



# MANAGING an IDENTITY CRISIS

FORUM GUIDE TO IMPLEMENTING NEW  
FEDERAL RACE AND ETHNICITY CATEGORIES



National  
Forum  
on Education  
Statistics

## National Cooperative Education Statistics System

The National Center for Education Statistics established the National Cooperative Education Statistics System (Cooperative System) to assist in producing and maintaining comparable and uniform information and data on early childhood education and elementary and secondary education. These data are intended to be useful for policymaking at the federal, state, and local levels.

The National Forum on Education Statistics, among other activities, proposes principles of good practice to assist state and local education agencies in meeting this purpose. The Cooperative System and the National Forum on Education Statistics are supported in these endeavors by resources from the National Center for Education Statistics.

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### October 2008

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# Race and Ethnicity Data Implementation Task Force

A volunteer task force of the National Forum on Education Statistics produced this document. It was developed through the National Cooperative Education Statistics System and funded by the National Center for Education Statistics (NCES) of the U.S. Department of Education. Members of the Race and Ethnicity Data Implementation Task Force are:

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The National Forum on Education Statistics (Forum) is pleased to present *Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories*. One goal of the Forum is to improve the quality of education data gathered for use by policymakers and program decisionmakers. An approach to furthering this goal has been to pool the collective experiences of Forum members to produce “best practice” guides in areas of high interest to those who collect, maintain, and use data about elementary and secondary education. Standardizing the way data systems record students’ race and ethnicity is one of these high-interest areas.

This best-practice guide is developed to assist state and local education agencies in their implementation of the new federal race and ethnicity categories—thereby reducing redundant efforts within and across states, improving data comparability, and minimizing reporting burden. It serves as a toolkit from which users may select and adopt strategies that will help them quickly begin the process of implementation in their agencies.

Data, information systems, and program staff in states and school districts comprise the primary audience for this guide. The vendors of student and staff information systems for these agencies are a secondary, but important, audience. This guide covers all stages and aspects of implementation, from developing procedures at the state level to actual re-identification of a student’s or staff member’s race and ethnicity. The chapters are:

- Chapter 1 provides an overview of the background and rationale for the changes.
- Chapter 2 discusses the important stage of developing needed policies and procedures.
- Chapter 3 suggests ways to train staff and communicate with the public.
- Chapter 4 discusses in detail ways to re-identify students’ and staff members’ race and ethnicity.
- Chapter 5 presents options of coding, storing, and reporting data, and bridging the new standards to earlier years’ reports.

## The National Cooperative Education Statistics System

The work of the Forum is a key aspect of the National Cooperative Education Statistics System. The Cooperative System was established to produce and maintain, with the cooperation of the states, comparable and uniform educational information and data that are useful for policymaking at the federal, state, and local levels. To assist in meeting this goal, the National Center for Education Statistics (NCES), within the U.S. Department of Education, established the National Forum on Education Statistics to improve the collection, reporting, and use of elementary and secondary education statistics. The Forum deals with issues in education data policy, sponsors innovations in data collection and reporting, and provides technical assistance to improve state and local data systems.

## Development of Forum Products

Members of the Forum establish task forces to develop best-practice guides in data-related areas of interest to federal, state, and local education agencies. They are assisted in this work by NCES, but the content comes from the collective experience of the state and school district task force members who review all products iteratively throughout the development process. Documents prepared, reviewed, and approved by task force members undergo a formal public review. This public review consists of focus groups with representatives of the product’s intended audience, review sessions at relevant regional or national conferences, or technical reviews by acknowledged experts



in the field. In addition, all draft documents are posted on the Forum website prior to publication so that any interested individuals or organizations can provide feedback. After the task force oversees the integration of public review comments and reviews the document a final time, publications are subject to examination by members of the Forum standing committee sponsoring the project. Finally, the entire Forum (approximately 120 members) reviews and formally votes to approve all documents prior to publication.

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## A Comparison of Existing and New U.S. Department of Education Race and Ethnicity Data Reporting Standards

As of December 2007, school districts and states are required to follow new standards in collecting individual-level race and ethnicity data, and in reporting aggregated categories to the U.S. Department of Education (ED). Below is a comparison of existing<sup>1</sup> and new<sup>2</sup> standards.

Existing Federal Reporting Standards	New Standards Outlined in ED's <i>Final Guidance</i>
<b>Race and Ethnicity Categories</b>	
American Indian or Alaska Native	Same (American Indian or Alaskan Native)
Asian or Pacific Islander	Separate into two categories: <ul style="list-style-type: none"> <li>• Asian</li> <li>• Native Hawaiian or Other Pacific Islander</li> </ul>
Black or African American	Same (Black or African American)
Hispanic or Latino	Same, except that individuals are now asked to choose an ethnicity (Hispanic or Latino or not Hispanic or Latino) as the first part of a two-part question, as well as race(s).
White	Same (White)
<b>Individual Data Collection Format</b>	
Respondents are to select one of the five racial and ethnic categories above. The category that most closely reflects the respondent's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins	Respondents are asked to select both an ethnicity and one or more of the above five racial categories. (Hispanic/Latino is considered an ethnicity, not a race category.)
Some data collections request race and ethnicity separately. If those were used, the minimum designations were: <b>Race</b> (Choose one): <ul style="list-style-type: none"> <li>• American Indian or Alaskan Native</li> <li>• Asian or Pacific Islander</li> <li>• Black</li> <li>• White</li> </ul> <b>Ethnicity</b> (Choose one): <ul style="list-style-type: none"> <li>• Hispanic origin</li> <li>• Not of Hispanic origin</li> </ul>	A two-part question is mandatory, with the ethnicity part asked first. <b>Ethnicity</b> (Choose one): <ul style="list-style-type: none"> <li>• Hispanic/Latino</li> <li>• Not Hispanic/Latino</li> </ul> <b>Race</b> (Choose one or more, regardless of Ethnicity): <ul style="list-style-type: none"> <li>• American Indian or Alaskan Native</li> <li>• Asian</li> <li>• Native Hawaiian or Other Pacific Islander</li> <li>• Black or African American</li> <li>• White</li> </ul>
<b>Minimum Federal Reporting Categories</b>	
If the combined format is used: <ul style="list-style-type: none"> <li>• American Indian or Alaskan Native</li> <li>• Asian or Pacific Islander</li> <li>• Black, not of Hispanic origin</li> <li>• Hispanic</li> <li>• White, not of Hispanic origin.</li> </ul>	Each student is associated with exactly one of the seven aggregate reporting categories: <ul style="list-style-type: none"> <li>• Hispanic/Latino of any race</li> <li>• American Indian or Alaskan Native</li> <li>• Asian</li> <li>• Black or African American</li> <li>• Native Hawaiian or Other Pacific Islander</li> <li>• White</li> <li>• Two or more races</li> </ul>
<b>Dealing with Missing Information</b>	
Individuals (or students' parents) are asked to self-identify themselves. Observer identification is required if individuals decline to choose a race/ethnicity.	Unchanged.
<b>Recordkeeping</b>	
Three years. However, when there is litigation, a claim, an audit, or another action involving the records, original responses must be retained until the completion of the action.	Unchanged.

<sup>1</sup> "The Standards for the Classification of Federal Data on Race and Ethnicity (Statistical Policy Directive No. 15)" issued by the Office of Management and Budget (OMB) in 1977.

<sup>2</sup> "Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education," *Federal Register*, October 19, 2007.



# Chapter 1. Making the Case: Background and Rationale

## 1.1 Leading up to the Change

Since 1997, federal agencies have been working to adopt the U.S. Office of Management and Budget (OMB) Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. These standards replace those that have been in effect since 1977. The new standards separate race and ethnicity and include two categories for data on ethnicity. There are five categories for data on race, and respondents are now allowed to choose more than one race. The new standards are as follows:

### ***Ethnicity***

- Hispanic or Latino
- Not Hispanic or Latino

### ***Race***

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White.

In August 2006, the U.S. Department of Education (ED) released proposed plans for revising the way state education agencies (SEA) (states) and local education agencies (LEA) (school districts) are expected to maintain, collect, and report data on race and ethnicity. After reviewing extensive comments and feedback, ED released *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education (Final Guidance)* in October 2007.<sup>3</sup> The *Final Guidance*, effective as of December 3, 2007, drives future reporting of racial and ethnic data to all programs within ED. The guidelines specify both the new categories for individual-level data, and the aggregated categories to be used for racial and ethnic data reported to ED. In August 2008, a letter was released by Bill Evers, ED's Assistant Secretary for Planning, Evaluation and Policy Development, to elaborate the *Final Guidance*. The letter is accompanied by a list of answers to related policy questions in both elementary/secondary education and postsecondary education settings.

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<sup>3</sup> See appendix A for the full text of "Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education," *Federal Register*, Vol. 72, No. 202, Friday, October 19, 2007.

## Categories for Aggregated Federal Reporting

Regardless of the race combinations of individuals, each individual must be counted in exactly one of the following race and ethnicity combinations when being reported to ED or other federal agencies:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races
- Hispanic of any race.

### It is important to change to the new standards now because they

- allow individuals to more accurately identify themselves;
- are required for federal education eligibility and accountability reports;
- align with other agencies that are using the new standards, removing the need for “dual” reports;
- are consistent with Census data and other national data sets, facilitating state- and local-level policy analyses; and
- reflect population changes.

**Reporting requirements by 2010.** States and districts will be required to report aggregated data (not individual student records) to ED using these new standards by the fall of 2010 for the 2010-11 school year. Note that this does not include aggregated data for the 2009-10 school year. For example, dropouts and high school completers for the 2009-10 school year, which may not be reported until the winter of 2010, may be reported under the old race and ethnicity categories.

The new standards are part of federal education reports that districts and states submit to receive funds such as those provided through the Elementary and Secondary Education Act (ESEA). They are part of the required ED accountability reports collected through the ED*Facts* data collection system. Within ED, the Office for Civil Rights collects data at the school and district levels to assist with its enforcement of laws prohibiting discrimination on the basis of race and national origin, among other personal characteristics. Under the Individuals with Disability Education Act (IDEA), states are required to collect race and ethnicity data on students with disabilities. Data collected through the Office of Elementary and Secondary Education that account for progress in meeting the goals of No Child Left Behind (NCLB) Act include information about students’ race and ethnicity. All these data collections are tied to federal funding, and comply with the new OMB guidance for collecting racial and ethnic data.

The new race and ethnicity categories will also be used by other federal agencies in civil rights compliance monitoring and equal employment reporting for the public and private sectors and for all levels of government. The new racial and ethnic data standards have already been implemented by many federal agencies.

**More accurate statistical information.** Outside ED, the new race and ethnicity categories were used by the U.S. Bureau of the Census in data collection, tabulation, and reporting in the 2000 Census. Health agencies have since taken the initiative of adopting the OMB race and ethnicity categories in their data collections; the Federal Equal Employment Opportunities Commission (EEOC) began to collect data using the new race and ethnicity categories in fall 2007.<sup>4</sup>

<sup>4</sup> As of the writing of the *Final Guidance*, the new race and ethnicity categories are adopted in the Employer Information Report (EEO-1). “The EEOC plans to update the other reports to use the same race and ethnic categories as the new EEO-1 but, before doing so, will give respondents a full reporting cycle to change their recordkeeping. Source: “EEO Surveys” at <http://www.eeoc.gov/employers/surveys.html>.



### What Do the New Standards Mean to School Districts?

- Race and ethnicity data have always been collected and reported to ED. **Federal education funds** are allocated through data reported to ED.
- Continued **civil rights enforcement** is an important reason for maintaining accurate race and ethnicity information about individual students and staff members at the school and district levels.
- Collecting and reporting racial and ethnic data using these standards will better reflect the current racial and ethnic makeup of communities. It not only allows school districts to **allocate their human and financial resources** more accurately and equitably, but also validates such decisions within their communities.
- The new data collection format will afford individuals of multiracial background an opportunity to select categories that **better represent themselves**. It allows Hispanic populations to more accurately describe themselves, helping the school communities to better serve and support them.
- Although work is involved in changing to the new standards, the new format, once understood and implemented, is more **user-friendly** because it acknowledges the racial and ethnic heritage of students, parents, and staff members.

The evolving racial and ethnic composition of the school population also provides a strong incentive for reporting data that more accurately reflect the student body. Parents want the opportunity to more fully describe their children's heritage. Districts and states need data to track and assess racial and ethnic disparities and to measure the effectiveness of school programs in reducing performance differences between groups of students. An effective accountability system relies on precise data, and the new categories can benefit operational decisions as well by more specifically acknowledging racial and ethnic heritage. For example, districts may use the more precise descriptions of their students' backgrounds to better provide instruction and services.

## 1.2 Let's Get Started

Some states have proactively implemented the new standards in their data systems, while others waited for ED's October 2007 release of the *Final Guidance*. To help readers quickly understand the key changes, a comparison chart is provided on page ix. **Exhibit 1.1 U.S. Department of Education's Final Guidance At-A-Glance** contains a quick review of the key elements of the *Final Guidance*, which states and districts may use for a variety of training and communication purposes. This best-practice guide recommends ways and provides tools for state and local data systems to implement the changes specified in the *Final Guidance* released in October 2007, thus meeting the goal of submitting data for the 2010-11 school year as required by ED. This guide addresses four broad areas of implementation:

- Developing needed policies and procedures
- Training with staff and communication with parents
- Re-identifying students' and staff members' race and ethnicity
- Coding, storing, and reporting data, and bridging the new standards to earlier years' reports.

Throughout the *Final Guidance*, many data quality concerns such as the following are addressed:

- Re-identifying individuals, including tips on observing the race and ethnicity of an individual;
- Converting from old to new data sets;
- Conducting school district-to-state-to-federal data aggregation and reporting;
- Selecting and adopting bridging methodologies;
- Navigating a tight implementation timeline;
- Identifying the impact on state assessment systems and on such issues as adequate yearly progress (AYP) calculations; and
- Promoting comparability between new and longitudinal/historical data.

Appendix A is the text of the *Final Guidance* from ED on maintaining, collecting, and reporting racial and ethnic data.

Appendix B is the text of the letter issued by Bill Evers, ED's Assistant Secretary for Planning, Evaluation and Policy Development, to address some of the important policy questions related to the *Final Guidance*.

Appendix C is a study on bridging methodology for states or school districts considering this effort; the appendix suggests options and describes how users may select a bridging method that is most appropriate for their needs.

In this guide, you will also find:

- Case studies of states and school districts that have changed their data systems;
- Vignettes showing the pros and cons of implementing various strategies;
- Checklists of steps in the process of adopting the new race and ethnicity standards;
- A suggested timeline for implementation;
- Sample documents, such as letters to parents and enrollment forms; and
- Links to other resources.

A PowerPoint™ presentation will also be available on the website of the National Forum on Education Statistics (NFES). This will help state and school district personnel in their training on making the change to the new standards.

### 1.3 A Suggested Implementation Sequence

Exhibit 1.2 Sample Timeline for Implementing New Racial and Ethnic Data Collection Standards, displays a suggested sequence for implementing the new race and ethnicity categories in state and district data systems, in preparation for these agencies' reporting to the federal level. This chart is not intended to dictate a time table or schedule. Its main purpose is to illustrate the sequence of the process, showing milestones within each broad area of implementation taking place at state and local levels. The chart also identifies key players (states, school districts, schools, vendors, and ED) in this process, working closely together to implement the tasks. Users of the *Final Guidance* should judge the length of time required to implement these steps, based on knowledge of their own systems, data environments, and schedules.



**Assuming a 3-year process**, the implementation sequence consists of the following activities:

- **Year 1:** Groundwork is laid in this important phase. Policy and procedure development at both state and district levels should begin now and may last up to a year. During this time, broad guidelines that best reflect the reality of the state or district would be formed. Directions should be provided to other entities (from districts to schools and vendors) as needed. Suggestions about policies and procedures development in chapter 2 of this guide may be used to facilitate this process. Also review chapter 5 of this guide, in which data coding and bridging issues are discussed. Understanding and exploring options at this phase will assist with developing appropriate guidelines for vendors and other stakeholders.
- **Year 2:** Setting up the collection system and preparing personnel are key activities of this phase. While each entity will have its own task (e.g., the state to convert its system and define training; districts to develop data collection forms and define their own training; and vendors to implement changes to the systems based on state and district directions), communication is important to fuel and improve the process. Suggestions in scope and contents of training are presented in chapter 3 of this guide.
- **Year 3:** All are set to go! Forms are ready, staff are trained, and parents are notified. Year 3 is when individuals (students, parents, or staff) may be asked to re-identify their race and ethnicity. The process continues with follow-up and possible observer-identification. See chapter 3 for suggestions about communicating with the students, parents, and staff and chapter 4 for the re-identification process. Chapter 5 of this guide includes suggestions for coding, reporting, storage, and data bridging.

## Exhibit 1.1 U.S. Department of Education's *Final Guidance At-A-Glance*

(See appendix A for the full text of the *Final Guidance*)

### **Data Collected and Maintained by Educational Institutions**

**1. A two-part question must be used to collect data about students' or staff's race and ethnicity:**

**The first part should consist of a question about the respondent's ethnicity:**

- Hispanic/Latino or not—the term “Spanish origin” can be used in addition to “Hispanic/Latino.”
- The order of the questions is important. The question about ethnicity must be asked first.

**The second part should ask the respondent to select one or more races from five racial groups:**

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Additional categories may be used, but they must be subcategories of these groups.

**2. Whenever possible, students and staff should be allowed to self-identify their race and ethnicity.**

At the elementary and secondary levels, students' parents or guardians are typically the more appropriate source of race/ethnicity information. If self-identification is not practicable or feasible or the respondent has been provided adequate opportunity to self-identify, but still leaves the item blank or refuses to self-identify, observer identification should be used. Observer identification should also be used if staff persons decline to identify race and ethnicity for themselves. (This last advice is from *EEOC instruction in its EEO-1 Collection, not directly from Final Guidance.*)

**3. States and districts are strongly encouraged to re-inventory their racial and ethnic data.**

Though not mandated by this guidance, ED strongly encourages that current students and staff be allowed to re-identify their race and ethnicity using the 1997 OMB standards to ensure comparability of data and to accurately reflect diversity.

**4. Newly collected racial and ethnic data must be retained for at least 3 years.**

ED will indicate in its data collections the length of time educational institutions must maintain the original individual responses from students and staff. Racial and ethnic data as well as the original individual responses to the two-part question must be retained for at least 3 years or until the completion of any litigation involving those records.

### **Data Reported to the U.S. Department of Education**

**1. Aggregated racial and ethnic data should be reported in the following seven categories:**

- Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races.

**2. These aggregated categories are used for reporting data about students and for reporting data about staff to the Equal Employment Opportunity Commission (EEOC).**

#### *Implications of Multiple-Race Responses for NCLB 2001*

The introduction of multiple-race aggregation has implications for several ESEA requirements reauthorized under No Child Left Behind that involve racial and ethnic data, including AYP, report cards (for states and districts that receive ESEA Title I, Part A funds), and the 2-year trend comparisons included on state report cards. States will continue to determine which racial and ethnic groups will be used in the fulfillment of these requirements.

#### *Bridging Data to Prior Years' Data*

To facilitate trend analyses, educational institutions may adopt a bridging method to link new data collected using the 1997 guidelines to old data collected under the 1977 standards. For guidance on methods of “bridging” the “two or more races” category into single-race categories or the single-race categories into the previous single-race categories, see OMB's Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity (available at <http://www.ofm.wa.gov/pop/race/omb.pdf>.)

#### *Implementation Schedule*

Educational institutions and recipients must implement by the fall of 2010 to report data for the 2010-2011 school year. Though not required, ED encourages reporting of aggregate race and ethnicity data in accordance with the guidance prior to that deadline whenever possible.





## Chapter 2. Setting the Stage: Developing Policies and Procedures

Success in implementing the new race and ethnicity categories requires that ED, states, and school districts work together at all levels of data collection. The new aggregated reporting categories are used for reporting data about students and staff. It is ED's responsibility to provide clear expectations of how race and ethnicity data will be reported under each of the federal education programs, and to provide leadership in guiding states and school districts as they meet these requirements. The federal role does not end with the publication of the *Final Guidance*. Ongoing involvement extends to addressing the impact of changing race and ethnicity categories in ED's accountability systems, and providing guidance and technical assistance to states and school districts as they revise their data systems and reports.

States and districts are responsible for implementing the changes in their own data collection and reporting systems. To ensure the quality and comparability of data within these state and local systems, a thoughtful approach involving all of the key players—including data users and providers—is essential. The authors of this guide estimated that it would take about 3 years to implement the changes throughout a state: to train all parties involved, set up the data systems, conduct a re-inventory of data, and convert and prepare data for submission to the state and to ED. This section follows that 3-year schedule as it proposes steps to assist with this implementation process.

### 2.1 Policy and Procedure Development

Within states, the SEAs will be the lead organizations in developing policy and procedures to guide the change to new race and ethnicity categories. The SEA must be knowledgeable about the required changes in racial and ethnic data collecting and reporting. However, while broad guidelines should be established at the state level, it is recommended that policies and procedures be developed collaboratively with input from districts and schools. This would mean involving such key players as district-level staff who are responsible for reporting the racial and ethnic data; representatives from the technology areas (in-house staff and vendors); representatives from schools who would be asked to determine and record the race and ethnicity of students; and school- or district-level staff who are responsible for entering the data.

Each state must anticipate possible issues facing the implementation process. These issues can include the size of the agency, the number and size of districts, the diversity of student and staff populations, the political environment, beliefs about the value and uses of data, current data collection schedules, and the ever-present question of state versus local control. This list is not exhaustive. Recognize that there will be questions, and possibly resistance, as changes are introduced.

The scope of policy and procedure development should at least include the following tasks:

- Clearly identify applicable state laws that authorize the collection of race and ethnicity data.
- Analyze current race and ethnicity categories collected in the state.
- Develop a set of codes.
- Identify the data systems that need to be included in the re-identification process.
- Identify changes that need to be made in technology/software.
- Estimate the cost.
- Establish timelines and calendar.
- Develop standards for re-identification of individual data.
- Develop communication tools.

The following paragraphs address each of these tasks and recommend broad guidelines for establishing applicable policies and procedures. There is additional information in subsequent parts of this guide.

