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Director of the Strategic Collections and Clearance Governance & Strategy Division  
U.S. Department of Education  
400 Maryland Ave. SW  
LBJ, Room 6W-208D  
Washington, DC 20202-4537

*Re: Docket ID Number: ED-2020-SCC-0129, Agency Information Collection Activities; Comment Request; Implementation of Key Federal Policies in the Wake of the Coronavirus Pandemic.*

Thank you for the opportunity to provide comment on the Education Department's proposed data collection activities to examine how the pandemic may be influencing: (1) implementation of, and waivers, from key provisions of the Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act of 2015 (ESSA), and (2) state and district use of federal funds, including those provided specifically to help in the pandemic recovery, and (3) supports for English learners (ELs) in districts with high EL enrollments.

For over 10 years, New America's Education Policy program has used original research, policy analysis, and a host of new media platforms to help solve critical education problems. We combine a steadfast concern for historically disadvantaged populations with a belief that better information about education can vastly improve both the policies that govern educational institutions and the quality of learning itself. The COVID-19 pandemic has magnified the fragility of the very systems we work to strengthen, and students who were already marginalized have been disproportionately affected. Of specific concern to our PreK-12 team are the short and long-term impacts on English learners (ELs). While we commend the Department for attempting to understand how supports for ELs have been affected by the coronavirus pandemic, we urge the Department to extend data collection efforts to low-incidence school districts as well.

Nationally, ELs represent roughly 10 percent of the K-12 population, however, distribution rates from state to state vary greatly from 0.8 percent in West Virginia to 19.2 percent in California.<sup>1</sup> There is no one definition for what constitutes a 'low-incidence' EL population, however, previous research in this

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<sup>1</sup> National Center for Education Statistics. "English Language Learners in Public Schools." May 2020, [https://nces.ed.gov/programs/coe/indicator\\_cgf.asp](https://nces.ed.gov/programs/coe/indicator_cgf.asp). Accessed 19 January 2021.

area has established thresholds ranging from as low as one percent<sup>2</sup> to five<sup>3</sup> percent of the total student population. The size of a states' and districts' EL population determines the amount of Title III funding it will receive. This means that low-incidence districts have to resort to meeting ELs' needs and constitutional rights with minimal resources and services.<sup>4</sup>

In order to bolster equity and accountability for English learners across the country, we submit the following feedback to the Department's questions of interest:

**1) Is this collection necessary to the proper functions of the Department?**

Yes, the collection of this data is necessary to the proper functions of the Department. However, in only focusing on districts with high EL enrollment, the Department risks producing an incomplete picture of how the pandemic has impacted ELs in different parts of the country. In order to effectively serve ELs through appropriate resources and guidance, the department needs to have a sense of how both low and high incidence EL districts are being impacted by the pandemic. The school closures and interrupted schooling caused by the coronavirus pandemic has left no school unscathed, whether they enrolled 10 or 1,000 ELs. On balance, however, low-incidence districts often pay more for the same service provided by a high incidence district when broken down on a per-pupil basis.<sup>5</sup> Therefore, it is imperative that these data collection efforts include districts that were already strapped by minimal federal and state resources.

**4) How might the Department enhance the quality, utility, and clarity of the information to be collected?**

The Department may enhance the quality, utility, and clarity of the information to be collected by including districts that have low-incidence of ELs. Demographic changes among the EL population has resulted in EL enrollment increases in uncommon states such as South Carolina, Mississippi, Arkansas and Kentucky.<sup>6</sup> If data collection efforts are limited to districts and states that have historically served high numbers of ELs, we miss the opportunity to understand the proportional differences in impact and need. Districts that serve lower numbers of ELs may have limited resources and staff capacity to effectively meet their needs, even under normal conditions. We are concerned that the pandemic has exacerbated these challenges and potentially led to weaker, and fewer services, for English learners.

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<sup>2</sup> Dirnberger, Laurie M. "ELL Instructional Concerns of a Low-incidence School District: a Case Study." School of Education Student Capstone Theses and Dissertations, 2010. *Hamline University School of Education*, [https://digitalcommons.hamline.edu/hse\\_all/419/](https://digitalcommons.hamline.edu/hse_all/419/). Accessed 19 January 2021.

<sup>3</sup> Liu, Teresa. "Supporting English Language Learners in Low-Incidence Districts Implement academic support and enrichment programming to build a supportive school culture." EAB, <https://eab.com/research/district-leadership/resource/supporting-english-language-learners-in-low-incidence-districts/>. Accessed 19 January 2021.

<sup>4</sup> Dirnberger, Laurie M. "ELL Instructional Concerns of a Low-incidence School District: a Case Study."

<sup>5</sup> Sugarman, Julie. "Funding an Equitable Education for English Learners in the United States." Migration Policy Institute, 2016. <https://www.migrationpolicy.org/sites/default/files/publications/US-Funding-FINAL.pdf>. Accessed 19 January 2021.

<sup>6</sup> Carnock, Janie T. "Southeast is Fastest Growing Region for English Learners." *New America*, June 2017. <https://www.newamerica.org/education-policy/edcentral/southeast-els/>. Accessed 19 January 2021.

We respectfully request this expansion in data collection efforts to aid our collective effort in addressing the educational accountability needs created by the pandemic. We are happy to provide additional input at any time, please do not hesitate to reach out if you wish to discuss this comment further. We can be reached as follows: Amaya Garcia, [garciaa@newamerica.org](mailto:garciaa@newamerica.org), and Leslie Villegas, [villegasl@newamerica.org](mailto:villegasl@newamerica.org).

Thank you for your time and consideration.

Sincerely,

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