ dramatically across key social and economic indicators. These differences are not new.² Disaggregating Asian American students into detailed groups allows for proper planning to address gaps and problems that exist for specific communities.

In addition to the critical role that disaggregated data play in crafting policy and program changes, they also do important cultural and narrative work to debunk the false stereotype that Asian Americans are “high achieving” students. The following examples help highlight how disaggregated data show disparities between and among different Asian subgroups in education:

¹In our comment responding to the Federal Register Notice on Initial Proposals for Updating OMB’s Race and Ethnicity Standards (Document Citation: 88 FR 5375), we detail why we back the collection of race and ethnicity information using one combined question; the addition of Middle Eastern or North African as a new minimum category; and the requirement to collect detailed race and ethnicity categories as a default. See <https://www.advancingjustice-aaajc.org/sites/default/files/2023-05/Advancing%20Justice%20Affiliation%20OMB%20Revised%20Standards%20Comments%20FINAL%204.27.23.pdf>.

² See examples outlined in Yeh, Theresa Ling, “Issues of College Persistence between Asian and Asian Pacific American Students.” *Journal of College Student Retention : Research, Theory & Practice* 6, no. 1 (2004): 81–96. <https://doi.org/10.2190/MG9G-76UR-7BUK-5JUW>.

- According to the Leadership Conference Education Fund, “the barriers to college access and success Southeast Asian American (SEAA) students face are more like those faced by Black and Latino students than other groups of Asian American students.”³
- A 2020 report by the Southeast Asia Resource Action Center and the Institute for Higher Education Policy examined high school completion and college attendance rates for different Asian American subgroups. They found, “About one quarter of Southeast Asian American adults have not graduated from high school, compared to only 12 percent of all Asians and 12 percent of all American adults. Furthermore, another 26 percent of Cambodian, 24 percent of Hmong, 31 percent of Lao, and 20 percent of Vietnamese Americans have graduated high school, but have not attended college for any period of time, compared with only 15 percent of all Asian adults and 27 percent of all adults.”⁴
- Disaggregated data also helps show disparities in college completion. Data on students in Washington State revealed that while 57% of Asian Indians and 42% of Japanese Americans received a bachelor's degree or higher between 2011 and 2013, only 16% of Vietnamese and only 9% of Laotian American students attained a bachelor's degree during the same time period—which was well below the statewide average of 32%.⁵
- Further disaggregating data by gender reveals additional differences between subgroups. For example, a report published by the Institute for Immigration, Globalization, and Education at UCLA noted that some school districts in California with large AAPI concentrations had Southeast Asian, Pacific Islander, and Filipino males dropping out at a rate of 50%. According to the Report, this “is more than twice the statewide male dropout rate and nearly three times the national average.”⁶
- The importance of disaggregated data in education is not limited to K-12; it also applies in the medical education context. A recently published article found “pervasive underrepresentation of Laotian individuals, Cambodian individuals, and Filipino individuals at every career stage, from medical school matriculants to faculty.”⁷

The disaggregated data examples above help dispel harmful narratives that portray all Asian Americans as high achievers—a stereotype that has a real impact on students. According to one 2005 study, Asian Americans “have lower levels of mental health and higher levels of psychological distress and depression than other students.”⁸ AAPI students often forgo mental health treatment, further exacerbating this problem.⁹ The guidelines for disaggregating data outlined in SPD-15 enable valuable data collection on Asian American subgroups.

Civil Rights Data Collection tells us how Asian American children are doing in their schools and other educational settings. This resource is a valuable source of information on topics important to the Asian American community such as harassment and bullying and English Language

³ <https://civilrightsdocs.info/pdf/reports/Information-Nation-2022.pdf>

⁴ https://www.ihep.org/wp-content/uploads/2020/11/ihep_aapi_brief.pdf

⁵ <https://vtechworks.lib.vt.edu/server/api/core/bitstreams/4a80530c-e7bb-4832-902c-878a32f934/content>

⁶ <https://race.usc.edu/wp-content/uploads/2020/08/Pub-5-Teranishi-and-Ngyuen.pdf>

⁷ <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2826367>

⁸ <https://med.stanford.edu/content/dam/sm/care/Asian-American-Student-Stress-.pdf>

⁹ <https://medium.com/national-center-for-institutional-diversity/addressing-asian-american-pacific-islander-college-students-mental-health-needs-4413a55f49b7>

Learners. Without these metrics, it is nearly impossible to see differences between different Asian subgroups—leaving the needs of the most valuable students unmet. Disaggregated data points such as these are especially critical given the pernicious stereotypes about high achieving Asian American students since they provide tangible evidence of students in need of resources, services, and support.