- **Clearly identify applicable state laws that authorize the collection of racial and ethnic data.** Determine what laws or State Board policies apply, and develop a succinct but authoritative statement. For example, the Massachusetts Department of Elementary and Secondary Education, which adopted the new race and ethnicity standards several years ago, answered this frequently asked question by stating, “Pursuant to Massachusetts General Laws, Chapter 69, Section 1I, the Department is authorized to collect race/ethnicity data but cannot make such information public. The Department will report these data only in the aggregate.” If more arguments for the change are needed, chapter 1 of this guide discusses federal reporting requirements and educational benefits of more precise data. (Documented later in this chapter are case studies of the collaborative efforts between the state education agency and a school district in Massachusetts in changing the race and ethnicity data collections.)
- **Analyze current race and ethnicity categories collected in the state.** These may be more numerous than the federally required set; for example, some districts may further disaggregate the category of Asian into Chinese, Japanese, Korean, and others. The work required to implement the new federal standards may vary from state to state. States can evaluate the impact of changes only after they look at their current data sets. For individual student or staff data, many states collect more categories than the original race and ethnicity categories previously established by federal standards. These may come in the form of additional racial categories on the collection form or as an option to provide additional information (e.g., write-in) about an individual’s ancestry.
- **Develop a set of codes.** If the categories used by the state or its districts can be cross-walked into one of the more than 60 possible combinations for individual data, no changes may be needed. (See exhibit 5.1 for the possible combinations of the five race and Hispanic/Latino ethnicity categories). However, if there is a statewide student data system, the state may want to make sure all variations can be collapsed into a set of race and ethnicity categories to be used consistently within the state. Also, it must be possible to aggregate both state- and district-adopted categories into the seven categories required for reporting aggregated data to ED. Chapter 4 of this guide provides several coding scheme suggestions, as well as examples of some states’ coding structures. In addition, states need to determine whether they would collect granular data from their districts or just the seven aggregate reporting categories as required for federal reporting.
- **Identify the data systems to be included in the re-identification process,** and include the data stewards of all of these systems in the process. EEOC began collecting staff data using the new categories in September 2007 with its EEOC-1 report. Therefore, while ED does not collect race and ethnicity data about staff from SEAs, it makes sense that human resources and licensing/certification data should be considered as part of the overall implementation effort. In some states, staff data may not be maintained at the school district level, and there may be multiple state systems (licensure, employment, retirement, etc.) for personnel information. Many school districts do not have their own human resources department, or must draw from several sources where payroll and scheduling information are kept. Many districts may need to retrieve such information from state licensure/certification databases.



A state or local agency should identify all the subsystems that may contain an individual's racial and ethnic information, for example:

- Student records
- Central registration file
- Special education data
- Assessment data
- Title I data
- English Language Learners data
- Transportation data
- Career and Technical Education data
- Charter schools registration and records
- Free-and-reduced price lunch data
- Migrant education data
- Gifted and talented data
- Discipline data
- Distance education data
- Human resources file
- Retirement file
- State certification and licensure information

Depending on a state's or local agency's size and the centralization of its data, it may make sense to prioritize certain data sets or collections. Agencies maintaining several subsystems that are not completely interoperable could consider prioritizing the implementation and adopt a "point-of-truth" system.

- **Identify required technical changes.** Software systems for collecting, managing, and reporting data will need to be updated. This includes work to be conducted by in-house staff and by vendors. Involve these personnel early, preferably as key decisions are being made about categories and coding requirements. Normally it takes up to a year to implement the changes, test-run data, and check for quality and validity. The more time that is available to vendors who support states and districts, the better the control over the implementation cost.
- **Estimate cost of changes and secure agency support.** The *Federal Register* notice about the new standards estimated that 25 million person-hours would be needed to complete implementation in all of the states. However, each state should estimate its own costs for changing to the new race and ethnicity standards because the starting point varies from state to state. These cost estimates should take into consideration the staff hours needed for policy development, training and professional development, system and program changes by in-house staff and vendors, and the re-inventory of data.
- **Establish timelines and calendars that realistically reflect the state's data collection and reporting processes.** Timing is key to success. Work should proceed steadily once it is begun, building momentum while allowing ample time for all involved to implement the changes. Policy development typically takes about 6 months to 1 year, and vendors will need up to 1 year of lead time to create new products. The Implementation Timeline in Exhibit 1.2 sets out a probable series of events with time estimates that are keyed to the school year calendar. This is not a rigid schedule, but it does show how key components of the implementation process are related to one another.

ED's *Final Guidance* specifies that educational institutions must report data in the new categories by fall of 2010 for the 2010-11 school year. **Now is the time to begin changing data systems!** Some states, such as Massachusetts, began the process at the state level in 2004, anticipating the changes that would be required. Massachusetts began introducing the changes to the state's districts in 2005, when state staff included the topic at their annual staff trainings. (See Case Study later in this chapter.)

- **Develop data specifications and guidelines for re-identification of individuals' race and ethnicity.** These guidelines and data specifications should enable district and school staff to understand how to implement their own policies and procedures about re-identification and data entry. Guidelines cover such things as establishing the timing and mechanism for communicating with parents about collecting new data, the follow-up procedures for missing data, and procedures for observing a student's race and ethnicity if parents refuse to provide that information. Chapter 4 of this guide includes recommendations for the data collection process.
- **Develop communication tools.** These would include fact sheets, presentation slides, and/or hotlines to answer frequently asked questions and establish a mechanism that allows state staff to answer questions directly and consistently. Chapter 3 of this guide addresses the area in further detail.

As in any new initiative, **building support** from all levels of stakeholders is vital to the success of the process. Everyone in the education community—from a teacher in a classroom, the front-line secretary at the principal's office, and district staff managing special programs, to state legislators debating the policies—has a stake in getting and using quality data. (The *Forum Guide to Building a Culture of Quality Data* provides general guidelines for cultivating an environment of quality data.) All of the parties involved need to be convinced of the value of making changes towards developing and maintaining a successful culture of quality data.



#### **What Do the New Standards Mean to School Districts?**

- Policy and procedure development begins at the state level, but it won't work without the close collaboration of districts and schools.
- Identifying a key person (or office) in charge of the change is crucial at the district level. In addition to collaborating with the state, this person/office could be in charge of conducting an inventory of existing data to identify the data sets that need to be updated with the new racial and ethnicity data; and responsible for collaborating with state officials regarding policies and procedures development.
- Vendors must understand that this change will affect all state and local data systems, not just one or two districts. Data systems will need to accurately capture the two-part race and ethnicity question from coding to recording and reporting. Local considerations, such as the capacity of the systems and reporting schedule, are taken into account in such changes.
- Districts should emphasize to their vendors that this is a state-mandated reporting change and should, in most cases, be covered under their software support contract. Districts should insist that vendor changes to data entry screens will facilitate accurate data entry.
- While the state can establish statewide policies, it is important for districts to set policies and procedures regarding the re-identification of individuals. See chapters 3 and 4 of this guide.



## **Everyone Learns from Early Adopters: Lessons from the Proactive Massachusetts Department of Elementary and Secondary Education**

Conversations began in early 2004 among staff at the Massachusetts Department of Elementary and Secondary Education about changing the state's handling of race and ethnicity data to follow the 1997 OMB standards. Rather than wait for final guidance from ED, Massachusetts decided to go ahead with the change, readying the state for the impending new standards.

That same year, the state discussed the shift to new categories with its school districts and began training district and school staff. At its spring 2004 district/school meeting—one of the state's annual meetings that provide venues for training and discussing issues such as upcoming changes to data collection system, data quality issues, application updates, and reviews of application use—the state notified districts of its plans to change the race and ethnicity collection and reporting practices beginning in the 2005-06 school year. Detailed information about the implementation was provided at the following meeting in the fall of 2004.

Questions that arose in these annual meetings were later posted on the state's website in a FAQ format. Meeting attendees raised concerns that ranged from the legality of the collection, to the rationale for the change, to ways of dealing with those who refuse to provide race and ethnicity information. The FAQ was posted during implementation and is still available at [http://www.doe.mass.edu/infoservices/data/guides/race\\_faq.html](http://www.doe.mass.edu/infoservices/data/guides/race_faq.html). Leading up to the introduction of the new categories, the state posted sample letters to parents and educators on its website for its districts to use as they communicated the coming changes. These letters were found to be a useful means of introducing the new standards at the local level and are thought to have contributed to a smoother transition to the new system.

Additionally, the state implemented a two-digit coding scheme consisting of all 62 of the possible race and ethnicity combinations under the 1997 standards, one of which each respondent was to be assigned, thus combining their responses to the ethnicity and race questions into a single code. Under this system, a white, non-Hispanic respondent was coded as "01" and one who chose Hispanic and all five of the race categories received a code of "63." The state ran into code-related data quality issues because it used some of the same codes in the new scheme that it had used in the past. Black, for example, was "03" under the old system, but was "02" in the new system, with "03" being replaced by Asian; thus, some confusion and coding errors occurred. The state implemented additional data quality reviews to ensure accuracy and has resolved such issues.



## Surveying Ethnicity and Race, On Paper and Face-to-Face: A Massachusetts District Data Collection through Paper Surveys and Interviews

Following the state's decision to shift to the new 1997 race and ethnicity data standards, Massachusetts school districts were tasked with collecting the data with new format beginning in the 2005-06 school year.

To aid the school districts in this transition, the Massachusetts Department of Education created a sample collection form accompanied by a letter to parents. The letters included the text, **"If you would like to update the student data for your child, please complete the enclosed form and send it to your child's school by [date]. If we do not hear back from you, we will continue to report based on the student data we currently have."** This option of not responding to the re-surveying process eased the burden on parents and school staff, since the state's population is predominantly White and does not tend to change its racial or ethnic identification from year to year. However, while this practice may work in areas with homogenous student bodies, in relatively diverse districts it may be advisable to resurvey all students rather than give parents the option to stick with the selections made under the old system.

In Everett Public Schools, one such heterogeneous district, a couple of extra steps were taken to ensure greater accuracy in the race/ethnicity data collected. More than 40 languages are spoken here, so the district translated the collection form into the five predominant languages, which represented over 90 percent of the district's language distribution. When the changes were first implemented by the state, all students in the districts were asked once to re-identify their race and ethnic categories. After that baseline effort, the district required parents of both new and returning students<sup>1</sup> to fill out the enrollment forms at the district's Parent Information Center (PIC), located at one of the high schools. The opportunity for face-to-face interviews with parents at the PIC, in their native language, was important because many of the district's parents have limited literacy skills in their native languages. While staffing each school with translators would not have been cost effective, the PIC had translators on site to conduct interviews in a number of the area's languages. By tailoring its data collection practices to its population's needs, Everett was able to remove most of its language barriers and to collect more complete self-identified racial and ethnic data.

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<sup>1</sup>Returning students are those who have left the school system for another community and have returned.

## Chapter 3. Getting on the Same Page: Training and Communication

Training and communication, available to state-, district-, and building-level staff, are essential to successful implementation of the new race and ethnicity standards. Besides fostering a culture of quality data that extends from the school to the SEA, effective communication ensures that everyone has the same understanding of the real world—what it looks like to a teacher or school data clerk working with parents as they enroll their children in school. The most direct way to achieve consistency and efficiency in introducing the new standards is to have states provide initial training to district personnel and to then support school districts as they train staff in their own central offices and schools. The Massachusetts Department of Elementary and Secondary Education, for example, provided training at one of its annual meetings with district data staff. In addition, the agency continued to maintain a help desk to provide technical assistance to districts on an ongoing basis. Other states may choose to offer guidance or a framework, but leave the actual training to the districts.

### 3.1 State-Level Training and Communication

Just as policy and procedures development begins at the state level, it makes sense for the state to provide a broad framework for training and communication. These include:

- **Identify key players** who should be involved in training and communication. At the state level, broad support should be obtained from the **agency's leadership**. Presenting the new race/ethnicity standards at leadership meetings helps leaders and senior personnel understand the federal reporting requirements and the system changes that should be made at the state and local levels to implement the new reporting format. Senior leadership can also serve as a good sounding board for cost estimates. Legal staff may be consulted about the implications of state laws on data collection, reporting, and maintenance. The anticipated outcome of this process is broad leadership support for the work needed to implement the new categories.

The Massachusetts State Department of Elementary and Secondary Education developed a frequently asked questions website to address such questions as the following:

- Is it legal for the state to collect racial and ethnic data?
- For what purposes will the state use the educator racial data?
- Why were the codes changed from the five categories to the present 62?
- When did the change take place?
- How are the data collected to reflect this change?
- How do school districts report these data to the Department?
- May school districts or families identify additional race or ethnicity categories?
- How will the Department report the racial and ethnic data to the Federal government?
- What are the implications for desegregation plans and the racial imbalance law?
- Is there a sample letter for districts to use in their data collection?
- How can schools/districts collect the race and ethnicity data for staff if staff refuses to provide the information?

Source: [http://www.doe.mass.edu/infoservices/data/guides/race\\_faq.html](http://www.doe.mass.edu/infoservices/data/guides/race_faq.html)

**State data personnel** whose responsibilities include collecting, maintaining, and reporting student and staff racial and ethnic data should be trained so that they can:

- Understand the two-part question format and new race categories.
- Understand the federal aggregate reporting requirements.
- Understand guidelines that will be conveyed to school districts.
- Identify specific changes to be made in their data systems to accommodate new requirements.
- Assign responsibilities for making such changes (in-house personnel or vendors), and identify contact person(s) for each area.
- Determine the implementation calendar, taking into consideration the agency's current data collection schedule.
- Determine whether the agency wants to bridge data across the old and new standards.
- Explore data bridging options and identify methodologies to be used, if the state decides to do this.

**Vendors** are important players in this process. They should be involved in the early stage and be well informed of all the issues and changes in order to accomplish the following:

- Understand the two-part question format and new race categories.
- Understand the federal aggregate reporting requirements.
- Identify specific changes to be made in their systems or products and provide minimum data standards.
- Assign responsibilities for making such changes and identify a contact person.
- Determine the implementation calendar, taking into consideration the agency's current data collection schedule.

**School district personnel** should be made aware of the process early on, with follow-up sessions throughout the implementation process, to help them:

- Understand the two-part question format and new race categories.
- Understand the federal aggregate reporting requirements.
- Understand the state guidelines that will facilitate development of district policies and procedures based on their district's environment, including re-identifying students and staff, following up with parents for data, observing a student's race and ethnicity if parents decline to do so, and following coding requirements.
- Develop their own plans for re-identification, including how and when it will be conducted.
- Identify specific changes to be made in their data systems (e.g., student records, human resources records, testing) to accommodate new requirements.
- Be aware of the types of assistance that are provided by state staff, and how to access this help.
- Understand the timeline for implementation.

Anticipating questions about race and ethnicity identification will help:

- Middle Eastern students should be identified as "White," not "Asian."
- Students from Spain should be identified as Hispanic and one or more of the racial categories.



The state could determine the mechanism for training and communication, which may include annual data staff meetings, staff orientations, web-based meetings, teleconferences, an online or telephone help desk, manuals and documentation, or any combination of the above. It is estimated that training needs will be heavy at first, but may be absorbed by regular established venues after the first year of implementation.

- States can take the lead by providing useful training materials and communication tools from their websites, such as:
  - Sample letters to parents and educators (Exhibit 3.1 includes an example of an early communication letter to the parents sent by Montgomery County [MD] Public Schools. Exhibit 3.2 includes a sample letter that can be used to communicate with staff members regarding the changes.)
  - Sample data collection forms
  - Answers to frequently asked questions, especially questions regarding the legality of collection and the rationale for the change
  - Data dictionary
  - State-adopted racial and ethnic codes.



### What Do the New Standards Mean to School Districts?

School districts vary in size, organization, and function of the chain of command. The focus on training and communication at the local level would be on implementing local policies and procedures, so that the re-identification process is carried out in the most consistent way to garner accurate data. Some preliminary work in planning and orienting all of the parties involved in these changes will have substantial payoff later on.

- Identify key players who should be involved in training and communication. At the local level, broad support should be obtained from leadership such as superintendents and boards of education. Presentation at leadership and board meetings will clarify the new federal requirements, and the system changes specified by state to implement the new reporting format. This is an opportunity to present cost estimates and review state laws on data collection, reporting, and maintenance. Legal staff may be consulted. The anticipated outcome of this process is broad local support for the work to introduce new race and ethnicity data standards.
- School district data personnel whose responsibilities include collecting, maintaining, and reporting student and staff racial and ethnic data should be trained to do the following:
  - Understand the two-part question format and new race categories.
  - Understand the federal aggregate reporting requirements.
  - Understand relevant state guidelines and standards.
  - Review existing data to anticipate challenges and questions, then communicate with the state education agency for clarification.
  - Identify specific changes to be made in their data systems to accommodate new requirements.
  - Develop policies and procedures that cover assignment of responsibilities, data collection and verification, communication and follow-up with parents, procedures to encourage self-identification, training for observers assigning race and ethnicity, and record retention and disposal.
  - Assign responsibilities for making such changes to in-house personnel or consultants, and identify a contact person(s) for each area.
  - Determine the calendar of implementation, taking into consideration the current data reporting schedule.
  - Determine how the re-identification will be conducted.

Vendors should be involved in early stage of this process, to do the following:

- Understand the two-part question format and new race categories.
- Understand the federal aggregate reporting requirements.
- Identify specific changes to be made in their systems or products and provide minimum standards.
- Assign responsibilities for making such changes and identify a contact person.
- Determine a calendar of implementation, taking into consideration the agency's current data collection schedule.

School personnel, specifically the principal or his/her designate, should be made aware of the process early on, especially if observer identification is to be done at the school. Besides the content areas for school district training listed above, districts can provide some "real life" practice as school personnel analyze their current student population, develop scenarios of possible observer misidentification, and anticipate possible data entry errors.

## Exhibit 3.1 Providing Advance Notice to the Public: An Example from Montgomery County (MD) Public Schools



April 28, 2008

Dear Parents and Guardians:

I am writing to inform you about new guidelines from the U.S. Department of Education regarding the collection of data on race and ethnicity for public school students and staff. The federal government, which requires all states to collect this information, has developed a new way to report ethnicity and race that includes new categories.

The federal government has developed these new categories in order to provide a more accurate picture of the nation's ethnic and racial diversity. This will enable individuals to be identified in ethnic and racial classifications and in more than one racial category. In the past, forms allowed individuals to be identified in only one racial category.

Currently, Montgomery County Public Schools (MCPS) asks families to provide information on students' race and ethnicity at the time of enrollment. Beginning in fall 2008, we will ask the families of newly enrolled students AND of all current students to complete a brief form to update information on their children's ethnicity and race. The collection of data from staff will occur at a later date.

The data with the new ethnicity and race categories will be used in the same manner that such information is currently used. For example, the federal government uses racial and ethnic data in reporting and analyzing test results, such as the Maryland School Assessment and the High School Assessments. The new categories will replace all existing categories for use in state and federal data collections that include data on ethnicity or race.

The enclosed question-and-answer sheet provides additional information about these changes. You will receive details about the new form and the process for completing it at a later date. Information regarding the collection of data on race and ethnicity also is available on the MCPS Web site at [www.montgomeryschoolsmd.org/info/ethnicityrace](http://www.montgomeryschoolsmd.org/info/ethnicityrace).

Respectfully,

A handwritten signature in black ink, appearing to read "Jerry D. Weast", is written over a faint, larger version of the same signature.

Jerry D. Weast, Ed.D.  
Superintendent of Schools

JDW:mh  
Enclosure

Office of the Superintendent of Schools

## Exhibit 3.1 Providing Advance Notice to the Public: An Example from Montgomery County (MD) Public Schools—Continued

### MONTGOMERY COUNTY PUBLIC SCHOOLS New Federal Guidelines for Reporting Ethnicity and Race Data for MCPS Staff and Students

Update #1  
(April 2008)



#### *Overview*

The U.S. Department of Education requires all states to collect information on the race and ethnicity of public school students and staff. The federal government has developed a new way to report ethnicity and race that includes new categories. The changes should provide a more accurate picture of the nation's ethnic and racial diversity. Beginning in the fall of 2008, families of all students will be asked to fill out a brief form to update the reporting of their children's ethnicity and race. Reporting of staff data will occur at a later date.

#### *If I have already provided this information to the school system, why must I provide it again?*

In the past, forms for reporting race and ethnicity to the federal government allowed individuals to be identified in only one racial category. The new form enables individuals to be identified in ethnic and racial classifications and in more than one racial category. The federal government is requiring that ethnic and racial information for all students and staff be reported in this new way in order to reflect the nation's diversity more accurately.

#### *How will the information be used?*

The data with the new ethnicity/race categories will be used in the same manner that racial/ethnic data are currently used. The new categories will replace the existing categories for use in all state and

federally sponsored statistical data collections that include data on ethnicity or race. Some examples include student record cards and test results.

#### *Who provides the information?*

Parents will complete a brief form to identify their children's ethnic and racial identity. Staff members will receive a form to fill out their own information.

#### *When and how will the new information be gathered?*

Montgomery County Public Schools will follow the new federal guidelines beginning in the fall of 2008. The new form will be distributed to all schools. The families of newly enrolled students **AND** of all current students will be asked to complete the form and return it to the school. Staff members will be asked to fill out a form at a later time, yet to be determined.

#### *Where can I find more information?*

More information is available on the MCPS Web site at [www.montgomeryschoolsmd.org/info/ethnicityrace](http://www.montgomeryschoolsmd.org/info/ethnicityrace)

District Letterhead

Dear Colleagues:

Each year, every school district in [State] is required to report to the [state name] each year staff data by race and ethnicity categories that are set by the Federal government. Accurate racial and ethnic data help us conduct research and evaluation as well as comply with Federal and state equal employment opportunity laws.

The [state agency] *does not* report individual data to the federal government, but does report the total number of educational staff in various categories in each school. The Federal government recently changed the reporting categories for staff data. As a result, you have the opportunity to update your race and ethnicity data in your record, if you wish to do so. You may now identify yourself by ethnicity (either Hispanic/Latino or not Hispanic/Latino) and by one or more racial groups (American Indian/Alaska Native, Asian, Black/African-American, Native Hawaiian/Other Pacific Islander, White). Starting with the 2009-2010 school year, all schools in [state] will report student data to the [state agency] using the new format and categories.

Please complete the enclosed form and return to your [school/agency name] by [date]. If we do not hear back from you, a designated school staff [or indicate position of staff] will observe and select racial and ethnic categories on your behalf, as required by the Federal government for aggregate reporting. Please contact [individual's supervisor, school principal, or district human resources] if you would like to check your race and ethnicity information currently on file.

