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Demanding Substance Over Forms

One of the important roles of bureaucrats is to identify effective means for data collection, which includes developing forms that enable the public to provide information as clearly, safely, and simply as possible. The U.S. Census Bureau is constantly tweaking its decennial and annual census forms in an effort to capture the clearest and most useful data possible. But sometimes, even good intentions can lead to bad results. It takes advocacy through public comments (and sometimes litigation) from experts and concerned individuals to set the record straight.

Late last year, the Census Bureau [proposed changes](#) to its American Community Survey's questions on disabilities. Specifically, it sought to move away from "yes" or "no" answers and instead use "graded response categories" by asking people where they land on a "continuum of functional abilities." The backlash was swift and profound.

Disability advocates expressed concerns that the proposed changes would likely reduce response rates. They also asserted that the different method would produce misleading data that fail to reflect the experiences of people living with "new, long-term conditions from the COVID-19 pandemic." Critics asserted that the proposed changes could have decreased the estimated population of individuals with a disability. By the end of the public comment period in December, more than 12,000 individuals and groups had raised objections and requested more public engagement.

Their input helped guide Census officials to rethink their plan and develop a better approach. On February 6, the [Director of the Census Bureau announced](#) that the agency would not move forward with the proposed changes as they relate to the disability content. In response to the public comments, the Census Bureau, along with other federal offices, will instead convene meetings with advocates, researchers, data users, and representatives from the disability community to discuss “data needs and data uses surrounding the topic of disability.”

Quite often, the public fills out a form without questioning why the data are being collected and whether the questions on the form are the right ones. In this story, people who knew better -- who knew the negative consequences of bad data -- stepped forward with advocacy action during the open rulemaking process to ensure the proposed form didn't undermine the substance. They were able to identify flaws in the agency's proposal and steer the officials to better ways of developing solutions.

NOTE: There are, of course, times when government agencies ignore the wisdom offered by informed people in public comments. That's when simple advocacy of submitting public comments in a rulemaking process requires other forms of advocacy, such as litigation. See another story of nonprofit advocacy regarding the Census: [What the US Supreme Court Citizenship Case Means for Nonprofits](#), Tim Delaney, President and CEO of the National Council of Nonprofits, *The Nonprofit Quarterly*, June 28, 2019.