Written Testimony to the Education Committee

*S.B. No. 359 (RAISED) AN ACT PROHIBITING THE DISAGGREGATION OF STUDENT DATA BY ETHNIC SUBGROUPS IN THE PUBLIC SCHOOL INFORMATION SYSTEM.

March 8, 2018

I write in opposition to Senate Bill 359. I write in my own capacity as a Hartford resident and voter, a long-time law professor, former education and civil rights lawyer, and scholar of discrimination in legal history. This bill would deny our schools and policymakers extremely valuable information in serving the children and communities of our state. It would also, because of the interaction between the prohibition and federal data collection requirements, perpetuate racial stereotypes. I urge you to reject it.

Federal law, which the proposed law cannot impact, currently requires school systems to collect data on whether a student is Hispanic or Latino, and whether a student is American Indian or Alaska Native, Asian, Native Hawaiian or Pacific Islander, Black or African American, White, or two or more races. But this information alone does not allow schools to identify or respond to needs of particular ethnic or national origin groups within these broad racial categories.

The category of Asian, for example, includes children of forty-eight different ethnic origins, including Indian, Pakistani, Bangladeshi, Chinese, Japanese, Korean, Hmong, Cambodian, Laotian, and Filipino. Students in these groups may have very different education and health backgrounds and needs. For example, while about 20% of Asian Americans lack a high school degree (about the same as the U.S. average), only 9% of Japanese Americans do, 23% of Chinese Americans do, 38% of Vietnamese do, and 53% of Cambodians do. These differences do not reflect racial differences, but the very different circumstances of these individuals or their families before and upon coming to the United States. If resources addressing education achievement gaps, family engagement, and health differences associated with refugee status are distributed based on the broad “Asian” category, schools will have their hands tied in meeting the real needs of their students. Similarly, the category of Hispanic or Latino provides no ability to discern or respond to distinct needs of many diverse groups, including those of Puerto Rican students fleeing the devastation of Hurricane Maria.

Second, although the opposition to disaggregation seems to come from concern about any data collection, this bill cannot address that because of the current federal mandate. (The federal Every School Succeeds Act, moreover, recognizes the limitations of the existing categories, and requires the federal government to provide assistance to schools wishing to collect disaggregated data on Asian students.) All the bill does is ensure that data regarding all students within the several broad mandated categories are interpreted as homogenous wholes. This prevents Connecticut initiatives to gain better understanding of the unique children in Connecticut schools.

In short, this bill solves no existing problem, perpetuates inaccurate information, prevents Connecticut from determining what kinds of data it needs to address Connecticut issues. I hope that you will not support it.
Bethany R. Berger

https://www.law.uconn.edu/faculty/profiles/bethany-berger