For more information about the student data reporting categories, please contact [school contact name and information].

Sincerely,

XXX  
Superintendent of Schools

## Exhibit 3.3 Suggested Training Frameworks for State and School District Personnel and Vendors

### Background (for All Participants)

- Review lists of data currently reported to ED (with an indication of which reports are funding-related).
- Review state requirements for collecting race and ethnicity of students and staff (if applicable).
- Review current race and ethnicity data maintained at the state level, by data sets.
- Understand key requirements under the ED's *Final Guidance* (use Exhibit 1.1):
  - Two-part question format
  - New race categories
  - Multiple race selection
  - Federal aggregate reporting requirements.

### Policies and Procedures (for State Personnel)

- Understand guidelines that will be conveyed to school districts.
- Identify specific changes to be made in their data systems to accommodate new requirements.
- List the personnel/department assigned for making such changes, both in-house personnel and vendors, and identify contact person(s) for each area.

### Implementation (for State Personnel)

- Review calendar of implementation, taking into consideration the agency's current data collection schedule.
- Discuss coding scheme and structure to be adopted.
- Understand and evaluate data bridging options and identify methodologies to be used by the state, if the decision is to bridge.

### Implementation (for School District Personnel)

- Understand guidelines that will be conveyed to schools.
- Identify specific changes to be made in districts' data systems to accommodate new requirements.
- List personnel/department assigned for making such changes, both in-house personnel and vendors; and identify contact person(s) for each area.
- Understand the self-identification process: rationale, requirements, methodology (See issue #3 in chapter 4)
- Understand the difference between self versus observer identification, and the observation process (see issue #3 in chapter 4.)
- Understand record retention requirements.

### System Requirements (for Vendors)

- Understand the two-part question format and new race categories.
- Understand the federal aggregate reporting requirements.
- Identify specific changes to be made in vendor systems or products and provide minimum data standards.
- Assign responsibilities for making such changes and identify a contact person.
- Determine the calendar of implementation, taking into consideration the agency's current data collection schedule.
- Make user-friendly software changes to data entry screens that reflect the two-part question.



**Q: Why do you need this information?**

A: The demographics of our society have changed significantly in the last few decades. These changes will allow our students and staff to more accurately describe who they are. We (school district or state) are required by the Federal government to use the new categories. All states and school districts are required to do the same. There are good reasons in addition to meeting federal requirements, though. We routinely report aggregate information to the federal government for funding and evaluation purposes, as well as civil rights compliance. We also use racial and ethnic data to evaluate our placement and program needs, providing the best services for all students. The U.S. Census in 2000 used the new categories. This is a trend that education and human service agencies will follow.

**Q: Is the federal government checking my immigration status?**

A: No. This information will be maintained in your employment or student records. It will not be reported to any federal agency in a way that identifies you or your child. No one will check for immigration status from the information you give here.

**Q: Will the school release my student's race and ethnicity to other parties?**

A: Individual student records are protected by the Federal Education Records and Privacy Act (FERPA). The new race and ethnicity standards have no effect on FERPA's protection of student records. FERPA does not designate race and ethnicity as directory information, and race and ethnicity have the same protection as any other nondirectory information in a student's education record.

**Q: Haven't we given this information before? Why do you need to ask again?**

A: This is indeed a major effort, but it would be more beneficial to ask everyone again and at the same time with the new format. This way no one will miss the opportunity to identify himself or herself in a more accurate way.

**Q: I am Hispanic. Why do I have to answer more questions?**

A: One of the major changes is the recognition that members of Hispanic populations can be of different races. The federal government would like to afford Hispanic/Latino populations the opportunity to better describe themselves according to their culture and heritage. So yes, you will be asked to select one or more races, even if you have indicated that you are Hispanic/Latino.

**Q: How do I know I won't be discriminated against after I've told you I belong to a minority group?**

A: This is exactly why we need to maintain better racial and ethnic data about our students and staff. We are required to maintain this information about each individual in his or her record, in case a civil right investigation surfaces. Again, state and local guidelines are in place to ensure that racial and ethnic data will not be reported elsewhere in a way that you may be identified. The state and districts follow FERPA rules and regulations to safeguard the privacy of student records (see question above). For employment records, none of the equal employment opportunity rules has changed. Your race and ethnicity will not be used to determine your employment status or condition.

**Q: You can't make me do it, can you?**

A: No, we can't; but providing the information would be beneficial for you or your child. We are required to provide an answer on your behalf, if you choose not to provide such information. The federal government believes that in getting aggregate numbers from states and districts, it would be more preferable to have complete data this way, than having missing data.





## Chapter 4. Getting It Done: Re-Identifying an Individual's Race and Ethnicity

The *Final Guidance* addresses many concerns raised by the public regarding data collection. In general, there are three major issues related to such an effort: re-identification of an individual's race and ethnicity, the two-question format, and observer-identification.



### What Do the New Standards Mean to School Districts?

School districts play the key role in collecting data using the new race and ethnicity categories. It is essential for district and school personnel to establish policies and procedures for conducting the re-identification, following up for nonresponse, and observation of individuals' race and ethnicity.

### 4.1 Issue # 1—Re-identification of an Individual's Race and Ethnicity

- Though not mandated, the *Final Guidance* encourages agencies to give all students (or their parents/guardians) and staff members the opportunity to re-identify their race and ethnicity according to the new categories. Such a process is beneficial for states and school districts, because:
  - On the personal level, it provides students and staff of multiracial backgrounds the opportunity to express their races and ethnicity, and allows students or staff who previously identified themselves as "Asian or Pacific Islander" to select either "Asian" or "Native Hawaiian or Other Pacific Islander"; and
  - On the institutional level, it promotes data consistency and comparability within schools, districts, and states.
- Resistance to change is to be expected when it involves a great number of respondents, staff time and resources are limited, or if there is distrust of the state or the federal government's reason for these changes. Resistance can come from small or large schools, or from traditional public schools or charter schools. It is important for district- and school-level personnel to understand and buy into the data changes. Making the case (see chapter 1) contributes to success at this introductory stage.
- Besides the mandated requirements, states should explain to districts and schools the benefits of these changes for the populations they serve, such as finally allowing multiracial individuals full recognition of their heritage, and identifying Hawaiian Natives and Other Pacific Islanders as a distinct group sharing a common heritage. Be sure that district- and school-level staff understand that the new categories are required for new enrollees, and that data systems must be using new categories by 2010. Changes are inevitable, and state staff members are there to help districts make the transition as smoothly as possible.
- There may be resistance from some parents (such as undocumented immigrants) who refuse to provide the information out of fear of authority, or of being stigmatized. Be ready to explain to respondents the difference between the new and old race and ethnicity categories. It is also vital to explain that although these categories

are required by the federal government, only aggregate racial and ethnic data are reported.<sup>5</sup> Race and ethnicity data are not considered “directory information” under FERPA. School districts should offer reassurance by referring to the protection of individually identifiable information under FERPA, and indicate that student and staff information is sent to the Federal government in ways that ensure no individual is identifiable. See Sample Letters to Parents and Staff Members included in chapter 3.

- The *Final Guidance* specifies how the race and ethnicity question should be presented, but does not mandate how an individual should answer the question. For example, some individuals may answer by the race and ethnicity with which they mostly comfortably identify, while others may answer based on their ancestry. The important issue is that the two-part question is being asked consistently across the state, district, and schools.
- States may establish guidance for school districts regarding the scheduling and process for implementing the re-identification. This is done most easily during the enrollment period for new students and at the beginning of the school year for returning students. Staggering data collection throughout the year would be more difficult to manage. Large and diversely populated school districts may choose to re-survey every year, while others might conduct a one-time survey, asking students or staff members to respond by a certain date to change their race and ethnicity on record. If the second approach is used, it is recommended that a notice be sent to parents or staff members to allow re-identification. (See sample letters in exhibit 3.1.) New forms could be designed to just ask the two questions on race and ethnicity, or forms preloaded with existing data could be sent to students or staff members for verification and change if applicable. Either way, a specific date should be included by which the students or staff members are asked to return the information. Indicate that current data will be used, or race and ethnicity will be assigned, if new information is not received. Allow students or staff members to check their record if they do not remember what race and ethnicity codes they had selected previously. Included later in this chapter is a case study of current difficulties in identifying the race and ethnicity of students and staff. State leadership in providing resources would contribute to the success of the process.
- The actual re-identification may be accomplished in different ways. Some districts have students fill out forms in their home rooms, while others mail out either a request for information or a verification of pre-loaded information requiring a parent’s signature or entry on a web-based process. However, since the *Final Guidance* indicates that the selection of a student’s race and ethnicity is primarily made by parents or guardians (see chapter 4.3), it is preferable to send the form to parents, asking them to identify the student’s race and ethnicity, and then to sign and return the form. If a school district traditionally obtains data more quickly and accurately from high school students than from their parents, it would be preferable to ask students to provide this information themselves.
- To re-identify staff members’ race and ethnicity, it is important to reiterate that this information is **not** a condition of employment. The federal rules and regulations on equal employment compliance have not changed.

## 4.2 Issue #2—The Two-Part Question: Ethnicity First, Race Second

- The *Final Guidance* requires the use of the two-part question format. The first part of the question asks whether or not an individual is Hispanic/Latino. The definition used for Hispanic/Latino is “a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.” While this part of the question pertains to ethnicity, to avoid confusion the word “ethnicity” need not be mentioned. The

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<sup>5</sup> ED research or statistical studies that collect information from individual students or staff members do not collect data in a way that permits the identification of individual respondents.

### The two-part question may look like this:

Part A. **Is this student (or Are you) Hispanic/Latino?** *(Choose only one)*

- No, not Hispanic/Latino**
- Yes, Hispanic/Latino** (A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.)

The above part of the question is about ethnicity, not race. No matter what you selected above, **please continue to answer the following** by marking one or more boxes to indicate what you consider your student's (or your) race to be."

Part B. **What is the student's (or your) race?** *(Choose one or more)*

- American Indian or Alaska Native** (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.)
- Asian** (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)
- Black or African American** (A person having origins in any of the black racial groups of Africa.)
- Native Hawaiian or Other Pacific Islander** (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)
- White** (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.)

second part of the question asks an individual to select one or more races from the following five racial groups: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Note that an alternative such as "some other races" or "race unknown" is not an option.<sup>6</sup>

- The Hispanic population has grown in the last few decades, becoming the largest minority group in many school districts. Census studies found that Hispanic reporting was more accurate with the two-part format. Asking respondents whether or not they are Hispanic before asking them to identify a race reduces the tendency to confuse race with country of origin (e.g. Peruvian, Boliviano).
- People of Hispanic origin may be of any race and should answer the part of the question on race by marking one or more race categories (presented in the second part of question). It is important to design the form in a way that enables respondents to understand that **both parts of the question** are to be answered. Many Hispanic/Latino respondents may be accustomed to calling "Hispanic" a race. Therefore, a transition line between the ethnicity and race questions such as this can be helpful: "The Hispanic/Latino part of the question is about ethnicity, not race. No matter what you selected above, please continue to answer the following by marking one or more boxes to indicate what you consider your race to be."

<sup>6</sup> Postsecondary institutions and Rehabilitation Services Administration grantees use self-identification only and do not use observer identification. They will be allowed to use the "race and ethnicity unknown" category when reporting data to ED.

- Nothing prohibits states and school districts from offering additional racial and ethnic categories for their own purposes. To reflect the diversity of its population, a state may collect a more detailed breakdown of a racial category (such as Korean, Japanese, or Chinese as separate categories for Asians). The only requirement is that these additional categories must be collapsed into the five federal races and one ethnicity category. States could decide to collect data from districts as aggregate or individual reports. However, the original information, which is maintained on an individual's education or employment records, must be collected using the two-part question format. And, the district or state must be able to report racial and ethnic data to ED in the seven aggregate categories described in the *Final Guidance* and in chapter 1 of this guide.

### 4.3 Issue #3—Self-identification or Observer-identification

#### Principle 1: Self-identification is preferable.

- 1.1 Individuals must always be encouraged to identify their own race and ethnicity. Staff members may be asked to re-identify themselves in their records. Self-identification of racial and ethnic categories is strongly recommended in the *Final Guidance* as the choice for collecting the data, although respondents are *not required* to do so. If a parent, student, or staff member declines to select the student's or staff's race and ethnicity, identification by observers *should* be used. Observer identification is a last resort to identify the race and ethnicity of a student and this practice is allowable.
 

Self-identification is the preferred choice of selecting an individual's race and ethnicity, though a person is not required by law to make these selections.
- 1.2 Aside from the instructions in the *Final Guidance*, self-identification of race and ethnicity is found to be the most consistent and accurate mode of racial and ethnic data collection. It is also the approach that is most socially acceptable, most cognizant of individual privacy, and promoted by the 1997 OMB Standards as respectful of "individual dignity." While observer identification (as a last resort) provides information about how individuals are perceived in their communities, self-identification allows each individual to assert his or her own racial and ethnic identity.
- 1.3 In the case of elementary and secondary students, self-identification includes the selection of race and ethnicity categories by a student's parents or guardians. The *Final Guidance* indicates that the identification of a student's racial and ethnic categories is to be made *primarily* by parents or guardians (i.e., the parent's choice should be used; this is not considered "observer" identification.) If there is a conflict between the choices of a student and his or her parent, the parents' choice should be used for the record.
- 1.4 If a parent refuses to identify the race or ethnicity of a student, but the student later volunteers to self-identify him- or herself, the data should be used, unless there is a reason to question the accuracy of the information. The designated observer should verify the response according to school district procedures.

#### Principle 2: Observer-identification is required as a last resort.

- 2.1 The *Final Guidance* recognizes the burden placed on school and district personnel in observer identification, and that the practice may not yield data as accurate as those from self-identification. However, absent self-identification or existing records, observer identification is considered preferable to having no data at all. Students and parents who are reluctant to self-identify should be informed that observer identification will be used. This may discourage them from refusing to self-identify.

- 2.2 School district policy should indicate the steps to be taken before an observer makes a selection. These steps may include reviewing the enrollment form with the parent at registration, or sending a second letter or making a phone call to follow up with the parent when the information is not volunteered. In any case, the observers should be prepared to explain, if asked, that the school district and state are required to provide such information as an aggregate to the federal government; that the school district is required to select race and ethnicity categories for students on their behalf if parents or students decline to answer the questions; and that the school district will maintain the confidentiality of individual race and ethnicity records. Also be ready to explain federal law and state policy regarding the confidentiality of racial and ethnic data and the benefits of the new categories in allowing a person to choose his or her race and ethnicity. All observers should be trained on the procedures for racial and ethnic identification. These include the steps taken to ensure that respondents have refused to self-identify after being given the choice rather than simply having overlooked the question, and the statements to be made when asked about the process. (See exhibit 4.1 Suggestions for Conducting Observation for further information.)
- 2.3 It is generally a good practice to designate one administrator to be the observer to select on students' behalf. However, states and districts vary in how they assign this responsibility. In Wyoming, the principal is the only staff member authorized to perform observer identification. Elsewhere, the responsibility falls on others such as school clerks or may be shared among many staff members. School districts may choose to allow multiple staff members to perform observer identification; for example, they may designate an individual who speaks the parent's native language. There are advantages to placing the responsibility with the school principal/superintendent, rather than sharing it among clerks and other staff. This policy offers two main benefits: (1) it improves the consistency of the data collection process, and (2) in the event that students, staff members, or parents become dissatisfied with the observer identification process, this policy seats responsibility with one authoritative source, thus avoiding the confusion that might result if the burden were spread among numerous staff members.
- 2.4 The state should provide clear guidance to school districts in establishing district policies:
- *Who* would identify a student's race and ethnicity if the student and his or her parent did not self-identify;
  - *How* a parent should be alerted that an observer will identify if no such information is provided, not only to encourage response from the parent, but also to protect the school and district if the parent later objects to the selection; and
  - *Whether* data selected through observer identification are *flagged* in the data set.
- 2.5 For staff data, note that an agency may obtain the racial and ethnic information from existing employment records or observer-identification if an employee declines to self-identify.<sup>7</sup>
- 2.6 It was the experience of Everett School District, Massachusetts, that more changes (and self-identification) in racial and ethnic categories were obtained through interviews than through surveys. This was especially true when interviews were in the parent's language (other than English). The school district found that some parents had limited literacy skills in their native languages. Because of this, the district carried out one-on-one interviews in addition to sending a letter. In these interviews, parents were more likely to change their children's race and ethnicity than were parents who filled out printed surveys. While interviewing seems to be a more accurate way to collect the information, school districts will have to balance this advantage with the additional cost.

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<sup>7</sup> See "Questions and Answers—Implementation of Revised Race and Ethnic Categories" by the U.S. Equal Employment Opportunity Commission at <http://www.eeoc.gov/quanda-implementation.html>

2.7 Observers should not tell a student, a parent, or a staff member how he or she should classify himself or herself. When asked, simply restate the question, explaining the definition within a race or ethnicity category. If a parent just states that a student is Hispanic, observers should encourage the parent to also select one or more race categories because people of Hispanic origin may be of any race.

The federal government requires the use of observer identification of elementary and secondary school students' race and ethnicity, as a last resort, if such information is not provided by the students and their parents.

2.8 Observers should be encouraged to stay within their own comfort zone. Visual identification of multiple race background is a difficult task. Observers should attempt this if they are comfortable doing so. Supporting information, such as personal information from a teacher or knowledge about common race combinations within the community, can be helpful in making such determinations.

2.9 There is no federal requirement to “flag” a student’s record in the information management system if his or her race and ethnicity categories are selected by an observer. However, while this is an additional expense, it would be a helpful piece of information kept at the school or district level. It need not be transmitted to the state.

2.10 Observer identification may not be feasible in cases such as distance education. Following up with parents via telephone or electronic mail are probably the only feasible options. In some extreme cases of geography, for instance, it can be almost impossible to observe a student. For example, in Yukon-Koyukuk School District in Alaska—a district that spans nearly 65,000 square miles and is roughly the size of Wisconsin—a distance education program administrator cannot stroll over to the child’s classroom or call his or her parents in for a meeting. Data collectors from the school or district can speak to the student or parents and try to allay any reservations about providing race and ethnicity information. However, parents are free to refuse to give this information no matter how hard one tries to convince them to do so. In distance education or other virtual programs, the state should provide guidelines about methods school districts should employ to collect racial or ethnic information and to handle refusals.

## Exhibit 4.1 Suggestions for Conducting Observer Identification

The OMB Guidance requires the use of observer identification at the elementary and secondary school level as a last resort, if racial and ethnic data are not self-identified—by the student or more typically the student’s parents or guardians. If you are the individual assigned by your school or district as an observer, these are some suggestions to help you perform this duty. First of all, remember that:

- **Observer identification is used as “a last resort,” after other efforts to increase the chance of having a parent identify the student or a student to identify himself or herself have failed.** Check your district’s policies for such procedures. Typically, they will include following up with parents, through e-mail or phone communication, to determine whether the parent or student is refusing to self-identify rather than simply overlooking the question.
- **Self-identification is based on how people define themselves and their children.** Assigning a race and ethnicity to an individual is a somewhat arbitrary exercise because these are not scientific or anthropological categories. While assigning race and ethnicity to another person is a difficult task, given the emotionally charged feelings and deep beliefs that many people have concerning the issue, your job as an observer for federal reporting purposes is simply to assign race and ethnicity categories to the best of your ability. It is important that you are consistent in your observation, and make your judgments objectively.

In addition to visual observation there are ways to help you determine an individual’s race and ethnicity. Rely first on existing information before you actually “observe” the race or ethnicity of the student, but check your information source to the best of your ability. For example:

- Check the student’s *prior record* to determine whether a racial category was selected in the past. This can narrow down the possibilities, but you may still need to determine whether the student is multiracial or has selected one of the “old” categories that has been separated (e.g., Asian and Pacific Islander, or Hispanic with no race identified).
- Check whether a *student’s sibling* in the school has re-identified a race and ethnicity during the re-identification. There is, however, a possibility of different race and ethnicity among siblings as a result of adoption and blended families.

If sufficient existing information is lacking, you may look for clues from other sources such as:

- first-hand knowledge about the student or his/her family (check with a teacher or counselor);
- the student’s and parent’s country of birth or country of origin;
- the student’s home language or parent’s language of preference; and
- knowledge about the community to which the school belongs

### Definition of Race and Ethnic Categories Used for Federal Reporting

#### Ethnicity:

##### *Hispanic/Latino*

A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.

#### Race Categories:

##### *American Indian or Alaska Native*

A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

##### *Asian*

A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

##### *Black or African American*

A person having origins in any of the black racial groups of Africa.

##### *Native Hawaiian or Other Pacific Islander*

A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

##### *White*

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## Selecting an Ethnicity

If, in prior records, an individual has indicated that he or she was Hispanic, then the ethnicity question is answered. Your job is to observe and select a racial category. Many Hispanic individuals consider “Hispanic” as their race (partly due to past experience of using this as if it were a racial category). They may look for “Hispanic” or “some other race” in the race question. When they do not find it, they leave it blank. Following up might be all that is needed to collect the information directly from the student or parent.

