

RE: OMB-2023-0001 Race and Ethnicity Statistical Standards

The Educational Opportunity Gap Oversight and Accountability Committee submits this public comment in response to OMB-2023-0001 (88 FR 5375) Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards

Background

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) is a bicameral and bipartisan statutory committee authorized by Washington State RCW 28A.300.136. For more than ten years, the EOGOAC has recommended policies and strategies to close opportunity gaps for students of color in Washington public schools, including in the area of “[i]dentifying data elements and systems needed to monitor progress in closing the gap.”¹ Recommendations in this area have focused primarily on the collection and use of disaggregated student sub-ethnic and sub-racial categorical data.

In 2016, Washington State HB 1541 (2015-16) “Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee” created the Race Ethnicity Student Data Task Force (RESDT) to review the United States Department of Education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state.² This work resulted in the Race and Ethnicity Student Data Task Force 2017 Report and Race and Ethnicity Student Data Task Force Guidance for the Washington State Public Education System, as well as the phased roll-out of collection of disaggregated student sub-racial and sub-ethnic data. The EOGOAC draws heavily from the work of the RESDT and the collection of disaggregated student race/ethnicity data in Washington to inform this public comment.

Public Comment – EOGOAC Recommendations to OMB

1. Collect race and ethnicity information using one combined question.

The EOGOAC supports the combined race/ethnicity question approach. The EOGOAC has found that the two-part question is confusing, leads to inconsistencies in guidance and reporting and does not honor how individuals see themselves. However, a combined question must be clear that selections include both race and ethnicity and that multiple selections are always permissible. For example, individuals who select Latino/a/x as their ethnicity must be able to select a race option as well.

2. Add “Middle Eastern or North African” (MENA) as a new minimum category and remove MENA from “White” reporting category.

The EOGOAC supports the separation of MENA as a new minimum category and removal from the “white” reporting category. In 2017, the RESDT recommended that the task force be reconvened to consider “how to include the Middle Eastern and North African (MENA) category on future student race and ethnicity surveys, based on the federal government’s decision whether

¹ Washington State Legislature. (2016). *RCW 28A.300.136 Educational opportunity gap oversight and accountability committee—Policy and strategy recommendations*. <https://app.leg.wa.gov/rcw/default.aspx?cite=28A.300.136>

² House Bill 1541 Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee. (2015-16) <https://app.leg.wa.gov/billssummary?BillNumber=1541&Initiative=false&Year=2015>

to include MENA as a distinct category in the U.S. census” (p. 13).³ The RESDT recognized that the current system of classification of “Middle Eastern” as “white” is inappropriate and can only be fixed at the federal level. The EOGOAC also recognizes that the term “Middle Eastern” was promoted as a political term following 9-11 and that “Southwest Asian and North African (SWANA)” may be more culturally and geographically accurate and encourages the OMB to further explore terminology options to select the option preferred by the community.

3. Feedback on Proposed Definitions and Terminology

- The EOGOAC recommends that the category of “Hispanic or Latino” be displayed as “Latino/a/x” to include both gender forms of the term and to discontinue the use of the term “Hispanic” due to its outdated, colonial context. The reference to “Spanish origin” should also be removed from the definition and the example of “Chicana/o/x” added as an identifier for many in the U.S. and some who predate Mexico.
- The category of American Indian or Alaska Native should be specified to include both federally and non-federally recognized tribes, although the EOGOAC acknowledges that “federally recognized” is in itself a biased term. Additionally, guidance should specify as to whether nations listed as selection options should be specific to the local area of data collection. The Washington State K-12 data collection includes 29 Washington specific tribal groups.
- In reference to question 3a. “Is the example design seen in Figure 1 inclusive such that all individuals are represented?”.
 - The EOGOAC believes that comprehensive representation of all racial and ethnic identities within the US on one form or survey is not possible; however the focus should be on ensuring respect, self-identification, and a focus on equity.
- The EOGOAC noted that no Central or South American ethnicities are represented in the “Black or African” definition. While these can be written in, omission of this region may cause confusion and under-identification. This should be updated to reflect current immigration patterns and include examples such as Brazilian and Panamanian.
- The “White” category examples should include nationality groups representing current trends in immigration and population changes. An example of this would be to disaggregate “Slavic” to specify “Ukrainian” to capture current immigration patterns. Additionally, “Spanish” should be included as an example to further differentiate from the category of “Latino/a/x” as a specific region.