Finally, beyond accurately counting the major racial groups and disaggregating data by subgroup, it is imperative that this extends to the multiracial population. NCES currently reports out information on “Two or More Races.” However, this does not provide an accurate or nuanced portrait of the growing population of multiracial children.¹⁰ We know that the educational experiences of multiracial students are not identical. Under the current framework, we lack the data to know how different multiracial students are impacted differently. Similar to disaggregating data more broadly, this prevents us from being able to identify the most marginalized students and to ensure those multiracial individuals are getting the educational resources they need to succeed. We recommend the tabulation and reporting of all responses and not collapsing multiracial and multiethnic into a “multi” category. It is important for civil rights enforcement purposes to understand the different identities of multiracial and multiethnic individuals. Therefore, reporting only the number of multiracial and/or multiethnic persons could obfuscate evidence of educational discriminatory patterns as well of ongoing or emerging educational issues for our communities.

Assistance Local Educational Agencies (LEAs) Need from the Department to Meet the Requirements of the Revised SPD-15

LEAs are best positioned to know what resources and support they will need in order to meet the requirements of the Revised SPD-15, including disaggregating data by subgroups. We urge the Department of Education to actively engage with LEAs beyond this Federal Register Notice to get a full picture of what LEAs will need to successfully implement SPD-15. This could involve public listening sessions, town hall style meetings, active outreach to LEAs, or other forms of feedback. Taking the extra step to ensure that LEAs are involved in the process will empower them to produce more accurate and useful race and ethnicity data in the long run. Beyond collecting more accurate data, involving LEAs in the process of implementing the revisions to SPD-15 gives them ownership over the content and outcome—building trust in the democratic process and potentially incentivizing more effective participation.

When conducting outreach, it’s imperative that the Department of Education hears from LEAs serving students from marginalized communities. We know that racial and ethnic minorities are

¹⁰ It is important to note that a number of factors may have informed the increase in the number of children who identify as multiracial. While there may be an increase in the actual number of multiracial individuals, the Census Bureau also notes that the increase could largely be “due to the improvements to the design of the two separate questions for race and ethnicity, data processing, and coding, which enabled a more thorough and accurate depiction of how people prefer to self-identify.” Either way, it’s important to ensure that data on multiracial individuals is detailed and accurate. [https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html#:~:text=The%20percentages%20increased%20for%20children,\(23.1%25%20to%2025.7%25\).](https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html#:~:text=The%20percentages%20increased%20for%20children,(23.1%25%20to%2025.7%25).)

considered hard-to-count populations by the Census Bureau.¹¹ Therefore, it will be especially important to get input from LEAs serving communities that are too often undercounted. Both hearing their feedback and implementing their suggestions will go a long way to ensuring that SPD-15 is implemented equitably within Civil Rights Data Collection.

In addition to engaging with LEAs, it's imperative that the Department of Education also engages with communities of interest. Engaging community organizations and leaders on issues of data disaggregation helps to avoid mistakes and inaccuracies that occur in the absence of community input. We offer the following as best practices for community engagement:

- Engage interested stakeholders early and often. Bringing community members into the conversation early in the planning process can circumvent mistakes and inaccuracies—which undermines trust in the federal government and broader efforts to collect data on impacted communities.
- Engage with a diverse set of stakeholders, including with both community-specific partners as well as those representing a more pan-ethnic perspective.
- Be specific about what is being discussed, any requests being made of the community, and what specific information the agency is attempting to obtain. In instances of prior engagement, it is incumbent on the Department to highlight the revisions to SPD-15, as well as lifting up any points of potential controversy for feedback. Providing specific requests and the requisite background information will only help groups provide the most useful feedback to the agency.

Exemptions Are Not Warranted

We believe that no exemptions should be given when it comes to granting full or partial exemptions from collecting data that use the detailed categories under the revised SPD-15 for Civil Rights Data Collection. As the examples of disaggregated data above demonstrate, the benefits of having disaggregated data far outweigh any potential burdens to OCR, LEAs, or the public. Without disaggregated data it will be difficult, if not impossible, to offer and implement solutions that impact marginalized members of the Asian American community—leaving the most vulnerable Asian American students behind. We know that stereotypes about Asian Americans and academic success can further mask inequalities between groups, underscoring the importance of disaggregating data by subgroup.

Moreover, we know from the 2020 Census that the people under the age of 18 are more racially and ethnically diverse than the population over the age of 18.¹² And experts at The Civil Rights Project predict that the increase and racial and ethnic diversity will continue for the school-age population.¹³ These changing demographics mean that it's even more essential that educational institutions especially are keeping track of detailed demographic information beyond the

¹¹ <https://www.census.gov/newsroom/blogs/random-samplings/2023/10/understanding-undercounted-populations.html>

¹² <https://www.census.gov/newsroom/blogs/random-samplings/2023/09/exploring-diversity.html>

¹³ <https://civilrightsproject.ucla.edu/research/demographic-studies/the-changing-racial-and-ethnic-composition-of-the-school-age-population-in-the-u.s/National-demographic-11272023.pdf>

minimum race and ethnicity categories. Without disaggregated data, it's extremely difficult to identify and serve the most marginalized subgroups. As such, no exemptions should be made.

IV. Conclusion

Thank you for this opportunity to comment on the collection, use, and reporting of education data. The failure to implement the revisions outlined in SPD-15, including disaggregating data by default, would hamper the ability of the department to fulfill its obligations and would undermine our shared interest in the best education for every child.