A student may volunteer his or her ancestry rather than answering “yes” to the Hispanic/Latino ethnicity question. The following is a list of Hispanic ancestry groups to which Hispanic individuals may refer themselves:

Spaniard	Andalusian	Asturian	Castillian	Catalonian
Balearic Islander	Gallego	Valencian	Canary Islander	Mexican
Mexican American	Mexicano	Chicano	La Raza	Mexican American Indian
Mexican State	Costa Rican	Guatemalan	Honduran	Nicaraguan
Panamanian	Salvadoran	Central American	Canal Zone	Argentinean
Bolivian	Chilean	Colombian	Ecuadorian	Paraguayan
Peruvian	Uruguayan	Venezuelan	Criollo	South American
Latin American	Latino	Puerto Rican	Dominican	Hispanic
Spanish	Californio	Tejano	Nuevo Mexicano	Spanish American

## Selecting a Race

In general, the new federal requirements conflate race and geographic/national origin. For example, “White” is defined to include people who originate from Europe, the Middle East, and North Africa. Though not an exhaustive list, the following chart may help in connecting geographic/national origin with a race, as defined in the *Guidance*:

<b>If an individual considers him- or herself to be:</b>	<b>...or comes from one of the following countries or regions:</b>	<b>...and assuming single-race, the individual may be identified as:</b>
European American	<i>Northern Europe</i> such as: Britain (Scotland, Ireland, Wales) Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden <i>Western Europe</i> such as: Belgium, France, Holland, Luxembourg <i>Central Europe</i> such as: Austria, Czech Republic, Germany, Hungary, Poland, Slovakia, Switzerland <i>Eastern Europe</i> such as: Belarus, Bulgaria, Romania, Russia, Ukraine <i>Southern Europe</i> such as: Bosnia, Catalonia, Croatia, Cyprus, Greece, Italy, Macedonia, Malta, Montenegro, Portugal, Serbia, Slovenia, Spain <i>Other</i> such as: Caucasus, Armenia, Georgia, Azerbaijan	White
Middle Eastern American	Afghanistan, Egypt, Israel, Iraq, Jordan, Lebanon, Palestine, Saudi Arabia, Syria, Turkey, Yemen	White
North African American	Algeria, Egypt, Morocco	White
Black, African American, Afro-American	Bahamas, Barbados, Botswana, Ethiopia, Haiti, Jamaica, Liberia, Madagascar, Mozambique, Namibia, Nigeria, Nigriti, South Africa, Sudan, Tobago, Trinidad, West Indies, Zaire	Black
Asian American	Asian Indian, Bangladesh, Bhutan, Burma, Cambodia, China, Taiwan, Philippines, Indonesia, Japan, Korea, Laos, Malaysia, Mongolia, Nepal, Okinawa, Pakistan, Singapore, Sri Lanka, Thailand, Vietnam; or ancestry groups such as Hmongs, Mongolians, Iwo Jiman, Maldivian	Asian
Pacific Islander	Caroline Islands, Fiji, Guam, Hawaiian Islands, Marshall Islands, Papua New Guinea, Polynesia, Samoa, Solomon Islands, Tahiti, Tarawa Islands, Tonga	Pacific Islander
Australian or New Zealander— not an indigenous person	Australia, New Zealand	White
Aborigine, Indigenous Australian, Torres Straits Islander, Melanesian	Australia, New Zealand, Torres Straits Islands	Pacific Islander



Though not exhaustive, the following is a list of American Indian and Alaskan Native tribes or self-descriptions that may help in your observation:

### American Indian Tribes

Abenaki	Algonquian	Apache	Arapahoe	Arikara
Assiniboine	Assiniboine Sioux	Bannock	Blackfeet	Brotherton
Burt Lake Band	Caddo	Cahuilla	California Tribes	Canadian and Latin American
Catawba	Cayuse	Chehalis	Chemakuan	Chemehuevi
Cherokee	Cherokee Shawnee	Cheyenne	Cheyenne-Arapaho	Chickahominy
Chickasaw	Chinook	Chippewa	Chippewa Cree	Chitimacha
Choctaw	Choctaw-Apache	Chumash	Clear Lake	Coeur D'Alene
Coharie	Colorado River Indian	Colville	Comanche	Coos, Lower Umpqua, and Siuslaw
Coos	Coquille	Costanoan	Coushatta	Cowlitz
Cree	Creek	Croatan	Crow	Cumberland
Cupeno	Delaware	Diegueno	Eastern Tribes	Esselen
Fort Belknap	Three Affiliated Tribes of North Dakota	Fort McDowell	Fort Hall	Gabrieleno
Grand Ronde	Guilford	Gros Ventres	Haliwa-Saponi	Hidatsa
Hoopla	Hoopla Extension	Indians of Person County	Iroquois	Juaneno (Acjachemem)
Kalispel	Karuk	Kaw	Kickapoo apoo	Kiowa
S'Klallam	Klamath	Konkow	Kootenai	Lassik
Long Island	Luiseno	Lumbee	Lummi	Maidu
Makah	Maliseet	Mandan	Mattaponi	Menominee
Metrolina	Miami	Miccosukee	Micmac	Mission Indians
Miwok	Me-Wuk	Modoc	Mohegan	Monacan
Mono	Nanticoke	Nanticoke Lenni-Lenape	Narragansett	Navajo
Nez Perce	Nipmuc	Nomlaki	Northwest Tribes	Omaha
Oneida Tribe	Oregon Athabaskan	Otoe-Missouria	Ottawa	Paiute
Pamunkey	Passamaquoddy	Pawnee	Penobscot	Peoria
Pequot	Pima	Piscataway	Pit River	Pomo and Pit River Indians
Pomo	Ponca	Potawatomi	Powhatan	Pueblo
Puget Sound Salish	Quapaw	Quinault	Rappahannock	Reno-Sparks
Round Valley	Sac and Fox	Salinan	Salish	Salish and Kootenai
Schaghticoke	Seminole	Serrano	Shasta	Shawnee
Shinnecock	Shoalwater Bay	Shoshone	Te-Moak Tribes of Western	Shoshone Indians of Nevada
Paiute-Shoshone	Siletz	Siuslaw	Spokane	Stockbridge-Munsee
Tohono O'Odham	Tolowa	Tonkawa	Trinidad	Tygh
Umatilla	Umpqua	Wailaki	Walla-Walla	Wampanoag
Warm Springs	Wascopum	Washoe	Wichita	Wind River
Winnebago	Wintun	Wintun-Wailaki	Wiyot	Yakama
Yakama Cowlitz	Yaqui	Yavapai Apache	Yokuts	Yuchi
Yuman	Yurok			

### Alaskan Native Tribes

Alaska Native	Alaska Indian Tribes	Alaska Indian	Alaska Native	Alaskan Athabascans
Tlingit-Haida	Tsimshian	Sealaska	Southeast Alaska	Eskimo Tribes
Greenland Eskimo	Inuit	Inupiat Eskimo	Siberian Eskimo	Cupiks Eskimo
Yup'ik	Aleut Tribes	Aleut	Alutiiq Aleut	Bristol Bay Aleut
Chugach Aleut	Eyak	Koniag Aleut	Sugpiaq	Suqpiq
Unangan Aleut				

Languages can be an indication of an individual's race and ethnicity. Of the more than 5,000 languages and dialects spoken in the world, these are the ten most common ones and their probable "race/ethnicity" designations:

If an individual's native or home language is:	He/she is likely:	Therefore...
Chinese	Asian	
Hindi (India)	Asian	
English	White	Check "country of birth or origin" (as the language is also used in U.S. Virgin Islands)
Spanish	Hispanic, with one or more of any racial categories	Check "country of birth or origin"
Bengali (India and Bangladesh)	Asian	
Portuguese	White, Black, or Asian. <i>Note that Portuguese-speaking groups are not considered Hispanic.</i>	Check "country of birth or origin" (as the language is used in South American countries such as Brazil, Asian countries such as Macao, or the Caribbean)
Russian	White	
Japanese	Asian	
German	White, some could be Hispanic in ethnicity	Check "country of birth or origin" (as the language is spoken by a few in South America and South Africa)
Korean	Asian	

**Q: Does the [state/school district] encourage schools to resurvey current employees and students using the new race and ethnicity categories as soon as possible?**

A: Yes. Opportunities for individuals to self-identify using the new categories should be provided as soon as possible. Employment and registration forms should be updated to reflect the changes. Supplemental pages for existing forms could be used to minimize additional costs of printing. For some districts that have already allowed employees access to the internal private website, staff members could be asked to voluntarily and confidentially self-identify. Other methods that achieve the same result would be acceptable.

**Q: Do we have to re-identify everyone? Since the U.S. Department of Education only requires seven categories, could we just ask students or staff who are currently “Asian/Native Hawaiian or Other Pacific Islander” to re-identify themselves?**

A: The U.S. Department of Education *encourages* schools and agencies to allow all students and staff the opportunity to re-identify their race and ethnicity under the new standards. Although this is not a requirement, there are a couple of disadvantages to re-identifying only selected groups. First, the *Final Guidance* requires the new information to be available at the local level for civil right compliance. Second, re-inventorying only some students could create a perception among respondents that schools are singling out one racial group. It would also deny individuals who want to self-identify with multiple races the opportunity to do so.

**Q: We routinely collect more categories than the five racial groups required by the *Final Guidance*. Should we change?**

A: Not if the additional categories your agency collects are subcategories of the five, such as Japanese, Korean, Chinese, Asian Indian, or Vietnamese under “Asian.” These subcategories can always be collapsed into the five categories.

**Q: What should we do if an individual who self-identifies as Hispanic/Latino does not answer the part of the question about race?**

A: It is an important part of the process to educate data providers and collectors about the Federal requirement to separate ethnicity and race. Correspondence and forms need to explain that these are two parts of one question. Follow up for racial identification will be needed in many cases. As a last resort, an observer may fill in the information.

**Q: What should we do if we believe that a student or a staff member is of a different race or ethnicity than he/she claims to be?**

A: The school or district must accept an individual’s self-identification of his or her race and ethnicity. Self-identification is a basic principle underlying these changes. The *Final Guidance* specifies that in elementary and secondary level, the identification of a student’s racial and ethnic categories is made primarily by parents or guardians. A high school student may self-identify his or her own race and ethnicity category.

**Q: What should we do if an individual refuses to self-identify using the new race and ethnicity categories?**

A: As a next-to-last resort, an observer may look for this information in existing employment or student records. If these sources are not available, the observer may rely on visual observation for the purpose of selecting one or more race and ethnicity categories. See exhibit 4.1 for specific guidance in this regard.



### **“Don’t Want to Ask, Can’t Tell” A Tale of Reservation and Resistance in Vermont**

Not so very long ago, secretaries at many Vermont schools stood in front of their schools in the morning and watched as their students stepped out of school buses. They did their best to identify their students’ races and ethnicities, but often struggled with the task of race and ethnicity data collection. Frustrated by this assignment, a number of these secretary data collectors contacted the state’s Department of Education and raised concerns about the difficulties of observer identification. Many of them said they didn’t know how to tell what race or ethnicity some children were, and expressed reservations about asking the children or their families for such information on enrollment forms. The state had little success in quelling these concerns. The issue of race and ethnicity assignment was often raised at student census training. The state representatives tried to explain the legality of race and ethnicity collection, but often it wasn’t until a school representative stood up and said her school asked for race and ethnicity on the enrollment form that skeptical school representatives were convinced.

Vermont does not provide a standard enrollment form, but rather leaves this responsibility to individual schools. Instead, the state provides its schools with a school register to guide student data collection. This document includes instructions on how to report student data including race and ethnicity. With the register in hand, each school creates its own collection form, which is distributed to students and their families. However, in light of the common reluctance to include race and ethnicity questions on these forms, one administrator concluded that it might have been better for the state to build a standard enrollment form, or at least publish minimum requirements for the districts’ forms, rather than providing general guidelines on what had to be reported.

Vermont does not currently collect race and ethnicity data about its teachers, though it has attempted to do so in the past. This collection was deemed unsuccessful due to the questionable quality of the data reported by schools. Many schools simply reported 100 percent of their teachers as White—a suspicious rate even in a state with a predominantly White population. The state’s Department of Education doubted the accuracy of these results and has not yet made another attempt to collect such data. However, Vermont does plan to collect this data for staff in the future guided by the same system it now uses for students.

# Chapter 5. Getting it Out: Coding, Reporting, Storage, and Bridging

Now that the preparatory work is done, it is time to complete the data entry, perform quality checks, and store and report the data. While individual records should contain the full level of detail on race and ethnicity, ED has provided some guidelines for reporting aggregate data.



### What Do the New Standards Mean to School Districts?

A little preliminary preparation can save considerable time.

- A data entry screen designed in a simple way, mimicking the actual data collection form, would increase the accuracy of the process.
- Training should be provided to data entry personnel to ensure the quality of data, and data validity and quality checks should be implemented throughout the process.
- Though there are 64 possible combinations that can be coded, only 7 categories are required to be reported to ED. The state may require additional categories, though, based on the demographic characteristics of the communities.

## 5.1 Data Entry

- Assign data entry personnel at the school or district level, based on what is realistic according to the size and structure of the school district. Data entry staff should be trained so that they understand the context and the content of the changes.
- The data entry screen should be simple, mimicking the actual data collection form, capturing the initial data accurately. Remind personnel that the order of “old” categories may be different from the “new” ones. For example, although “White” may have been the first option of race selection in previous year’s data entry screen it would now be the last one listed if the state or school district chooses to follow the order of the *Final Guidance*.
- Implement audit checks of data in the system to ensure the quality of the data entered.

## 5.2 Data Coding

- The *Final Guidance* does not dictate any coding schemes. States are allowed to design their own coding structure, as long as they are able to report the racial and ethnic data using the seven aggregate categories.
- The five race categories with respondents allowed to choose multiple races yields a combination of 62 racial combination codes. (If a race category is broken out in more detail, that is, specific Asian subgroups, the number of categories could increase exponentially.) Two more codes may be assigned for respondents who selected Hispanic or non-Hispanic, without any race selected or assigned (note that this is an instance of missing data rather than a valid category). A full list of these 62 codes can be found in NCES’s Statistical Standards (<http://nces.ed.gov/statprog/2002/appendixa.asp>). It is also included in exhibit 5.1 of this guide. Note that NCES statistical standard codes contain two codes for “no race specified or refused” that are for postsecondary institutions and cannot be used for K-12 reporting to ED.

- Besides coding each race and ethnicity as single items, there are other approaches to coding. For example, each race and ethnicity category can be assigned as a “Y/N” or “1/0” in the system, such as:

Hispanic/Latino	Y/N	1/0
American Indian/Alaska Native	Y/N	1/0
Asian	Y/N	1/0
Black or African American	Y/N	1/0
Hawaiian Native/Other Pacific Islander	Y/N	1/0
White	Y/N	1/0

Another format for this coding scheme is to assign a 1/0 for each of the race and ethnic categories. This code system could be suggested for storage, not data entry/recording.

	American Indian/Alaskan Native	Asian	Black or African American	Hawaiian Native/Other Pacific Islander	White	Hispanic/ Latino
Name 1	1	1	0	0	0	0
Name 2	0	0	1	0	0	1
...						

100000	American Indian or Alaska Native
010000	Asian
001000	Black
000100	Native Hawaiian or Other Pacific Islander
000010	White
000001	Hispanic
110000	American Indian or Alaska Native and Asian
101000	American Indian or Alaska Native and Black
...	...
111111	All five races <i>and</i> Hispanic

- For accuracy and data quality reasons, do not recycle old codes. The Massachusetts Department of Elementary and Secondary Education ran into some code-related data quality issues when it used some of the same codes in the new scheme that it had used in the past. Since Black, for example, was “03” under the old system, but was “02” in the new system, with “03” assigned to Asian, some confusion and coding errors occurred. As a result, the state implemented additional data quality reviews to ensure accuracy and has resolved such issues. (See Massachusetts State Department of Education case study in Chapter 2.)
- State data systems vary in design. States should consider the best options for their systems based on assessment of such factors as costs to convert the systems, feasibility, and quality of data yielded, or whether or not the coding allows alpha/numeric codes only. Some states may prefer a two-digit (for major categories) or four-digit code system (for more specific information such as ancestry or tribal information). Some states may choose to use codes that match those used in the previous year with any necessary modifications to accommodate the new categories. After such consideration, standards should be developed for school districts to change their systems. Some states, such as Vermont and North Dakota, are already working toward a system using the new race and ethnicity codes. Their systems, developed prior to the release of the *Final Guidance*, are documented in case studies included later in this chapter.

- It is recommended that school districts use the easy coding system for data entry (such as a yes/no or 1/0 for each of the five races). To minimize data entry errors, it would be wise to design the data entry screen to look like the data collection form.
- It is important to ensure the accuracy of data received from schools. Technology can help data quality through automation of edit checks. Data entry staff, administrators, and technology personnel can work together to produce and implement these edit checks. For example, staff should re-check the information if the existing data in a record are different from the new data and it is:
  - Not one of the “split out” categories such as from “Asian or Other Pacific Islander” into “Asian” or “Native Hawaiian or Other Pacific Islander;”
  - A single-race selection but with a different category;
 Or if “Hispanic” has been entered without a race.

### 5.3 Data Reporting

- The *Final Guidance* requires education institutions to report data in seven aggregate racial and ethnic categories:
  - Hispanic/Latino of any race; and for individuals who are non-Hispanic/Latino only
  - American Indian or Alaska Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White
  - Two or more races

These aggregate categories are consistent with staff data collected by EEOC.

- The *Final Guidance* lists the following examples that may be helpful in understanding how the reporting will work:

Scenario	Ethnicity	Race(s)	Federal Reporting Category
1 For Hispanic <i>and</i> any one race, report as “Hispanic”	Hispanic/Latino	Asian	Hispanic/Latino of any race
2 For Hispanic <i>and</i> any combination of races, report as “Hispanic”	Hispanic/Latino	<ul style="list-style-type: none"> <li>• Asian</li> <li>• Black or African American</li> </ul>	Hispanic/Latino of any race
3 For Non-Hispanic <i>and</i> any one race, list that race	Not Hispanic/Latino	Native Hawaiian or Other Pacific Islander	Native Hawaiian or Other Pacific Islander
4 For Non-Hispanic <i>and</i> any combination of races, report as “two or more races”	Not Hispanic/Latino	<ul style="list-style-type: none"> <li>• American Indian or Alaska Native</li> <li>• White</li> </ul>	Two or more races

ED does not require aggregate reporting of race(s) for the Hispanic population due to burden and cost concerns. However, the two-part question format is still required. ED will require agencies to keep the original individual responses using the two-part question from staff and students for the length of time indicated in the instructions to each ED data collection. This will allow ED access to important information when needed for civil rights purposes.

- If ED determines that additional information is needed to perform its functions effectively in a specific instance, ED will request this information from agencies.
- The *Final Guidance* allows postsecondary institutions, but not elementary and secondary schools, to report “race and ethnicity unknown.” Experience has shown that a substantial number of college students refuse to identify a race and there is rarely a mechanism for college administrators to use observer identification. At the elementary and secondary school level, parents or guardians typically identify the race and ethnicity of their children and observer identification is required; therefore, “race or ethnicity unknown” or “missing data” *cannot* be used for federal reporting at those levels.

## 5.4 Data Storage

- For ED to have access to this information when needed for civil rights enforcement and other program purposes, the *Final Guidance* requires educational institutions to store the original responses using the two-part question format for 3 years, unless a given collection specifies otherwise. This is consistent with current regulations (under 34 CFR 74.53 and 80.42) by which ED grantees or subgrantees are required to retain for 3 years all financial and programmatic records, support documents, statistical records, and other record, as specified. In most cases, this practice is already in place. This requirement—maintaining auditable records for 3 years—has not changed.
- One exception to the general 3-year period are cases in which litigation, a claim, an audit, or another action involving the records that has started before the 3-year period ends has occurred. In these cases, the records must be maintained until the completion of the action.
- It would be good practice to maintain the original paper record at the location where it was received, typically at the school or district level. Once data are electronically transmitted to the SEA level, electronic archived records would be maintained. States should also provide school districts with guidance regarding their state mandates for record retention and disposal procedures.

## 5.5 Data Bridging

- “Bridging” refers to the process of making race data collected using the 1997 standards comparable to data collected using the previous 1977 standards, to allow time trend analyses using those data. It is encouraged, but *not* required. (See the end of this section for a discussion of NCLB reporting requirements.) Following a shift to the 1997 standards for collecting racial and ethnic data, which include five race categories and offer respondents the opportunity to select multiple races, it may be necessary for agencies to use two sets of data for a finite length of time referred to as a “bridge period.”
- To facilitate the study of historical trends in data collected before and after the shift to the new standards, during this bridge period agencies will not only collect new data along the 1997 guidelines, but may also consider creating a “bridging estimate,” defined as a “prediction of how the responses would have been collected and coded under the 1977 standards.” In other words, the bridge data set estimates how the newly identified multiracial populations would have identified themselves under the old single-race system. (A bridge is a crosswalk between two systems; it can work in either direction, from new to old, or old to new.)
- Bridging will be a 1-year process only for some purposes, but will have to be done for multiple years for others (e.g., graduation or 3-year AYP). The *Final Guidance* states that bridging is possible and encouraged, though not required. It refers to the *OMB Provisional Guidance on the Implementation of the 1997 Standards for*



*Federal Data on Race and Ethnicity* (December 15, 2000)<sup>8</sup> for guidance on bridging the data collected before and after the change. In that document, eight techniques are described that can be used for bridging data in the two or more races category back to the five single-race groups. Appendix C offers a study on bridging methods as background information. The analysis presents 13 data-bridging methodologies for states' consideration: 9 studied by the OMB; 1 developed and used by NCHS; and 3 alternative methods. While states may exclude several of the 13 from consideration rather easily, many will remain as viable options. The appendix summarizes each methodology's merits and weaknesses and offers some best-practice recommendations. If states decide to bridge, a single bridging methodology should be selected based on such considerations as the characteristics of local populations as well as data processing capabilities. The same method should be used by all districts in the state for purposes of NCLB.

- ED encourages states to bridge and/or use one of the data allocation measures in their transition to the new racial and ethnic reporting categories, as appropriate. For example, states that are using a longitudinal analysis as a part of identifying school districts with significant disproportionality or disproportionate representation that is the result of inappropriate identification will, if they continue to employ a longitudinal analysis in making one of these determinations, need to use one of these bridging and/or allocation methods as they transition to using new categories.
- While states are encouraged to select a methodology for *bridging* the data for trend analysis, the *Final Guidance* does not require *converting* historical data at the state, district, or school levels. The focus right now is on collecting the best possible individual data, thus ensuring the quality of the data sets.

#### **No Child Left Behind (NCLB) Reporting Under the Final Guidance**

- States will continue to have discretion in determining which racial groups are "major" for the purposes of fulfilling accountability requirements for making AYP determinations and issuing state and local report cards.
- States will continue to be able to count individual students as a part of the same "major" racial groups for AYP purposes in the same manner that they do currently.
- States are not required to change the race and ethnicity categories used for AYP determinations.
- States are not required to change the manner in which individual students are identified at the school level for the purposes of making AYP determinations. For example, if a state currently uses the "Asian or Pacific Islander" group for AYP determinations it can continue to use this category as a "major" racial group rather than using the two new categories of "Asian" and "Native Hawaiian or Other Pacific Islander."
- If a student is currently identified as African American for AYP purposes at the school level when the student would be Hispanic and African American under re-identification, the school may continue to identify the student as African American for AYP determinations. For other data reporting to ED, however, this student would be counted as Hispanic.
- States will have discretion to change the "major" racial groups used to make AYP determinations, pending a submission of an amendment to the state's *Consolidated State Accountability Workbook to ED*. States may therefore use bridging and allocation methods to ensure that accountability determinations accurately account for the possible shifts in demographics and are not due to the change in the manner in which students are included in the major racial and ethnic groups.

