

118TH CONGRESS
1ST SESSION

S. 3152

To amend the Elementary and Secondary Education Act of 1965 to require that annual State report cards reflect the same race groups as the decennial census of population.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 2023

Ms. HIRONO (for herself, Mr. MARKEY, Mrs. GILLIBRAND, Mr. BOOKER, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act of 1965 to require that annual State report cards reflect the same race groups as the decennial census of population.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Students Count
5 Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Asian Americans, as well as Native Hawai-
2 ians and Pacific Islanders, are an incredibly diverse
3 population. Due to this diversity, the United States
4 Office of Management and Budget’s Statistical Pol-
5 icy Directive No. 15 of 1997, entitled “Race and
6 Ethnic Standards for Federal Statistics and Admin-
7 istrative Reporting”, separated the Asian and Pa-
8 cific Islander category into two distinct and separate
9 categories, now called “Asians” and “Native Hawai-
10 ians and Other Pacific Islanders”, and these two
11 distinct categories were used in the 2000 United
12 States Census. As of 2022, the United States Cen-
13 sus Bureau reports data for at least 27 different
14 ethnicities within these two categories.

15 (2) While Asian Americans, as well as Native
16 Hawaiians and Pacific Islanders, are often misrep-
17 resented as a homogeneous group, their diversity rep-
18 resents ethnicities from over 30 different countries.
19 They also experience diverse social and educational
20 differences that are unique to their respective com-
21 munities.

22 (3) For example, there are now over 3,000,000
23 Southeast Asian Americans in the United States, in-
24 cluding 1,100,000 refugees from Cambodia, Laos,
25 and Vietnam, who escaped war, persecution, and

1 genocide. Southeast Asian Americans' experiences
2 with violence and the stressors associated with relo-
3 cation have negatively affected their educational out-
4 comes. According to data from the Bureau of the
5 Census, around a quarter of Southeast Asian Amer-
6 ican adults aged 25 and older do not have a high
7 school diploma, compared to 12 percent of the total
8 population. An additional 42 percent of Cambodian,
9 44 percent of Hmong, 48 percent of Lao, and 37
10 percent of Vietnamese American high school grad-
11 uates have not continued on to earn their bachelor's
12 degree, compared to 29 percent of all Asian Ameri-
13 cans.

14 (4) The history of Native Hawaiians and Pa-
15 cific Islanders include forced migration and complex
16 political relationships with the United States. As a
17 result, this history has influenced Native Hawaiian
18 and Pacific Islander students' long-term educational
19 opportunities. For example, the high school gradua-
20 tion rates for Native Hawaiian and Pacific Islanders
21 average 84 percent, yet less than 15 percent have at-
22 tained a four-year bachelor's degree. The proportion
23 of Native Hawaiian and Pacific Islander adults who
24 have not enrolled in any postsecondary education is
25 particularly high, including 58 percent of Samoans,

1 57 percent of Tongans, 53 percent of Native Hawai-
2 ians, and 49 percent of Guamanians or Chamorros.

3 (5) The Elementary and Secondary Education
4 Act of 1965 requires that States report certain edu-
5 cational data disaggregated only by major racial and
6 ethnic groups. However, detailed ethnic groups,
7 which have long been reported by the Bureau of the
8 Census and requested by diverse Asian American
9 and Native Hawaiian and Pacific Islander commu-
10 nities to be included in education data, are not in-
11 cluded in data collection and reporting requirements.
12 As of 2023, data requirements do not reflect the
13 changing demographics, varied experiences, and
14 needs of public school students.

15 (6) Given the diversity in backgrounds and edu-
16 cational experiences, disaggregating data for detailed
17 Asian American and Native Hawaiian and Pacific
18 Islander ethnic groups and making the data publicly
19 available and accessible are critical to identifying
20 and supporting the educational needs of these di-
21 verse communities.

22 **SEC. 3. DISAGGREGATION OF INFORMATION ON STUDENT**
23 **PERFORMANCE.**

24 (a) FURTHER DISAGGREGATION OF ASIAN AMER-
25 ICAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER STU-

1 DENT DATA.—Section 1111(b)(2)(B)(xi) of the Elemen-
 2 tary and Secondary Education Act of 1965 (20 U.S.C.
 3 6311(b)(2)(B)(xi)) is amended by striking “ethnic group;”
 4 and inserting “ethnic group, including—

5 “(aa) under the category of
 6 ‘Asian American’, Chinese, Asian
 7 Indian, Filipino, Japanese, Ko-
 8 rean, Vietnamese, Pakistani,
 9 Cambodian, Hmong, Laotian,
 10 Thai, Taiwanese, Burmese,
 11 Bangladeshi, and Nepalese sub-
 12 groups, and, to the greatest ex-
 13 tent practicable, additional sub-
 14 groups such as the lu Mien and
 15 Montagnards; and

16 “(bb) under the category of
 17 ‘Native Hawaiian and Pacific Is-
 18 lander’, Native Hawaiian, Sa-
 19 moan, Chamorro, Tongan,
 20 iTaukei, and Marshallese, and, to
 21 the greatest extent practicable,
 22 additional subgroups such as the
 23 Chuukese and Palauan.”.

24 (b) FURTHER DEFINING SUBGROUPS UNDER STATE-
 25 WIDE ACCOUNTABILITY SYSTEM.—Section 1111(c)(2)(B)

1 of that Act (20 U.S.C. 6311(c)(2)(B)) is amended by in-
2 serting “(as described in subsection (b)(2)(B)(xi))” after
3 “ethnic group”.

4 **SEC. 4. GUIDANCE ON COLLECTING AND REPORTING ETH-**
5 **NIC DATA.**

6 The Secretary of Education, in consultation with the
7 Director of the Institute of Education Sciences, shall de-
8 velop guidance related to whether and when the reporting
9 requirements described under section 1111(b)(2)(B)(xi) of
10 the Elementary and Secondary Education Act of 1965 (20
11 U.S.C. 6311(b)(2)(B)(xi)) will yield statistically reliable
12 information. Such guidance shall help to inform the min-
13 imum number of students that will maximize data report-
14 ing for each major racial and ethnic group.

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