4. Feedback on Implementation Guidance

- In response to question 3e. “Is it appropriate for agencies to collect detailed data even though those data may not be published or may require combining multiple years of data due to small sample sizes?”:
 - Yes, the EOGOAC strongly believes that the process of collecting disaggregated data and seeing oneself reflected in the collection categories is just as important

³ Race and Ethnicity Student Data Task Force. (2017). *Report to the Legislature, the Office of Superintendent of Public Instruction, and the Governor.*

<https://www.k12.wa.us/sites/default/files/public/workgroups/ret/pubdocs/resdtaskforce2017report.pdf>

as reporting to a sense of belonging. Agencies need to clearly communicate how protections for privacy in cases of small sample sizes will impact public reporting and internal government data use.

- In response to question 3g. “Is the current “default” structure of the recommendation appropriate? Should SPD-15 pursue a more voluntary approach to the collection of disaggregated data, as opposed to having a default of collecting such data unless certain conditions are met?”:
 - No, it is not an overreach, and the “default” structure is appropriate. The roll out of disaggregated race/ethnicity data collection in Washington K-12 has shown the difficulties caused when there is non-conformity in data collection across agencies and sectors. While the additional data is useful to K-12, without standardization across different sectors outside of the K-12 system, it is difficult to look at how issues such as healthcare, housing, and child welfare affect racial groups. Clear guidance from the Federal level is necessary to ensure cross-sector conformity and usability.
- In response to question 4a. “What term (maybe “transnational”) should be used to describe people who identify with groups that cross national borders (e.g. Hmong, Roma)?”:
 - The EOGOAC feels that “transnational” is a geopolitical term that needs additional context to be understandable. Additionally, while groups that cross national borders have that in common, they should not be grouped together for reporting purposes.
 - Another example that the EOGOAC asks the OMB to consider is that of federally recognized tribes which have traditional unceded lands that cross multiple states as well as cross national boundaries.
- In response to question 4b. “Do you prefer a different question from “what is your race or ethnicity?””:
 - The EOGOAC believes that the question “How do you identify?” may not be taken seriously and result in unusable write-in responses. Additionally, the EOGOAC prefers the use of “and/or” rather than the slash between race and ethnicity.
- In response to questions 5d. “How should race and ethnicity be collected when some method other than respondent self-identification is necessary?” and 5e. “What guidance should be provided for the collection and reporting of race and ethnicity data in situations where self-identification is unavailable?”:
 - The EOGOAC concurs with the guidance of the [RESDT](#) that:
 - observer identification should be used only as a last resort;
 - individuals should be notified that observer identification may be used;
 - observer identification should be flagged in the system and monitored;
 - training should be provided to those conducting observer identification.
 - Observer identification should only be used at the minimum category level and not be based on last name.
- Regarding guidance on the example data collection:

- Guidance needs to be clear on whether the layout including subcategories should be modified for the target population. The example layout includes the U.S. top 6 nationality groups under each race/ethnicity. Should these be updated for a statewide or local community level? The guidance is not clear.
- In the current example layout, the one write-in box may lead to errors. An individual may limit their response to one item or write in several items which are difficult to analyze. The write-in option should include multiple spaces with the direction to include one per space.

Conclusion

In summary, the EOGOAC is broadly supportive of these proposed changes. During its work on this topic, the EOGOAC has consistently emphasized that data collection structure and guidance should be focused not on what will be the easiest for the system but on the goal of identifying needs and disparities for our communities and make improvements to the system and delivery of services. Data collection drives distribution of resources and has historically been used to both include and exclude certain communities.

That is why community feedback, specifically from those communities which have been historically marginalized, is so important and we urge you to seek out and listen to those voices. The EOGOAC solicits community feedback in part by working in partnership with the state ethnic commissions and the Governor's Office of Indian Affairs, which serve as trusted messengers in hard-to-reach communities. OMB could work with similar groups at the federal level, such as the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, to reach out broadly to community members.