<sup>8</sup> The Provisional Guidance can be found at: [http://www.whitehouse.gov/omb/inforeg/re\\_app-ctables.pdf](http://www.whitehouse.gov/omb/inforeg/re_app-ctables.pdf).

## Exhibit 5.1 Full List of Sixty-four Possible Combinations of New Race and Ethnicity Codes as Found in NCES Statistical Standards Program

Race/Ethnicity	Hispanic/Latino	Non-Hispanic/Latino
<b>Single Race</b>		
White	1	33
Black or African American	2	34
Asian	3	35
American Indian or Alaska Native	4	36
Native Hawaiian or Other Pacific Islander	5	37
<b>Combination of Two Races</b>		
White <i>and</i> Black or African American	6	38
White <i>and</i> Asian	7	39
White <i>and</i> American Indian or Alaska Native	8	40
White <i>and</i> Native Hawaiian or Other Pacific Islander	9	41
Black or African American <i>and</i> Asian	10	42
Black or African American <i>and</i> American Indian or Alaska Native	11	43
Black or African American <i>and</i> Native Hawaiian or Other Pacific Islander	12	44
Asian <i>and</i> American Indian or Alaska Native	13	45
Asian <i>and</i> Native Hawaiian or Other Pacific Islander	14	46
American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	15	47
<b>Combination of Three Races</b>		
White <i>and</i> Black or African American <i>and</i> Asian	16	48
White <i>and</i> Black or African American <i>and</i> American Indian or Alaska Native	17	49
White <i>and</i> Black or African American <i>and</i> Native Hawaiian or Other Pacific Islander	18	50
White <i>and</i> Asian <i>and</i> American Indian or Alaska Native	19	51
White <i>and</i> Asian <i>and</i> Native Hawaiian or Other Pacific Islander	20	52
White <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	21	53
Black or African American <i>and</i> Asian <i>and</i> Native Hawaiian or Other Pacific Islander	22	54
Black or African American <i>and</i> Asian <i>and</i> American Indian or Alaska Native	23	55
Black or African American <i>and</i> Native Hawaiian or Other Pacific Islander <i>and</i> American Indian or Alaska Native	24	56
Asian <i>and</i> Native Hawaiian or Other Pacific Islander <i>and</i> American Indian or Alaska Native	25	57
<b>Combination of Four Races</b>		
White <i>and</i> Black or African American <i>and</i> Asian <i>and</i> American Indian or Alaska Native	26	58
White <i>and</i> Black or African American <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	27	59
White <i>and</i> Asian <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	28	60
White <i>and</i> Black or African American <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	29	61
Black or African American <i>and</i> Asian <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	30	62
<b>Combination of Five Races</b>		
White <i>and</i> Black African American <i>and</i> Asian <i>and</i> American Indian or Alaska Native <i>and</i> Native Hawaiian or Other Pacific Islander	31	63
<b>No Race Specified or Refused</b>		
Includes not reported	32	64

SOURCE: NCES Statistical Standard Programs, as found on <http://nces.ed.gov/statprog/2002/appendixa.asp>. The system was first introduced by Dennis Powell, formerly with the Illinois State Board of Education.



## Revising Standards in the Green Mountain State

During the 2003-04 school year, sweeping revisions to Vermont's student census included the modification of the state's race and ethnicity data collection standards. To more closely align with the 1997 guidelines, the state adjusted its standards to allow multiple race selection in the collection of student data.

To permit the selection of more than one race, the state merely expanded an existing feature in its old collection system. Previously, schools reported, for each student, either "Yes" or "No" for Hispanic in addition to a single race. To allow the reporting of multiple races following the new standards, the state simply added a "Yes" or "No" option to all of the race categories and now allows respondents to select "Yes" for multiple races. The data for each student must include either a "Yes" or "No" answer for Hispanic and all five race categories. The data collection application does not allow submission otherwise. Furthermore, to assure that ethnicity and race data remain distinct, the system requires that if Hispanic is marked as "Yes," at least one race category must be checked "Yes," as well.

In Vermont's education data warehouse (EDW), there are seven race and ethnicity fields and three different "race unknown" categories, coded as follows:

3	African American
1	American Indian/ Alaska Native
2	Asian
6	Hispanic
4	Native Hawaiian/Pacific Islander
5	White
7	Multi-Racial
#BLANK	Race Unknown
#NULL#	Race Unknown
#ANY_OTHER#	Race Unknown

Since race and ethnicity data must not be missing, observer identification is performed for all students who do not self-identify. The BLANK and NULL fields accommodate exceptional cases, such as privately-funded students at independent schools. ANY\_OTHER is part of the system's quality assurance process and is activated when an invalid value is entered in the field - it is an error message rather than a valid entry.

These revised guidelines are applied differently for enrollment and assessment data purposes. For enrollment, only one race or ethnicity category is maintained. Non-Hispanic students who select a single race are categorized as that race. Hispanic students who only select one race are listed simply as Hispanic without an accompanying race. Finally, students who select two races are counted as multiracial, regardless of their ethnicity. For assessment purposes, there are no special rules for Hispanics. All students are counted under each of the race or ethnicity categories for which "Yes" has been selected.

In the EDW, each race marked with a "Yes" is counted as 1 count. At this point, you may be asking yourself, "Hey! Since some kids receive more than one race count, doesn't that mean that the total race count would exceed the actual number of kids?" Well, thanks to the magic of the state's EDW, this problem is averted. In practice, a Hispanic/White student is coded as 5 | 6 from the table above. In the EDW, codes 5 and 6 are both maintained, but are separated by "pipes" in the system and stored in different "buckets" so that the codes are discrete and can each be independently accessed for querying. That way, if a student's record includes the codes for both Hispanic and White, the EDW "sees" the child as only one student, as it "knows" not to count more than one count per student for the total student count. On the other hand, if a query is made for the total number of students that are White or for those who are Hispanic, that particular Hispanic/White student would, however, come back as one count in each of the race or ethnicity totals returned.

Currently, while students who select more than one race are counted as "multiracial" in the Vermont system for assessment regardless of their ethnicity, for federal reporting, Hispanic multiracial individuals are counted as "Hispanic." In the future, Vermont will create a new Federal Racial Grouping attribute that aligns with the new EDEN requirements when they are implemented.



### North Dakota's Race/Ethnicity Conversion Matrix: A Homegrown Bridging Methodology

In late 2004, North Dakota took the step to implement some of the 1997 race and ethnicity data collection standards. The state increased the number of race categories to five groups and introduced the option to select more than one race. Having taken this initiative, however, the state had to solve the problem of how to report its race and ethnicity data to EdFacts and the Department of Education, since both organizations still requested, and continue to request, race and ethnicity under the old standards. To leap this hurdle, the North Dakota Department of Public Instruction (NDDPI) developed the matrix on the next page, which is essentially a bridging methodology used to convert race and ethnicity data collected under the new guidelines into data in line with the old standards, and therefore, in the form desired by the Federal government.

A diagram of the state's collection scheme follows this discussion. On the left side of the schematic are the new race and ethnicity categories. Using the matrix, these codes pass through the diagram in the center from top to bottom in their conversion into the old categories on the right, which are reported to the federal government. To convert multirace individuals, the first component race arrived at is the category to be used for conversion.

The matrix is simply a schematic representing the procedures followed by the state's online reporting system program and by programmers that process individual requests. To illustrate these processes, let's walk through some examples:

If a student is Hispanic in the new collection, the matrix user moves from top to bottom and finds the diamond on the left side of the matrix labeled "Hispanic?" He or she then moves to the right to find the category to which this new label should be converted. In this case, the corresponding old category is "Hispanic" since that category is included in both the new and old schemes—no change in categorization is necessary.

For another student who is Pacific Islander under NDDPI's new scheme, the system leads us to the sixth diamond down labeled "Pacific?" From there, the conversion path leads right to the Asian category. This is because in the old scheme, Asian encompasses the Pacific Islander group. A direct conversion is therefore possible.

Finally, let us take the case of a multirace individual whose component races are Black and White. Moving from top to bottom looking for either of those races, the first category we reach will be "Black," and therefore, that is the race to be used for conversion. We simply disregard the other component race - in this case, White. Therefore, we find that this individual, who identified as Black/White under the new scheme, is now converted to Black under the old scheme. So, North Dakota would report him or her as Black to the federal government.

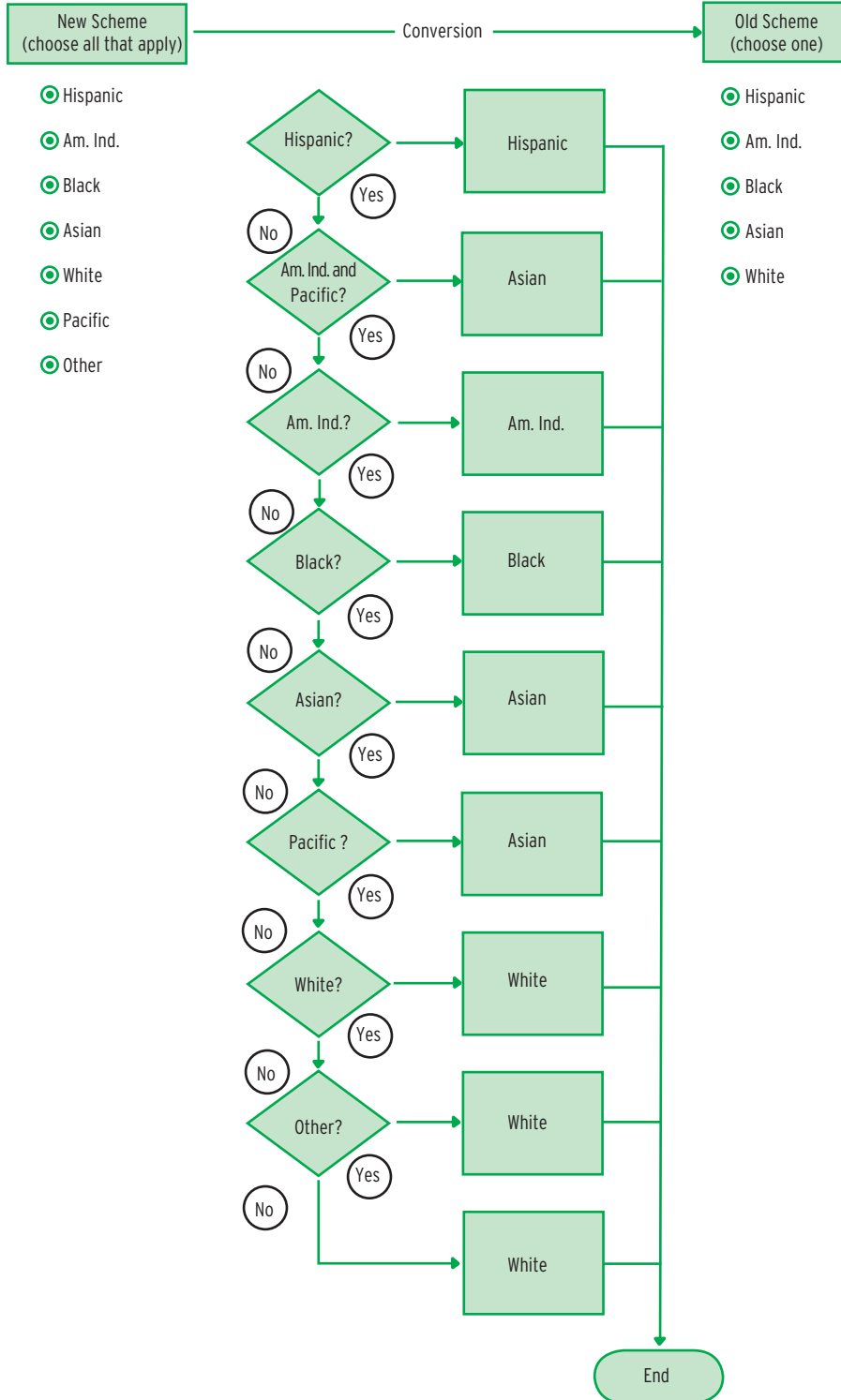
Note that, in this matrix, "Hispanic" is included with the race categories rather than isolated as a separate demographic descriptor as is called for by the new 1997 standards. An individual who identifies as "Hispanic" and one of the race categories, in this scheme, would be identified simply as "Hispanic" (see the multirace example below) according to the old guidelines.

The organization of the race and ethnicity categories in the matrix was guided by a set of criteria. First, "Hispanic" was placed before the race categories because it is, in a sense, dominant in both the new and old schemes. That is, a person who selects both "White" and "Hispanic," for example, is categorized as "Hispanic" in both schemes. So, placing Hispanic before the other races assures that all of those who select "Hispanic" are counted as such and not classified as belonging to one of the race groups. Second, at the time of design, it was the preference of NDDPI to claim a high percentage of minorities. So, the minority groups were placed above "White" in the matrix in an order that mirrors the sizes of those racial populations in the state from largest, American Indian, down to the smallest, Asian. The one exception to this rule is the multirace group who select both Native American and Pacific Islander. This is because it was the designing researchers' understanding that Native Hawaiians commonly select that race combination. The decision was made to place that discrete group before the other races so that particular combination can be identified before the data system mistakenly lumps these individuals in as American Indian.

The matrix also includes a category called "Other." This category was added to the matrix for use in Adequate Yearly Progress reports at both the state and district levels. "Other" has not been used for federal reporting. Any individuals assigned to this category under the new scheme are converted to "White" under the currently used scheme.

# North Dakota's Collection Scheme:

## Conversion and Ethnicity from the New Collection Scheme to the Current Reporting Scheme





## Multirace Multitasking in Kansas

Beginning in the 2005-06 school year, the Kansas Department of Education (KSDE) adopted a practice of race and ethnicity data collection that allows the state to simultaneously collect data in line with the 1997 standards as well as data the state can report via some older collection systems that still use the single-race format. In its new statewide student-level data collection, two race and ethnicity fields are collected as described in the following record layout excerpt:

Field Ref#	Field	Maximum Length	Format Details	Relevant for Rcrd Type	Comments/Values												
D13	Primary Race/Ethnicity	1	Numeric	All	<p>The primary racial category that most clearly reflects the student's recognition of his or her community or with which the student most identifies. Allowable values, based on Federal regulations, are:</p> <ul style="list-style-type: none"> <li>● 0 = Refused to Designate</li> <li>● 1 = American Indian or Alaska Native</li> <li>● 2 = Asian</li> <li>● 3 = Black or African American</li> <li>● 4 = Native Hawaiian or Other Pacific Islander</li> <li>● 5 = White</li> <li>● 6 = Hispanic or Latino</li> </ul>												
D33	Comprehensive Race/Ethnicity Field	2	A "bit" oriented format. Position 1 is the right-most digit of the 6 digits. Position 6 is the left-most. Thus, 110000 represents Hispanic and White.	ENRL, TEST, EOYA, MLT, EXIT	<p>General racial category(ies) which most clearly reflects the individual's recognition of his or her community or with which the individual most identifies. All six positions must be filled with either a 0 or a 1. The field must include the race defined in the Primary Race/Ethnicity (D13). That is, if the Primary Race/Ethnicity is "6 - Hispanic or Latino," then position 6 must also be set to a 1 in this field. If the student has refused to designate, enter 000000.</p> <p>Positions:</p> <ul style="list-style-type: none"> <li>● Position 6 - Hispanic or Latino</li> <li>● Position 5 - White</li> <li>● Position 4 - Native Hawaiian or Other Pacific Islander</li> <li>● Position 3 - Black or African American</li> <li>● Position 2 - Asian</li> <li>● Position 1 - American Indian or Alaska Native</li> </ul> <p>Allowable values in each position:</p> <ul style="list-style-type: none"> <li>● 0 = No</li> <li>● 1 = Yes</li> </ul> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Pos. 6</th> <th>Pos. 5</th> <th>Pos. 4</th> <th>Pos. 3</th> <th>Pos. 2</th> <th>Pos. 1</th> </tr> </thead> <tbody> <tr> <td>Hispanic</td> <td>White</td> <td>NH/PI</td> <td>Black</td> <td>Asian</td> <td>AI/AN</td> </tr> </tbody> </table>	Pos. 6	Pos. 5	Pos. 4	Pos. 3	Pos. 2	Pos. 1	Hispanic	White	NH/PI	Black	Asian	AI/AN
Pos. 6	Pos. 5	Pos. 4	Pos. 3	Pos. 2	Pos. 1												
Hispanic	White	NH/PI	Black	Asian	AI/AN												

This scheme allows the student to identify as many races as desired in the second variable, "Comprehensive Race/Ethnicity," while "Primary Race/Ethnicity," a variable similar to one collected on the National Health Interview Survey, asks them to choose just one race with which they most identify. The state can report this primary race to agencies that require single-race determinations, while using the more detailed comprehensive race/ethnicity field for reporting to agencies that follow the 1997 standards.

To ensure consistency in race and ethnicity reporting, the state performs a data check to verify that a student's selection for Primary Race/Ethnicity is also listed in the Comprehensive Race/Ethnicity field. The Primary Race/Ethnicity must be one of the Comprehensive Race/Ethnicity selections. However, a student may opt not to select a primary race or ethnicity (marked as "0") and still can select multiple racial and ethnic categories for Comprehensive Race/Ethnicity.

The file specifications above describe how schools and districts report data to the state, but not necessarily how those institutions collect the data. Enrollment forms are designed at the school level rather than by KSDE. The data format required by KSDE for race and ethnicity data as well as the Office of Management and Budget standards guide schools in the creation of these forms. In addition to the required reporting format, KSDE makes it clear to the schools that the data collected should be self-reported by the students.

When students refuse to identify their race or ethnicity when they enroll in a school, their reported code is "000000." In this data system, which is based solely on self-identification, no observer identification is performed, nor are any default values entered. For these students who do not self-identify, KSDE does one of three things for federal reporting: 1) reports them as "missing" if the agency allows it, 2) reports them as "multiracial" if the agency allows it, or 3) if neither option is permissible, the state excludes those students from the counts and provides documentation to explain why this was done.

In addition to allowing KSDE to report race and ethnicity data under both the new and old standards, this approach may afford an additional benefit. Although KSDE does not use these data for bridging purposes (see appendix E of this guide for a discussion of this topic), it is conceivable that this collection system could reduce or even eliminate the need for bridging. Bridging methodologies are used to estimate how multirace individuals would have identified under the old single-race system to facilitate trend analyses using data collected under both the 1977 and 1997 standards. By asking students to identify a primary race, the need to estimate how multirace individuals would have identified is avoided. The primary race item cannot, of course, be required, but for those multirace respondents who do provide the information, no bridging would be required.

# **Appendix A. Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education**

*(Federal Register, Vol. 72, No. 202, Friday, October 19, 2007)*

information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 10, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

#### **Office of Special Education and Rehabilitative Services**

*Type of Review:* Extension.

*Title:* Written Application for the Independent Living Services for Older Individuals Who are Blind Formula Grant.

*Frequency:* Every 3 years.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 56.

*Burden Hours:* 9.

*Abstract:* This document is used by States to request funds to administer the Independent Living Services for Older Individuals Who are Blind (IL-OIB) program. The IL-OIB program is provided for under Title VII, Chapter 2 of the Rehabilitation Act of 1973, as amended to assist individuals who are age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain, but for whom independent living goals are feasible.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3425. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-

245-6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. E7-20427 Filed 10-18-07; 8:45 am]

**BILLING CODE 4000-01-P**

#### **DEPARTMENT OF EDUCATION**

##### **Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**ACTION:** Correction notice.

**SUMMARY:** On October 12, 2007, the Department of Education published a comment period notice in the **Federal Register** (Page 58063, Column 2) for the information collection, "U.S. Department of Education Grant Performance Report Form and Instructions (ED 524B)". The abstract has been corrected to state a 3-year clearance instead of a 2-year clearance.

The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 16, 2007.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

[FR Doc. E7-20673 Filed 10-18-07; 8:45 am]

**BILLING CODE 4000-01-P**

#### **DEPARTMENT OF EDUCATION**

##### **Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education**

**AGENCY:** U.S. Department of Education.

**ACTION:** Final guidance.

**SUMMARY:** The Secretary is issuing final guidance to modify the standards for racial and ethnic data used by the Department of Education (Department). This guidance provides educational institutions and other recipients of grants and contracts from the Department with clear and straightforward instructions for their collection and reporting of racial and ethnic data.

**DATES:** This guidance is effective December 3, 2007.

#### **FOR FURTHER INFORMATION CONTACT:**

Patrick J. Sherrill, U.S. Department of Education, 400 Maryland Avenue, SW., room 6C103, Washington, DC 20202-0600, telephone: (202) 708-8196 or Edith K. McArthur, U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW., room 9115, Washington, DC 20006, telephone: (202) 502-7393.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to one of the contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:** On August 7, 2006, the Secretary published a Notice of Proposed Guidance on Maintaining, Collecting, and Reporting Data on Race and Ethnicity to the U.S. Department of Education in the **Federal Register** (71 FR 44866).

In the proposed guidance, the Secretary discussed on pages 44866 through 44868 the major elements of how the Department proposed to modify standards and aggregation categories for collecting racial and ethnic data. As explained in the proposed guidance, these changes are necessary in order to implement the Office of Management and Budget's (OMB) 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997 Standards).<sup>1</sup> The 1997 Standards instituted a number of changes for how Federal agencies should collect racial and ethnic data.

This guidance directly addresses three sets of issues:

(1) How educational institutions and other recipients will collect and maintain racial and ethnic data from students and staff;

(2) How educational institutions and other recipients will aggregate racial and ethnic data when reporting those data to the Department; and

(3) How data on multiple races will be reported and aggregated under the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the No Child Left Behind Act of 2001 (NCLB).

In addition, this final guidance provides information regarding the implementation schedule for these changes.

<sup>1</sup> See OMB, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 FR 58782-58790 (October 30, 1997); <http://www.whitehouse.gov/omb/fedreg/1997standards.html>.



### Substantive Changes From the Proposed to the Final Guidance

The following is a summary of the substantive changes in this final guidance from the proposed guidance.

We have clarified that when collecting racial and ethnic data at the elementary and secondary school level, the identification of a student's race and ethnicity is to be primarily made by the parents or guardians of the student rather than the student.

In the proposed guidance, we stated that educational institutions and other recipients could use a combined one question format when Hispanic ethnicity is included in the list of options with the racial categories if observer-collected data was used. In the final guidance, we are removing this exception to the general requirement that educational institutions and other recipients use the two-part question (*i.e.*, a question on Hispanic/non-Hispanic ethnicity and a question on race)<sup>2</sup> for collecting racial and ethnic data.

We are extending the final implementation date for reporting school year data under the final guidance from the 2009–2010 school year to the 2010–2011 school year.

### Analysis of Comments and Changes

In response to the invitation in the proposed guidance, more than 150 parties submitted comments on the proposed guidance. An analysis of the comments and of the changes in the final guidance since publication of the proposed guidance follows. The analysis generally does not address (a) minor changes, including technical changes, made to the language published in the proposed guidance, and (b) comments that express concerns of a general nature about the Department or other matters that are not directly relevant to this guidance.

#### I. Background

##### A. Why publish the guidance?

*Comment:* Many commenters supported the proposed guidance while others expressed opposition to it. Generally the commenters opposed to the proposed guidance asserted that the changes would undermine the Department's collection of reliable statistical data, have a detrimental impact on statistical trend data, and make it more difficult for the Department to carry out enforcement and oversight efforts. Other commenters objected to collecting any individual

racial and ethnic data because they viewed the collection of racial and ethnic data as being contrary to the principle of racial equality.

*Discussion:* The Department's final guidance satisfies OMB's requirement to establish consistent government-wide guidance at the Federal level for collecting and reporting racial and ethnic data. In particular, it is designed to obtain more accurate information about the increasing number of students who identify with more than one race—a key reason OMB initiated the review and modification of the government-wide standards. The racial and ethnic categories set forth in this final guidance are designed to measure more accurately the race and ethnicity for the general population of students, including the population of students identifying themselves as being members of more than one racial or ethnic group. A part of the Department's mission is “ensuring equal access” to education for all students. This includes collecting racial and ethnic data about the educational progress of students from various racial and ethnic groups in our nation's schools.

*Changes:* None.

##### B. What is the difference between collecting data and reporting data?

*Comment:* Some commenters expressed confusion about the requirement to collect data from individuals using the two-part question and the requirement to report data using seven aggregate reporting categories including the “two or more races” category.

*Discussion:* The collection of data requires the gathering of information from individuals by educational institutions and other recipients, whereas the reporting of data requires the provision of aggregate information to the Department by educational institutions and other recipients based on the information that has been collected from individuals.

Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question. The first question is whether the respondent is Hispanic/Latino. The second question is whether the respondent is from one or more races using the following five racial groups: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. Respondents will not be offered the choice of selecting a “two or more races” category.

The process for reporting the data collected to the Department is different than the process for the collection of

data from individuals. When reporting data to the Department, educational institutions and other recipients will report aggregated racial and ethnic data in the following seven categories:

- (1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,
- (2) American Indian or Alaska Native,
- (3) Asian,
- (4) Black or African American,
- (5) Native Hawaiian or Other Pacific Islander,
- (6) White, and
- (7) Two or more races.

The following examples may be helpful in understanding how the reporting will work.

Example 1: A respondent self-identifies as Hispanic/Latino and as Asian. This respondent is reported only in the Hispanic/Latino category.

Example 2: A respondent self-identifies as Hispanic/Latino and as Asian and Black or African American. This respondent is reported only in the Hispanic/Latino category.

Example 3: A respondent self-identifies as non-Hispanic/Latino and as Native Hawaiian or Other Pacific Islander. This respondent is reported in the Native Hawaiian or Other Pacific Islander category.

Example 4: A respondent self-identifies as non-Hispanic/Latino and as American Indian or Alaska Native and White. This respondent is reported in the two or more races category.

Through this system, there will be no double reporting of persons identifying with multiple races. Similarly, while educational institutions and other recipients will collect both racial and ethnic data using the two-part question for collecting data, they will report only ethnic data for individuals who self-identify as being Hispanic/Latino, even though the individuals will have had the opportunity to designate racial information—in addition to Hispanic/Latino ethnicity—under the two-part question. In this way, there will be no double reporting of individuals who have self-identified as having Hispanic/Latino ethnicity and who also have provided racial information in response to the second question about race. Additionally, these reporting categories will minimize paperwork burden because they are the same reporting categories used by other Federal agencies to which educational institutions and other recipients report aggregate data, such as the Equal Employment Opportunity Commission (EEOC).

*Changes:* None.

<sup>2</sup> The two part question is sometimes refereed to as the “two-question format.”

## II. Collecting Data

### A. Should We Add New Racial and Ethnic Categories or Clarify the Proposed Categories?

*Comment:* Many of the commenters recommended one or more changes to the proposed racial and ethnic categories. Some commenters suggested adding categories such as Middle Eastern, Southeast Asian, African (as a different category from African American), Indian/Pakistani (as a different category from Asian), Filipino, and Cape Verdean (as a different category from African American). Other commenters suggested adding a multiracial category. Some commenters suggested that the categories generally are not clear. For example, a commenter asked whether people from Spain or other Spanish cultures should identify as Hispanic/Latino or White.

*Discussion:* We do not think it would be appropriate to make the changes suggested by the commenters. This final guidance conforms the Department's data collection and aggregate reporting categories to those used by other Federal agencies that require educational institutions and other recipients to collect and report data. At the same time, it imposes the least possible data collection and reporting burden on the education community. The issues raised by these commenters concerning additional categories or clarifications of existing categories were previously addressed by OMB when it announced its "Revisions to the 1977 Standards for the Classification of Federal Data on Race and Ethnicity" in its notice in the **Federal Register**, published on October 30, 1997 (62 FR 58782-58790). The history of the research, meetings, and reasoning that produced OMB's Federal guidance on this issue is available electronically at <http://www.whitehouse.gov/omb/fedreg/1997standards>.

In response to the commenter's question, OMB's guidance provides that individuals from Spain may select "Hispanic/Latino" because of their Spanish cultural heritage. When selecting a race they may select "White" for their European origin or any other race with which they identify.

*Changes:* None.

### B. Should the Two-Part Question Be Required or Made Optional?

*Comment:* Some commenters supported and some opposed using the two-part question. One commenter argued that it is difficult and confusing to implement use of the two-part question. Some commenters suggested that the Department change the

guidance to only recommend use of the two-part question rather than require its use. Others requested instructions for using the collection form that would encourage individuals to answer both questions in the two-part question.

*Discussion:* The Department will require educational institutions and other recipients to use the two-part question when collecting racial and ethnic data from individuals. This approach will ensure consistency in the categories of data reported to the Department and also assist the Department in carrying out its mission to collect, analyze, and report educational information and statistics that are relevant and useful to practitioners, researchers, policy makers, and the public.<sup>3</sup>

We also note that the Department routinely uses the two-part question when collecting racial and ethnic data from individuals directly and the two-part question is routinely used by a number of Federal agencies, including the EEOC, when collecting data from individuals.

The Department will provide instructions that educational institutions and other recipients can include on their data collection forms in the future. These instructions will be designed to eliminate any confusion when using the form and to encourage individuals to answer both questions.

Additionally, the final guidance permits each educational institution and other recipient to create sub-categories of these seven categories if it desires additional information for its own purposes.

In our review of the proposed guidance, we determined that providing an exception to the use of the two-part question for collecting racial and ethnic data for observer-collected data using a combined one-question format could be confusing for educational institutions and other recipients. Accordingly, we are eliminating that exception and requiring the consistent use of the two-part question for self-identification and (as a last resort) observer-collected data. We hope that this change will help to minimize confusion for educational institutions and other recipients when collecting racial and ethnic data.

*Changes:* We have revised the guidance in Part IV.A.2 to delete the provision that would have allowed possible use of a combined one-question format when observer identification is used as a last resort.

### C. Identification of Racial and Ethnic Categories and Missing Data

*Comment:* Some commenters objected to the Department's decision to continue its current requirement for "observer identification" of the race and ethnicity of elementary and secondary school students when self-identification or identification by the parents does not occur. Some commenters suggested that elementary and secondary school students should be treated like postsecondary students and that observer identification should not be used under any circumstances. Others suggested that observer identification for elementary and secondary school students only be used as a last resort and requested additional guidance about steps to be taken before observer identification is used. Commenters also emphasized that student self-identification is inaccurate at the elementary and secondary school level.

Finally, several commenters suggested that parents, students, and other individuals should be informed about how aggregate data will be reported before completing the two-part question.

*Discussion:* The Department will continue to require the use of observer identification at the elementary and secondary school level, as a last resort, if racial and ethnic data are not self-identified by the students—typically the students' parents or guardians.

As a general matter, while educational institutions and other recipients are required to comply with this guidance, individuals are not required to self-identify their race or ethnicity. If respondents do not provide information about their race or ethnicity, educational institutions and other recipients should ensure that respondents have refused to self-identify rather than simply overlooked the questions. If adequate opportunity has been provided for respondents to self-identify and respondents still do not answer the questions, observer identification should be used.

While the Department recognizes that obtaining data by observer identification is not as accurate as obtaining data through a self-identification process, places some burden on school district staff, and may be contrary to the wishes of those refusing to self-identify, it is better than the alternative of having no information. Additionally, this approach should assist in discouraging refusals to self-identify because respondents are informed that if they fail to provide the racial and ethnic information someone from the school district will provide it on their behalf. In some instances, this may result in

<sup>3</sup> 20 U.S.C. 9541.

self-identification. This approach should also provide useful data for carrying out Department monitoring and enforcement responsibilities, and enable the Department to continue “trend” analysis of data. The Department emphasizes that observer identification should only be used as a last resort when a respondent does not self-identify race and ethnicity. It does not permit any representative of an educational institution or other recipient to tell an individual how that individual should classify himself or herself.

In a subsequent document, the Department will provide examples and suggested steps that may be taken before observer identification is used at the elementary and secondary school levels as a last resort and provide examples of statements that educational institutions and other recipients may use with individuals when collecting racial and ethnic data.

The Department agrees that the self-identification by students at the elementary and secondary school level may not reflect what their parents or guardians might have selected, and has changed this final guidance to state that at the elementary and secondary school level, the identification of a student’s racial and ethnic categories is to be made primarily by parents or guardians.

Educational institutions and other recipients are free to inform the public about how the aggregate data will be reported to the Department before the respondents complete the two-part question and we encourage educational institutions and other recipients to disseminate this information. We do not believe it is necessary to require dissemination of this information because of the additional burden that it would add for educational institutions and other recipients.

Unlike elementary and secondary institutions, generally, postsecondary institutions and Rehabilitation Services Administration (RSA) grantees use self-identification only and do not use observer identification. As discussed elsewhere in this notice, postsecondary institutions and RSA grantees will also be permitted to continue to include a “race and ethnicity unknown” category when reporting data to the Department. This category is being continued in the Integrated Postsecondary Education Data System (IPEDS) because the National Center for Education Statistics’ experience has shown that (1) a substantial number of college students have refused to identify a race and (2) there is often not a convenient mechanism for college administrators to use observer identification. RSA

grantees have had similar experiences with RSA program beneficiaries.

*Changes:* We have revised the guidance to clarify that at the elementary and secondary school level, parents or guardians typically identify the racial and ethnic categories of students.

#### *D. Can States Use Their Own System for Collecting State Level Data Solely for State—not Federal—Reporting Requirements?*

*Comment:* Some commenters questioned whether States can request that individuals provide racial and ethnic data that are not included in the two-part question, if the additional data are used solely for State level reporting requirements.

*Discussion:* Nothing prohibits States (or other entities collecting data from individuals) from requesting more racial and ethnic information solely for State level purposes than is collected using the minimum Federal categories in the two-part question. While educational institutions and other recipients may collect additional information for their own purposes, they must collect the data for the Department using the two-part question and must use the seven categories required by this final guidance when reporting aggregate racial and ethnic data to the Department. Thus, for example, a State could choose to collect information using racial subcategories such as Japanese, Chinese, or Korean for State purposes, but would have to report such students to the Department using only the Asian racial category. Similarly, if a State wanted to collect information on subcategories of the Hispanic/Latino ethnic category, such as Puerto Rican and Mexican, it could do so, but would need to report each of the students in the subcategories as Hispanic/Latino to the Department. When collecting data solely for the educational institution’s or other recipient’s purposes, the accuracy of the Federal data collection cannot be compromised.

*Changes:* None.

#### *E. Recordkeeping—Length of Time for Maintaining Original Responses*

*Comment:* Some commenters expressed concern about our proposal that States and school districts be required to maintain data collected on the two-part question for the period of time specified in the instructions to the information collection rather than a longer time period. The commenters were concerned that the data will not be available if needed for the resolution of issues that arise in the future. Other commenters suggested that the original

responses should be made available electronically for longer than a three-year period and suggested that the Department ask Congress for money to do so.

*Discussion:* When the Department requests racial and ethnic data from educational institutions and other recipients, the Department indicates in the instructions for the collection how long the original individual responses must be kept. Under 34 CFR 74.53 and 80.42, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or Department regulations applicable to the grant, or that are otherwise reasonably considered as pertinent to the grant agreement or Department regulations. These records include the individual responses to the two-part question. 5 CFR 1320.4(c). One exception to the general three-year period is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action.

In addition to the record keeping requirement discussed above, we also note that if further racial or ethnic information about a respondent is needed for the Department to perform its functions fully and effectively, the Department will request this information directly from educational institutions and other recipients, such as when the Department’s Office for Civil Rights (OCR) requests information to investigate a complaint or undertake a compliance review under 20 U.S.C. 3413(c)(1) and 34 CFR 100.6(b).

The three-year requirement generally used by the Department allows the government to verify information whenever a question about accuracy is brought up. Nothing in this guidance precludes educational institutions and other recipients from maintaining records for longer periods of time than required by the Department. However, we do not believe it is appropriate to require retention of records for longer periods of time because the burden, i.e., costs of record keeping, would exceed the expected benefits from having the records.

*Changes:* None.

### III. Reporting Aggregate Data Using Seven Categories

#### A. Hispanic/Latino Reporting

*Comment:* Some commenters opposed counting any individual as Hispanic/Latino who selected the Hispanic/Latino category and one or more of the race categories, suggesting that this approach will result in over-counting individuals who are Hispanic/Latino. Other commenters stated that they do not have enough information to understand whether the proposed process allows for more accurate reporting of individuals who are Hispanic/Latino. Some commenters suggested that individuals who are Hispanic/Latino should also be reported by race and others suggested that individuals who are mixed race Hispanic/Latino should be counted twice.

*Discussion:* We do not agree that use of the two-part question in collecting racial and ethnic data will result in over-counting of individuals who have responded affirmatively to the question about Hispanic/Latino ethnicity and also have provided racial information when responding to the two-part question. When educational institutions report data to the Department using the seven reporting categories, they will only report ethnic data from individuals who report being Hispanic/Latino. Institutions will not report any information on the race of those individuals to the Department, if the Hispanic/Latino individuals have identified a race as well.

The approach we are adopting also is very likely to result in more accurate reporting of data on individuals who are Hispanic/Latino. The most frequent cases of an individual not reporting race occur for individuals who identify themselves as Hispanic/Latino. Research conducted by Federal agencies has shown that a two-part question typically results in more complete reporting of Hispanic/Latino ethnicity, provides flexibility, and helps to ensure data quality. Under this approach, individuals who are Hispanic/Latino are asked to identify a race too.

This approach is also part of a longstanding Federal effort to obtain accurate ethnic data. In 1976, in response to an apparent under-count of Americans of Spanish origin or descent in the 1970 Census, Congress passed Public Law 94-311 calling for the collection, analysis, and publication of Federal statistics on persons of Spanish origin or decent. In 1977, OMB issued the "Race and Ethnic Standards for Federal Statistics and Administrative Reporting," adding Hispanic ethnicity to Federal reports. (Subsequently

reissued as Statistical Policy Directive No. 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." 43 FR 19269 (May 6, 1978). In a further effort to enhance accuracy, OMB's 1997 Revised Standards recommended that Federal forms ask two questions: The first about ethnicity, and the second about race. This decision stemmed, in part, from research sponsored by the Bureau of Labor Statistics showing that significantly more people appropriately identified as Hispanic/Latino or Latino when they were asked separately about Hispanic or Latino origin. (See Recommendations from the Interagency Committee for the Review of the Race and Ethnic Standards to the Office of Management and Budget Concerning Changes to the Standards for Ethnicity, 62 FR 36874 (July 9, 1997) (Recommendations from the Interagency Committee) Appendix 2, Chapter 4.7). The Department's decision to adopt a two-part question is part of this ongoing effort to design Federal reports that yield more accurate counts of individuals who are Hispanic/Latino. See Standards for Classification of Federal Data on Race and Ethnicity, 60 FR 44674, 44678-44679 (August 28, 1995); See also Recommendations from the Interagency Committee, Appendix 2, Chapter 4 (detailing various effects and data quality concerns stemming from the use of combined and/or separate questions on race and Hispanic/Latino origin.)

With respect to the commenters' suggestions that individuals who are Hispanic/Latino should also be reported by race and that individuals who are of more than one race and Hispanic/Latino should be counted twice, the Department has determined that the best approach for racial and ethnic information to be reported by educational institutions and other recipients is to include individuals who are Hispanic/Latino of any race only in the ethnic category. The Department wants to minimize the reporting burdens for educational institutions and other recipients. We recognize that in most instances the Department will not need to know the race identified by individuals who are Hispanic/Latino. However, in some instances in the exercise of the Department's monitoring and enforcement responsibilities, it may become necessary for the Department to know the race identified by individuals who are Hispanic/Latino. Therefore, it is necessary for educational institutions and other recipients to collect these data from individuals and maintain the records for the timeframe announced by

the Department in each information collection.<sup>4</sup>

*Changes:* None.

#### B. Two or More Races Category Reporting

1. *Addition of the two or more races category will change population counts in single race categories.*

*Comment:* A number of commenters suggested that using the two or more races category will result in longitudinal data falsely showing declining minority populations in current single race categories. Some commenters suggested that this approach will reflect a significant reduction in Black and White student populations at State and Federal levels, changes in the reported populations of Asians and American Indians in certain States, and significantly reduced counts of Native Hawaiians and Other Pacific Islanders. Some commenters suggested that this category be changed to report more information about the multiple races identified by individuals.

*Discussion:* In most instances, the Department anticipates that the size of the two or more races category will not be large enough to cause significant shifts in student demographics. Clearly, there will be changes causing reductions in the numbers of students reported in some categories when aggregate reporting shifts from using five categories to using seven. However, the change in categories will result in more accurate data. We also note that the former "Asian/Pacific Islander" category will now be divided into two different categories—Asian and Native Hawaiian or Other Pacific Islander. The Department plans to monitor the data trends reported. If necessary, we will request access to the specific racial and ethnic data provided in response to the two-part question by individual respondents.

We also note that OMB's bridging guidance<sup>5</sup> describes methods to accurately report trend data over a time

<sup>4</sup> The Department also notes that the increase in the number of minority students enrolled in our nation's schools largely reflects the growth in the proportion of students who are identified as Hispanic/Latino—from six percent in 1972 to 20 percent in 2005. During the same period, White enrollment declined to 58 percent of the school population in 2005, from 78 percent in 1972. African American enrollment changed little: Blacks were 14.8 percent of all students in 1972 and 15.6 percent of all students in 2005. (*The Condition of Education* <http://nces.ed.gov/programs/coe/2007/section/indicator05.asp>)

<sup>5</sup> OMB, Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, December 15, 2000, available on the Internet at: [http://www.whitehouse.gov/omb/inforeg/re\\_appetables.pdf](http://www.whitehouse.gov/omb/inforeg/re_appetables.pdf)

span that encompasses this change. We encourage educational institutions and other recipients to refer to the bridging guidance when preparing multi-year reports utilizing education data before and after implementing the changes required in the final guidance. (See discussion in III.D. in this notice regarding bridging.)

*Changes:* None.

2. *Two or more races category's implication for civil rights enforcement and research purposes.*

*Comment:* Some commenters suggested that reporting two or more races will have a detrimental impact on compliance with, and enforcement of, civil rights laws; ignores OMB guidance for aggregation and allocation of multiple race responses for purposes of civil rights reporting; and limits public access to important information by civil rights advocates, parents, and others. Some commenters suggested that this approach will preclude full disclosure of information relating to government programs. Other commenters also suggested that subgroup data will be difficult to request from the State, and that it will be difficult to bridge longitudinal data.

*Discussion:* The Department's final guidance, which is consistent with OMB guidance, is designed to ensure that OCR and other offices in the Department have access to all necessary racial and ethnic information about all individuals participating in federally-funded programs for monitoring, enforcement, and research purposes. If any Department office needs additional racial and ethnic information about individuals, the final guidance requires educational institutions and other recipients to maintain the original responses from staff and students for a specific length of time announced at the time of the data collection. In addition to being required to maintain this detailed information for the Department, States, educational institutions and other recipients are encouraged to continue to make such data and information available to the public, civil rights advocates, parents, and other members of the public, within the constraints permitted under applicable privacy and other laws. When reporting racial and ethnic data, these entities are also encouraged to make public their methods used to bridge or allocate the data longitudinally. Accordingly, we do not believe any modification or change with respect to the two or more races category is necessary.

*Changes:* None.

3. *Alternatives proposed for reporting data.*

*Comment:* Some commenters suggested reporting the number of individuals selecting each racial category plus an unduplicated total. Others suggested that every category selected by a respondent in the two-part question should be reported. Some commenters suggested that students who selected more than one race should be put in the minority category identified, rather than in the two or more races category. Other commenters questioned why the Department's reporting differs from the reporting of the Census Bureau and suggested that the final guidance highlight for States the differences between Department and Census collections so that States can collect their data in a way that allows them to generate reports that allow comparisons with Census data.

*Discussion:* Reporting racial and ethnic data using the seven aggregate categories provides the Department with more accurate information reflecting the growing diversity of our nation while minimizing the implementation burden placed on educational institutions and other recipients. Under this approach individuals are given the opportunity to select more than one race and ethnicity. If they desire to do so, educational institutions and other recipients remain free to determine when and how they might use and report these data not reported in the aggregate to the Department in other contexts. Reporting of the data in the manner suggested by the commenters, however, would create additional burden on education institutions and other recipients and would not be necessary for Department purposes.

We recognize that there may be differences in how different Federal agencies collect racial and ethnic data. The Department will continue to study the similarities and differences between the data received by the Department and data received by other Federal agencies and will consider providing any appropriate guidance to the public on this matter, in the future.

*Changes:* None.

C. *Reporting Additional Racial or Ethnic Data*

*Comment:* Several commenters suggested that the proposed guidance limits publicly available racial and ethnic data and should be expanded to report additional categories of racial and ethnic data. Another commenter suggested that the Department should not follow the same approach as the Equal Employment Opportunity Commission (EEOC) because the objectives of the Department in

collecting data are different from those of the EEOC.

*Discussion:* Under the Paperwork Reduction Act, the Department is required to weigh the costs of collecting any additional data against the benefits expected from having that data. The Department has determined that the expected costs to those educational institutions and other recipients of collecting and reporting additional data outweigh the informational and other benefits. Under the final guidance, the public continues to be permitted to request access to publicly available racial and ethnic data from educational institutions and other recipients.

The Department, like all other Federal agencies, including the EEOC, is similarly situated when collecting data needed to carry out each agency's mission. In accordance with the high standards established by OMB, respect for individual dignity has guided the process and methods for collecting racial and ethnic data at the same time that an effort has been made to minimize the burden placed on those entities providing the data. To do this, the Department must weigh the costs imposed on those who must provide the data with the benefits to those who could use more extensive information. For example, in addition to serving students, educational institutions and other recipients are also employers required to report racial and ethnic data to the EEOC. The Department repeatedly has heard from educational institutions and other recipients that they would prefer that the various Federal agencies involved in data collection all use the same aggregate categories so that the burden of implementing changes is minimized and they are not forced to provide different or inconsistent racial and ethnic data to Federal agencies. Our adoption of this final guidance reflects our efforts and other agencies' efforts to alleviate these concerns and help to achieve consistency across different agencies' data collections.

*Changes:* None.

D. *Bridging and Other Allocation Methods*

*Comment:* Some commenters suggested that more guidance is needed about bridging and allocation measures and suggested that the Department encourage States to share bridging information when final guidance is published. Some commenters viewed bridging as impossible. Other commenters agreed that specific bridging should not be required for NCLB.

*Discussion:* The Department does not agree that bridging is impossible or that

bridging should not be required under NCLB. Further guidance on bridging the data collected before and after these changes take effect can be found in OMB's December 15, 2000 Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, available at the following Internet address: [http://www.whitehouse.gov/omb/inforeg/re\\_app-ctables.pdf](http://www.whitehouse.gov/omb/inforeg/re_app-ctables.pdf). The OMB Guidance discusses eight techniques that can be used for bridging data in the two or more races category back to the five single-race groups.

Additionally, guidance on how to allocate multiple race responses to a single race response category are found in OMB's March 9, 2000, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement available at the following Internet address: <http://www.whitehouse.gov/omb/bulletins/b00-02.html>. For example, multiple race responses that combine one minority race and White could be allocated to the minority race.

*Changes:* None.

#### IV. No Child Left Behind (NCLB) Reporting

*Comment:* Some commenters suggested that counting all individuals identifying themselves as being Hispanic/Latino and another race only as Hispanic/Latino without identifying any race and using the two or more races category to report all individuals identifying as non-Hispanic/Latino and two racial groups will result in longitudinal data falsely showing declining minority populations in current "major racial groups" used by States when making NCLB adequate yearly progress (AYP) determinations.

*Discussion:* Under NCLB, States will continue to have discretion in determining which racial groups are "major" for the purposes of fulfilling NCLB accountability requirements for making AYP determinations and issuing State and local report cards. Using data collected at the school level, States will continue to be able to count individual students as a part of the same "major" racial groups for AYP purposes in the same manner that they do currently. States implementing this final guidance are not required to change the racial and ethnic categories used for AYP determinations. Nor are they required to change the manner in which individual students are identified at the school level for the purposes of making AYP determinations. For example, if a State currently uses the Asian/Pacific Islander group for AYP determinations it can continue to use this category as a

"major" racial group rather than using the two new categories of (1) Asian, and (2) Native Hawaiian or Other Pacific Islander.<sup>6</sup> Additionally, if a student is currently identified as African American for AYP purposes at the school level when the student has one African American parent and one Hispanic parent, the school may continue to identify the student as African American for AYP determinations. For all other aggregate Federal data collections, however, the school and State will be required to identify this student as Hispanic under this final guidance.

States will also have the discretion to change the "major" racial groups used to make AYP determinations. For example, a State may change the "major" racial groups used to aggregate students for AYP purposes to the same seven categories required by this final guidance for all other aggregate reporting to the Department.

If a State chooses to make changes to the racial and ethnic data categories it will use under NCLB, the State will be required to submit an amendment to its Consolidated State Accountability Workbook to the Department. If the manner in which students are aggregated into major racial and ethnic groups is changed for AYP purposes, then States may want to use bridging and allocation methods to ensure that accountability determinations accurately account for possible shifts in demographics and are not due to the change in the manner in which students are included in the major racial and ethnic groups.

During the Department's routine monitoring of Title I programs, we expect to ask States among other things about performance or accountability trends and the extent to which they may relate to any changes in the demographic measurements that may have been brought about by the changes in the final guidance.

*Changes:* None.

<sup>6</sup> However, if a State does not change its "major" racial and ethnic groups for AYP determinations, it is possible that the racial and ethnic categories it is required to collect using the two-part question may be different from the racial and ethnic categories previously used by States and districts to collect data for AYP determinations. Therefore, it may be necessary for States or districts to ensure that once the data are collected, students continue to be identified using the same criteria used in the past. For example, if a State or school district continues to use "Asian/Pacific Islander" as a "major" racial group for AYP determinations, it will be necessary for the State or district to add the numbers of students collected using the two-part question for the "Asian" and "Native Hawaiian and Other Pacific Islander" categories together in order to continue to identify all "Asian/Pacific Islander" students.

#### V. Individuals With Disabilities Education Act (IDEA)

*Comment:* Some commenters suggested that like NCLB accountability determinations, determinations about disproportional representation by minorities in special education required under the IDEA will be seriously undermined by the proposed reporting categories.

*Discussion:* Among other required data, IDEA requires that States report data to the Secretary on the number and percentage of children by race, ethnicity, and disability category, who are receiving special education and related services under the IDEA. IDEA also requires that States report these data disaggregated for children being served in particular types of educational settings, and receiving certain types of discipline. 20 U.S.C. 1418(a)(1)(A). IDEA further requires that States examine data to determine if significant racial and ethnic disproportionality is occurring in the State and in local educational agencies (LEA) of the State with respect to the identification of children as children with disabilities, including the identification of children in specific disability categories; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. 20 U.S.C. 1418(d); 34 CFR 300.646. As a part of their State Annual Performance Report under section 616 of the IDEA, 20 U.S.C. 1416, States also are required to determine whether disproportionate racial and ethnic representation in special education and related services is occurring in LEAs of the State, and whether that disproportionate racial and ethnic representation is the result of inappropriate identification.

There is no requirement in IDEA that States either report longitudinal data to the Department or conduct longitudinal analyses of the data. However, we encourage States to bridge and/or use one of the data allocation measures in their transition to the new racial and ethnic reporting categories, as appropriate. For example, States that are using a longitudinal analysis as a part of identifying LEAs with significant disproportionality or disproportionate representation that is the result of inappropriate identification will, if they continue to employ a longitudinal analysis in making one of these determinations, need to use one of these bridging and/or allocation methods as they transition to using new categories.

*Changes:* None.

## VI. Postsecondary Data Collections

### A. Postsecondary Institutions and RSA Grantee Handling of Missing Data

*Comment:* Some commenters asked how postsecondary institutions and RSA grantees should report missing data in the aggregate.

*Discussion:* The option to report a race/ethnicity unknown category will continue to be permitted for postsecondary institutions and RSA grantees. This category (“unknown”) will not appear on the individual data collection forms provided to the individual students, staff, or RSA clients, but rather on the aggregate data reporting forms used for reporting the aggregate data to the Department. An RSA grantee or postsecondary education institution that does not use the race/ethnicity unknown category is required to report the racial and ethnic data about 100% of the participants in their program using seven categories.

*Changes:* None.

### B. Can IPEDS data be reported before 2009?

*Comment:* Some commenters asked whether the data reported to the Department from institutions of higher education under the Integrated Postsecondary Education Data System (IPEDS) can be reported before 2009.

*Discussion:* Yes. Although not required to do so, educational institutions and other recipients, including institutions of higher education reporting IPEDS data that collect individual-level data using the two-part question are encouraged to immediately begin reporting aggregate data to the Department in accordance with this final guidance.

*Changes:* None.

## VII. Guidance on Data Storage and Coding

*Comment:* A number of commenters asked for guidance concerning data storage and coding and additional clarification of definitions to promote data consistency across States on current State-defined voluntary questions. Others expressed concern that current education information systems are not designed to collect data with multiple self-selection options, as is required by the two-part question. Some commenters expressed concern that the Department was dictating the set of codes to be used in the databases containing this information which would require them to change their current codes and be unable to keep valuable information about their students.

*Discussion:* The final guidance does not dictate the methods for educational institutions and other recipients to use when developing “choice for codes” or “coding structure” for the data maintained by such entities.

Educational institutions and other recipients are permitted to design their own coding structure, provided that they are able to report the racial and ethnic data using the seven aggregate categories set forth in this final guidance, and maintain the individual reports so that the data can be tabulated with more specificity, if needed. (See discussion elsewhere in this notice regarding use of the two-part question.)

The Department recognizes that there are numerous education information systems that will need to be adjusted to receive, store, and report the racial and ethnic data using the new categories. There are many strategies for making this system development transition simple and direct. The Department will separately provide information compiling many of these strategies.

*Changes:* None.

## VIII. Implementation Timeline—Delay

*Comment:* A number of commenters expressed support of the proposed guidance and their desire to begin reporting using the proposed seven categories immediately. Some individuals and organizations responding to the proposed guidance recommended that the Department delay the issuance of any final guidance until uncertainties about the effects of the change could be resolved and further studies made. However, other commenters suggested that the three-year implementation timeline was sufficient.

*Discussion:* The Department will change the final implementation date of this final guidance from reporting data beginning with data from the 2009–2010 school year to reporting data beginning with data from the 2010–2011 school year. However, the Department will not delay issuing final guidance or commission additional research.

The Department believes that this extension of time of one year will give educational institutions and other recipients adequate time to make the changes required by this final guidance. Educational institutions and other recipients desiring to collect and report racial and ethnic data in accordance with this final guidance before the fall of 2010 may do so.

*Changes:* We have revised the final guidance to require educational institutions and other recipients to collect and report racial and ethnic data in accordance with this final guidance

with implementation required to be completed by the fall of 2010 for the 2010–2011 school year.

## Final Guidance

### I. Purpose

This final guidance is provided to the public on how the U.S. Department of Education (the Department) is modifying standards and aggregation categories for collecting and reporting racial and ethnic information. These changes are necessary in order to implement the Office of Management and Budget’s (OMB) 1997 Standards for the Classification of Federal Data on Race and Ethnicity (1997 Standards).<sup>7</sup> The 1997 Standards instituted a number of changes for how Federal agencies should collect and report racial and ethnic data.

This final guidance is designed to be straightforward and easy to implement. Whenever possible, we have developed a Department-wide standard. However, in certain situations, we have tailored the standard to the different needs of the institutions collecting the data.<sup>8</sup> The Department recognizes that implementing changes to improve the quality of racial and ethnic data may result in an additional burden to educational institutions. In developing this final guidance, we have sought to minimize the burden of implementation on local and State educational agencies (LEAs and SEAs), schools, colleges, universities (hereinafter collectively referred to as “educational institutions”), and other recipients of grants and contracts from the Department (hereinafter referred to as “other recipients”), while developing guidance that would result in the collection of comprehensive and accurate racial and ethnic data that the Department needs to fulfill its responsibilities. We have done so by using the same reporting categories used

<sup>7</sup> See OMB, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 FR 58781 (October 30, 1997); <http://www.whitehouse.gov/omb/fedreg/1997standards.html>.

<sup>8</sup> For example, for the purposes of determining adequate yearly progress under the No Child Left Behind Act of 2001, States are allowed to define major racial and ethnic groups using reporting categories that may be different than the seven categories announced in this guidance. These differences may reflect the State’s use of more categories than the seven, fewer categories than the seven, or subsets of the seven categories announced in this guidance. Additionally, in the Integrated Postsecondary Education Data Systems and Rehabilitation Services Administration data collections, grantees are permitted to use a race unknown category when reporting data to the Department, although in elementary and secondary programs use of a race unknown category is not permitted. (See discussion elsewhere in this guidance.)



by the Equal Employment Opportunity Commission (EEOC), so that educational institutions and other recipients can use the same reporting requirements for students and staff.

This final guidance applies to the collection of individual-level data and to aggregate racial and ethnic data reported to the Department. Aggregate data are the total racial and ethnic data that are reported to the Department by educational institutions and other recipients. The data are collected by educational institutions and other recipients and reported by each recipient in the aggregate to the Department. This final guidance directly addresses three sets of issues:

(1) How educational institutions and other recipients will collect and maintain racial and ethnic data from students and staff;

(2) How educational institutions and other recipients will aggregate racial and ethnic data when reporting those data to the Department; and

(3) How data on multiple races will be reported and aggregated under the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the No Child Left Behind Act of 2001 (NCLB).

In addition, this final guidance provides information regarding the implementation schedule for these changes.

## II. Background

In October 1997, OMB issued revised standards for the collection and reporting of racial and ethnic data. A transition period was provided in order for agencies to review the results of Census 2000, the first national data collection that implemented the revised standards. (See the discussion in Part IV.) The Department will begin the process of implementing all necessary changes, with the implementation required to be completed by the fall of 2010 for the 2010–2011 school year.<sup>9</sup>

The 1997 Standards include several important changes:

A. OMB revised the minimum set of racial categories by separating the category “Asian or Pacific Islander” into two separate categories—one for “Asian” and one for “Native Hawaiian or Other Pacific Islander.” Therefore, under the 1997 Standards, there are a minimum of five racial categories:

- (1) American Indian or Alaska Native,
- (2) Asian,

- (3) Black or African American,
- (4) Native Hawaiian or Other Pacific Islander, and
- (5) White.

B. For the first time, individuals have the opportunity to identify themselves as being of or belonging to more than one race. In the 2000 Census, 2.4 percent of the total population (or 6.8 million people) identified themselves as belonging to two or more racial groups. For the population under 18 years old, 4.0 percent (or 2.8 million children) selected two or more races.<sup>10</sup>

C. In an effort to allow individuals—rather than a third party—to report their race and ethnicity, the 1997 Standards strongly encourage “self-identification” of race and ethnicity rather than third party “observer identification.”

D. Under the 1997 Standards, OMB strongly encouraged the use of a two-part question when collecting racial and ethnic data; *i.e.*, individuals should first indicate whether or not they are of Hispanic/Latino ethnicity; then, individuals should select one or more races from the five racial categories.

## III. Summary of Guidance

The Department is modifying its standards for the collection and reporting of racial and ethnic data in the following manner:

A. Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question on the educational institution’s or other recipient’s survey instrument. The first question would be whether or not the respondent is Hispanic/Latino.

*Hispanic or Latino* means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic/Latino or Latino.”

The second question would ask the respondent to select one or more races from the following five racial groups:

(1) *American Indian or Alaska Native*. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment.

(2) *Asian*. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(3) *Black or African American*. A person having origins in any of the Black racial groups of Africa.

(4) *Native Hawaiian or Other Pacific Islander*. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(5) *White*. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. See 1997 Standards, 62 FR 58789 (October 30, 1997).

(See the discussion in Part IV.A.1 and 2 of this notice.)

B. Educational institutions and other recipients should allow students, parents, and staff to “self-identify” race and ethnicity unless self-identification is not practicable or feasible. (See the discussion in Part IV.A.3 of this notice.)

C. The Department encourages educational institutions and other recipients to allow all students and staff the opportunity to re-identify their race and ethnicity under the 1997 Standards. (See the discussion in Part IV.A.4 of this notice.)

D. Educational institutions and other recipients will be required to report aggregated racial and ethnic data in seven categories:

- (1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,
- (2) American Indian or Alaska Native,
- (3) Asian,
- (4) Black or African American,
- (5) Native Hawaiian or Other Pacific Islander,
- (6) White, and
- (7) Two or more races. (See the discussion in Part IV.B.1 of this notice.)

E. The Department will continue its current practice for handling the reporting of individuals who do not self-identify a race and/or an ethnicity. Elementary and secondary educational institutions will continue to use observer identification when a respondent—typically a parent or guardian at the elementary and secondary school level—refuses to self-identify the student’s race and/or ethnicity. The Department will not include a “race and/or ethnicity unknown” category for its aggregate elementary and secondary reporting of racial and ethnic data. The Integrated Postsecondary Education Data System (IPEDS) will continue to use the category of “nonresident alien” as an alternative to collecting race/ethnicity from nonresident aliens (information that is not needed for civil rights reporting purposes). IPEDS will also continue to include a “race and/or ethnicity unknown” category for reporting aggregate data from postsecondary institutions. Similarly,

<sup>9</sup> Although not required to do so, educational institutions and other recipients already collecting individual-level data in the manner specified by this notice are encouraged to immediately begin reporting aggregate data to the Department in accordance with this notice.

<sup>10</sup> See United States Census Bureau, *The Two or More Races Population: 2000*, Census 2000 Brief, at p. 9 (November 2001) (hereinafter “*The Two or More Races Population*”); this information is on the Internet at the following address: <http://www.census.gov/prod/2001pubs/c2kbr01-6.pdf>.



the Rehabilitation Services Administration (RSA) grantees will continue to use a “race and/or ethnicity unknown” category for reporting aggregate data. The “race and/or ethnicity unknown” category should not appear on forms provided to postsecondary students and staff or to clients and staff of RSA recipients. (See the discussion in Part IV.B.2 of this notice.)

F. When the Department asks educational institutions and other recipients to report racial and ethnic data, the Department indicates in the instructions to the collection how long educational institutions and other recipients are required to keep the original individual responses from staff and students to requests for racial and ethnic data. In addition, at a minimum, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or the Department regulations applicable to the grant or that are otherwise reasonably considered as pertinent under the grant or Department regulations. One exception is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action. (See the discussion in Part IV.A.5 of this notice.)

G. States will continue to have discretion in determining which racial and ethnic groups will be used for accountability and reporting purposes under the ESEA. (See the discussion in Part IV.C of this notice.)

H. Educational institutions and other recipients will be required to implement this guidance no later than the fall of 2010 with data for the 2010–2011 school year, and are encouraged to do so before that date, if feasible. (See the discussion in Part VI. of this notice.)

#### **IV. The Department’s Implementation of OMB’s 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity**

The Department has carefully examined its options for implementing the 1997 Standards. Department staff met or spoke with a variety of individuals and organizations representing educational institutions to ascertain their needs and interests. The Department has heard consistently that major revisions to the collection of racial and ethnic data would impose a substantial burden on educational

institutions and other recipients as they adopt new data systems or modify existing systems, prepare new forms, and train staff at all levels to implement these changes. Furthermore, the Department’s implementation plan had to be effective for the Department’s diverse uses for racial and ethnic data, such as research and statistical analysis, measuring accountability and student achievement, civil rights enforcement, and monitoring of the identification and placement of students in special education.

Finally, the Department repeatedly heard from educational institutions that they would prefer that the various Federal agencies involved in data collection all use the same aggregate categories so that the burden of implementing changes is minimized and educational institutions are not forced to provide different and/or inconsistent racial and ethnic data to Federal agencies. In response to these repeated requests, the Department waited until after the EEOC announced its final implementation plan, which was published in November 2005, because the EEOC collects racial and ethnic data for staff in elementary and secondary schools and districts.<sup>11</sup>

A. *How Educational Institutions and Other Recipients Will Be Required To Collect Racial and Ethnic Data From Students and Staff.* This portion of the final guidance, Part A, explains how educational institutions and other recipients will collect racial and ethnic data; Part B, which follows, explains how racial and ethnic data will be reported to the Department.

1. *Educational Institutions and Other Recipients Will Be Required To Allow Students and Staff To Select One or More Races From Five Racial Groups.* Educational institutions and other recipients will be required to allow students and staff to select one or more races from the following five racial groups:

- (1) American Indian or Alaska Native;
- (2) Asian;
- (3) Black or African American;
- (4) Native Hawaiian or Other Pacific Islander; and
- (5) White.

This is the minimum number of categories that educational institutions and other recipients will be required to

use for purposes other than NCLB reporting. Any additional categories that educational institutions and other recipients choose to use to collect information must be subcategories of these categories (such as Japanese, Chinese, Korean, and Pakistani—subcategories of Asian). Students and staff will then be able to select one or more of these subcategories.

2. *Educational Institutions and Other Recipients Will Be Required To Use a Two-part Question When Collecting Racial and Ethnic Data.* Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question. Using the two-part question, the first question asks whether or not the respondent is Hispanic/Latino. The second question allows individuals to select one or more races from the five racial groups listed in paragraph 1 of this Part, and Hispanic/Latino is not included in the list of racial categories. A two-part question provides flexibility and ensures data quality. In particular, a two-part question typically results in more complete reporting of Hispanic/Latino ethnicity; however, the most frequent cases of an individual not reporting a race occur for individuals who identify themselves as Hispanic/Latino. Therefore, educational institutions and other recipients should include instructions that encourage students and staff to answer both questions.

3. *Educational Institutions and Other Recipients Should Allow Students and Staff To Self-Identify Their Race and Ethnicity Unless Self-Identification Is Not Practicable or Feasible.* Educational institutions and other recipients should allow students—at the elementary and secondary level, typically the students’ parents or guardians, on behalf of the students—and staff to self-identify their race and ethnicity unless self-identification is not practicable or feasible. If a respondent does not provide his or her race and ethnicity, educational institutions and other recipients should ensure that the respondent is refusing to self-identify rather than simply overlooking the question.

At the elementary and secondary level, if the educational institution or other recipient has provided adequate opportunity for the respondent to self-identify and he or she still leaves the items blank or refuses to complete them, observer identification should be used. It will typically be more appropriate for students’ parents or guardians to self-identify the student’s race and ethnicity. In all other instances, it will be more

<sup>11</sup> See EEOC, Agency Information Collection Activities: Notice of Submission for OMB Review; Final Comment Request (EEO-1), 70 FR 71294–71303 (November 28, 2005) (hereinafter “EEOC Notice”); this notice is on the Internet at the following address: <http://www.eeoc.gov/eo1/See> also EEOC, Agency Information Collection Activities: Revision of the Employer Information Report (EEO-1) Comment Request, 68 FR 34965, 34967 (June 11, 2003).

appropriate for the individuals to self-identify.

4. *The Department Encourages Educational Institutions and Other Recipients To Allow All Current Students and Staff to Re-Identify Their Race and Ethnicity Using the 1997 Standards.* Students are typically asked to provide racial and ethnic information upon entrance or application to an educational institution or other recipient's program. Staff members typically provide this information upon employment or application for employment. The Department encourages educational institutions and other recipients to allow all students and staff, and other individuals from whom data are collected, the opportunity to re-identify their race and ethnicity under the 1997 Standards.<sup>12</sup> Re-identification will provide all students, staff, and other individuals the opportunity to select more than one race and to report both their ethnicity and their race separately, and will allow all individuals who previously identified themselves as within the Asian or Pacific Islander category the opportunity to select either "Asian" or "Native Hawaiian or Other Pacific Islander," thereby conforming all racial and ethnic information to the 1997 Standards. If all individuals are not provided the opportunity to identify their race and ethnicity in a manner that is consistent with the 1997 Standards, data within schools, school districts, and States will not accurately reflect the diversity of the population; and data on those who were permitted to identify their race and ethnicity under the 1997 Standards will not be easily comparable with data on those who were not permitted to identify their race and ethnicity under the 1997 Standards.

The Department's final guidance does not mandate re-identification because we recognize the considerable one-time cost that re-identification would entail. Also, the 1997 Standards do not require existing records to be updated. However, the Department's final guidance reflects our expectation that most educational institutions and other recipients will provide all respondents the opportunity to re-identify their race and ethnicity under the 1997 Standards.

<sup>12</sup> This recommendation is consistent with the recommendations of the Education Information Advisory Committee of the Council of Chief State School Officers and the Policy Panel on Racial/Ethnic Data Collection, a panel sponsored by the National Postsecondary Education Cooperative of the National Center for Education Statistics and the National Science Foundation in April 1999. Both have recommended that all respondents be permitted to identify their race and ethnicity under the 1997 Standards.

The final guidance requires educational institutions and other recipients to provide students and staff who enter an educational institution or other recipient program on or after the implementation deadline the opportunity to identify their race and ethnicity in a manner that is consistent with this final guidance. Thus, those educational institutions and other recipients that do not conduct a re-identification will transition to the new standards over time as new staff and students enter.

5. *Maintaining the Original Responses from Staff and Students to Support Requests for Racial and Ethnic Data.* When the Department requests racial and ethnic data from educational institutions and other recipients, the Department indicates in the instructions to the collection how long each office asks, or requires, educational institutions and other recipients to keep the original individual responses to the request.

At a minimum, under 34 CFR 74.53 and 80.42, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or the Department regulations applicable to the grant or that are otherwise reasonably considered as pertinent to the grant agreement or Department regulations. These would include records on racial and/or ethnic data and the individual responses. One exception is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action.

If additional information on the race or ethnicity of a respondent is needed for the Department to perform its functions fully and effectively, the Department will request this information from educational institutions and other recipients, such as when OCR requests information to investigate a complaint or undertake a compliance review under 20 U.S.C. 3413(c)(1) and 34 CFR 100.6(b).

B. *The Aggregate Categories Educational Institutions and Other Recipients Will Be Required To Use To Report Racial and Ethnic Data to the Department and How To Handle Missing Data.* In contrast to the discussion in Part IV.A of this notice, which addressed how educational institutions and other recipients will collect racial and ethnic data, this section will examine how educational

institutions and other recipients will report these racial and ethnic data to the Department.

1. *The Aggregate Categories Educational Institutions and Other Recipients Will Be Required To Use To Report Racial and Ethnic Data to the Department.* The Department will require educational institutions and other recipients to report aggregated racial and ethnic data in the following seven categories:

- (1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,
- (2) American Indian or Alaska Native,
- (3) Asian,
- (4) Black or African American,
- (5) Native Hawaiian or Other Pacific Islander,
- (6) White, and
- (7) Two or more races.

The definitions in the 1997 Standards will be used for each category. (See the discussion in Part III.A of this notice.)

The Department requires aggregate reports to use these seven aggregate categories for several reasons. Reporting these seven aggregate categories allows an appropriate balance of racial and ethnic data reporting that reflects the growing diversity of our Nation while minimizing the implementation and reporting burden placed on educational institutions and other recipients. The growing diversity is illustrated by the fact that in the 2000 Census, children and youth reported being of more than one race at more than twice the rate of adults.<sup>13</sup>

Finally, this approach provides for reporting the race and ethnicity of individuals in a manner that permits effective analysis of data by agencies that are responsible for civil rights monitoring and enforcement. In those instances in which more detailed information is needed by civil rights monitoring and enforcement agencies or other offices in the Department about individuals in the "two or more races" category, educational institutions and other recipients will be contacted directly for more detailed information about the individuals.

The Department's aggregate reporting categories do not separately identify the race of Hispanic/Latino. The Department's final guidance reflects its assessment that the inclusion of individuals who are Hispanic/Latino of any race in one category is appropriate in light of both the implementation

<sup>13</sup> For individuals 18 and over, 1.9 percent (3,969,342 in the 2000 Census) of individuals reported more than one race; while 4 percent (2,856,886) of individuals under 18 reported more than one race. See *The Two or More Races Population*.

burden and cost that these changes will place on educational institutions and other recipients and the Department's need to adopt an approach that provides the Department sufficient information to fulfill its various functions. If the Department required the reporting of the same racial categories for individuals who are Hispanic/Latino as for individuals who are non-Hispanic/Latino, six additional aggregate categories would be reported to the Department.

The cost and burden of these six additional categories would be substantial because each racial and ethnic category is often cross tabulated with other relevant information, such as the individual's sex, disability category, or educational placement, thereby multiplying the number of categories in which information must be reported. The Department has determined that it can effectively fulfill its responsibilities that involve racial and ethnic information if individuals who are Hispanic/Latino of any race are reported in one category. The Department notes that its approach not to separately aggregate individuals who are Hispanic/Latino by race is consistent with the final implementation plan of the EEOC.

Finally, the Department's requirement for reporting individuals who are Hispanic/Latino as a single category without also disaggregating the Hispanic/Latino category by race is different from the Department's collection requirements discussed in Part IV.5 of this notice, which requires educational institutions and other recipients to maintain information on the racial identification of Hispanics/Latinos. As discussed above, the Department will require educational institutions and other recipients to keep the original individual responses using the two-part question from staff and students for the length of time indicated in the instructions to the collection. If the Department determines that additional information will be needed to perform its functions effectively in a specific instance, the Department will request this additional information from educational institutions and other recipients.

The EEOC published a notice in November 2005 that provided for the use of seven categories to collect racial and ethnic data from private employers. These seven categories are:

- (1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino,
- (2) American Indian or Alaska Native,
- (3) Asian,
- (4) Black or African American,

- (5) Native Hawaiian or Other Pacific Islander,
- (6) White, and
- (7) Two or more races.

It is the Department's understanding that EEOC uses these seven categories to collect racial and ethnic data from LEAs, SEAs, and other educational institutions and other recipients about their employees. The adoption of seven categories for the Department collections would mean that the Department and EEOC would collect the same categories of racial and ethnic data from educational institutions and other recipients.

*2. Reporting on Individuals Who Do Not Self-Identify a Race or Ethnicity.* Some individuals will refuse to self-identify their race and/or their ethnicity. The Department currently has a different approach for how educational institutions and other recipients may handle such respondents at the elementary and secondary level as compared with the postsecondary level and with adults served under the RSA programs. Currently, elementary and secondary institutions must use observer identification if a student (through his or her parents or guardians) does not self-identify a race, and postsecondary institutions also may use observer identification. In addition, since 1990, postsecondary institutions have been permitted to report aggregate information on students or staff members who do not identify a race for the IPEDS in a "race unknown" category. Similarly, RSA recipients have been permitted to report aggregate information on their clients and staff using a "race unknown" category when clients or staff do not identify a race.

The Department continues its current practice for handling missing data.<sup>14</sup> Elementary and secondary institutions and other recipients are required to use observer identification when a respondent, typically a student's parent or guardian, leaves blank or refuses to self-identify the student's race and/or ethnicity. The Department will not include a "race and/or ethnicity unknown" category in its aggregate elementary and secondary collections of racial and ethnic data. IPEDS will continue to include a "race and/or ethnicity unknown" category for reporting aggregate data from

<sup>14</sup> The Department continues to include a "race unknown" category in IPEDS because the experience of the National Center for Education Statistics has shown that (1) a substantial number of college students have refused to identify a race and (2) there is often not a convenient mechanism for college administrators to use observer identification. RSA grantees have had similar experiences.

postsecondary institutions. Similarly, RSA will continue to use a "race and/or ethnicity unknown" category for reporting aggregate data. The "race and/or ethnicity unknown" category will not appear on collection forms provided to postsecondary students and staff or RSA recipients' clients and staff.

*C. Multiple Race Responses under the No Child Left Behind Act of 2001.* The creation of a multiple race aggregation category has implications for several requirements under the ESEA as reauthorized by NCLB regarding race and ethnicity. First, States, school districts, and schools are held accountable for making AYP based, among other factors, on the percent of students proficient in reading/language arts and mathematics in each of the major racial and ethnic groups of students.<sup>15</sup> Neither ESEA nor the ESEA regulations define what a "major" racial or ethnic group is. States have this responsibility and the Department checks to ensure that States carry it out.

Second, each State and school district that receives ESEA Title I, Part A funds must issue a report card that includes information on student achievement at each proficiency level on the State assessment, disaggregated by race and ethnicity, among other factors, at the State, school district, and school levels.<sup>16</sup> The same racial and ethnic groups that are used to determine AYP are typically the groups reported in State report cards.<sup>17</sup>

Finally, the creation of a "two or more races" category will affect two provisions that require comparisons to prior years' data. State report cards must report the most recent two-year trend in student achievement by racial and ethnic group.<sup>18</sup> In addition, to take advantage of the "safe harbor" provision (where a school or school district can be considered to have made AYP if the percent of students who are not proficient decreased by at least 10 percent from the previous year), a State must compare a group's current assessment data to the prior year's data, and must examine the group's performance on the State's additional indicator.<sup>19</sup>

States will continue to have discretion in determining what racial and ethnic groups will be deemed "major" for purposes of fulfilling these ESEA requirements. States vary substantially in the number and distribution of

<sup>15</sup> 20 U.S.C. 6311(b)(2)(B) and 6311(b)(2)(C)(v)(II)(bb); 34 CFR 200.13.

<sup>16</sup> 20 U.S.C. 6311(h)(1) and (2).

<sup>17</sup> 20 U.S.C. 6311(h)(1)(C)(i).

<sup>18</sup> 20 U.S.C. 6311(h)(1)(C)(iv).

<sup>19</sup> 20 U.S.C. 6311(b)(2)(I)(i); 34 CFR 200.20(b).

multiple race individuals and are in the best position to decide how these requirements should be applied to their populations. States implementing this new guidance will not necessarily be changing the racial and ethnic categories used for AYP purposes. If a State makes changes to the racial and ethnic categories it will use under the ESEA, the State must submit an amendment to its Consolidated State Accountability Workbook to the Department.

*D. Bridging Data to Prior Years' Data.* States, educational institutions, and other recipients also may propose to "bridge" the "two or more races" category into single race categories or the new single race categories into the previous single race categories. Bridging involves adopting a method for being able to link the new data collected using the two-part question with data collected before the publication of this guidance by the Department. If States, educational institutions, and other recipients do bridge data, the bridging method should be documented and available for the Department to review, if necessary.

One method is to redistribute the new data collected under this guidance using the new racial and ethnic categories and relate them back to the racial and ethnic categories used before the publication of this guidance. For example, if a State's new data collection results in 200 students falling in the "two or more races" category at the same time that there is a combined drop in the number in the two single race categories of Black or African American students and White students, the State can adopt a method to link the 200 students in the "two or more races" category to the previously used Black and White categories.

Another method is assigning a proportion of the "two or more races" respondents into the new five single-race categories. If educational institutions or other recipients choose to bridge, they may use one of several bridging techniques. For example, they may select one of the bridging techniques in OMB's Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity.<sup>20</sup> Educational institutions and other recipients also may choose to use the allocation rules developed by OMB in its Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring

and Enforcement.<sup>21</sup> If a bridging technique is adopted, the same bridging technique must be used when reporting data throughout the educational institution or other recipient. For example, the same bridging technique should be used by the entire State for the purposes of NCLB.

#### **V. OMB Guidance on Aggregation and Allocation of Multiple Race Responses for Use in Civil Rights Monitoring and Enforcement**

OMB issued guidance in March 2000 for how Federal agencies will aggregate and allocate multiple race data for civil rights monitoring and enforcement. The guidance was issued to ensure that, as the 1997 Standards are implemented, Federal agencies maintain their "ability to monitor compliance with laws that offer protections for those who historically have experienced discrimination." Furthermore, OMB sought to ensure consistency across Federal agencies and to minimize the reporting burden for institutions such as businesses and schools that report aggregate racial and ethnic data to Federal agencies.

This OMB guidance encourages Federal agencies to collect aggregated information on a given population using the five single race categories and the four most common double race combinations. These four double race combinations are: (1) American Indian or Alaska Native and White, (2) Asian and White, (3) Black or African American and White, and (4) American Indian or Alaska Native and Black or African American. In addition to these categories, the March 2000 OMB guidance also encourages the aggregation of data on any multiple race combinations that comprise more than one percent of the population of interest to the Federal agency. OMB's guidance also encourages the reporting of all remaining multiple race data by including a "balance" category so that all data sum to 100 percent.

The OMB guidance also addresses how Federal agencies, including the Department, should allocate multiple race responses for the purpose of assessing and taking action to ensure civil rights compliance. The Department

believes that requiring educational institutions and other recipients to report these four most common double race reporting combinations or information on multiple race individuals who represent more than one percent of the population on a state-by-state basis or other geographical basis would impose a substantial burden on educational institutions and other recipients without a corresponding benefit for recurring, aggregate data collections. However, in order to ensure that the Department has access to this information when needed for civil rights enforcement and other program purposes, the Department will require educational institutions and other recipients to keep the original individual responses using the two-part question for racial and ethnic data. This approach will provide the Department with access to this important information when needed. (See discussion in Part IV.A.5. of this notice.)

#### **VI. The Implementation Schedule**

Educational institutions and other recipients have consistently informed the Department that they will need three years from the time that the Department provided them final guidance to implement the new racial and ethnic standards.

Educational institutions and other recipients will be required to implement this guidance by the fall of 2010 in order to report data for the 2010–2011 school year. Although not required to do so, educational institutions and other recipients already collecting individual-level data in the manner specified by this notice are encouraged to immediately begin reporting aggregate data to the Department in accordance with this notice.

Many educational institutions and other recipients have already taken significant steps to develop and implement new data systems for collecting, aggregating, and reporting racial and ethnic data. Since the mid-1990s and certainly subsequent to the October 30, 1997, issuance of the 1997 Standards, the Department has been meeting with educational agencies and organizations regarding the need for changes to the collection of racial and ethnic data to be consistent with the 1997 Standards. The opportunity for students and parents on their behalf to report their multiple race identity is vitally important. Multiple race children and their families were one of the primary impetuses for initiating the review of and modifying the standards. Also, with increasing automation of educational data systems, the Department believes that less than three

<sup>20</sup> See OMB, Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, December 15, 2000; <http://www.whitehouse.gov/omb/inforeg/statpolicy.html#dr> (Appendix C).

<sup>21</sup> For civil rights monitoring and enforcement purposes, OMB issued guidance in March 2000 on how Federal agencies can allocate multiple race responses to a single race response category. Multiple race responses that combine one minority race and White, for example, are to be allocated to the minority race. OMB, Bulletin 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement, (March 9, 2000); <http://www.whitehouse.gov/omb/bulletins/b00-02.html> (OMB 2000 Guidance). (See discussion in Part IV of this notice.)

years should be needed to implement data systems consistent with guidance in this area.

The Department recognizes that its delay in issuing final guidance, including its decision to delay issuing guidance until after EEOC issued its guidance in final form as discussed in Part IV of this notice, may result in implementation difficulties for some educational institutions and other recipients. The Department regrets any inconvenience that its delay in issuing guidance may cause. Nevertheless, given the vital importance of collecting racial and ethnic data under the 1997 Standards and the fact that educational institutions and other recipients are being provided a considerable amount of time to comply with the 1997 Standards, the Department expects that all educational institutions and other recipients will meet this deadline.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: October 15, 2007.

**Margaret Spellings,**  
Secretary of Education.

[FR Doc. E7-20613 Filed 10-19-07; 8:45 am]

BILLING CODE 4000-01-P

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## DEPARTMENT OF ENERGY

### Office of Fossil Energy; National Coal Council

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the National Coal Council (NCC). Federal Advisory Committee Act (Pub. L. 92-463, 86 Stats.770) requires notice of these meetings be announced in the **Federal Register**.

**DATES:** Wednesday, November 14, 2007.

**ADDRESSES:** Hilton Washington Embassy Row, 2015 Massachusetts Avenue, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Robert Kane, Phone: (202) 586-4753, U.S. Department of Energy, Office of Fossil Energy, Washington, DC 20585.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Committee:* The purpose of the National Coal Council is to provide advice, information, and recommendation to the Secretary of Energy on matters related to coal and coal industry issues. The purpose of this meeting is to recognize the important contributions that the NCC has made to the Department and other Federal agencies over the past years.

#### *Tentative Agenda:*

- Call to order by Ms. Georgia Nelson, Chair.

- Remarks of Secretary of Energy, Samuel W. Bodman (invited).

- Remarks by Department of Commerce Representative.

- Presentation of guest speaker—Alex Fassbender, Chief Technology Officer & Executive Vice President, ThermoEnergy Corporation—Presentation on the development and commercial of the TIPS oxy-fuel process.

- Presentation of guest speaker—Mike DeLallo, Director/Business Development, WorleyParsons—Presentation on a sustainable model for construction and operation of coal-based electricity generation plant which will include financial, social and environmental planning.

- Council Business.
  - Communication Committee Report.
  - Finance Committee Report.
  - Study Group Report.
- Other Business.
- Adjourn.

*Public Participation:* The meeting is open to the public. The Chairman of the NCC will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Robert Kane at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

*Transcripts:* The transcript will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E-

190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on October 15, 2007.

**Rachel Samuel,**

Deputy Committee Management Officer.

[FR Doc. E7-20665 Filed 10-18-07; 8:45 am]

BILLING CODE 6450-01-P

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## DEPARTMENT OF ENERGY

### Energy Information Administration

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Energy Information Administration (EIA), Department of Energy (DOE).

**ACTION:** Agency Information Collection Activities: Proposed Collection; Comment Request.

**SUMMARY:** The EIA is soliciting comments on proposed revisions to the Natural Gas Production Report, Form EIA-914.

**DATES:** Comments must be filed by December 18, 2007. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

**ADDRESSES:** Send comments to Ms. Rhonda Green at U.S. Department of Energy, Energy Information Administration, Reserves and Production Division, 1999 Bryan Street, Suite 1110, Dallas, Texas 75201-6801. To ensure receipt of the comments by the due date, submission by FAX 214-720-6155 or e-mail ([rhonda.green@eia.doe.gov](mailto:rhonda.green@eia.doe.gov)) is also recommended. Alternatively, Ms. Green may be contacted by telephone at 214-720-6161.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of any forms and instructions should be directed to Ms. Rhonda Green at the contact information listed above.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Current Actions
- III. Request for Comments

#### I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93-275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95-91, 42 U.S.C. 7101, *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles,



## Appendix B. Letter Issued by U.S. Department of Education and Answers to Selected Policy Questions Related to the *Final Guidance*

### ***Letter from Bill Evers, Assistant Secretary for Planning, Evaluation and Policy Development<sup>1</sup>***

August 1, 2008

Dear Colleague:

I am writing to provide you with information elaborating on *final guidance* on the collection and reporting of racial and ethnic data by educational institutions and other grantees that the U. S. Department of Education (Department) published in the Federal Register on October 19, 2007 (72 Fed. Reg. 59267) <http://edocket.access.gpo.gov/2007/pdf/E7-20613.pdf>.

As you may know, since 1977, the Department, along with the other Federal agencies, has been collecting aggregated data on race and ethnicity by asking for student data using five categories. In 1997, the Office of Management and Budget (OMB) published new revised standards for the collection of data on race and ethnicity. The Department's October 2007 publication of *final guidance*, after considering public comments, aligned the Department's policy for collecting and reporting racial and ethnic data with OMB's revised standards. State educational agencies, local educational agencies, postsecondary institutions, and other educational institutions and Department grantees are required to report racial and ethnic data to the Department using the categories set forth in its 2007 *final guidance* starting with information concerning the 2010-11 school year.

The change in collecting and reporting racial and ethnic data allows individuals to self-identify their ethnicity and race, and permits individuals to select more than one race and/or ethnicity. This change allows individuals to more accurately reflect their racial and ethnic background by not limiting them to only one racial or ethnic category. We recognize that this requires some changes to the education information systems in the school districts, postsecondary institutions, and State agencies across the country.

To assist with the transition to the new collection and reporting standards, enclosed are responses to key questions we have received since publication of our *final guidance*. Specifically, we address:

- the "two-part question" to be used (question #2),
- actions to be taken when a response is not complete (question #3),
- retention of original responses (question #4), and
- timeframes for when the Department will begin collecting and reporting data by new racial and ethnic categories (question #5).

These questions, and others that arise from the field, will be published online along with other links and resources at [www.ed.gov/about/offices/list/opeed](http://www.ed.gov/about/offices/list/opeed). In addition, postsecondary institutions can access additional information from the Integrated Postsecondary Education Data System (IPEDS) website at [www.nces.ed.gov/ipeds](http://www.nces.ed.gov/ipeds).

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<sup>1</sup>Retrieved on-line at <http://www.ed.gov/policy/rschstat/guid/raceethnicity/letter.html>.

We encourage you to take steps to ensure the quality, accuracy and completeness of these data. You should emphasize the importance of facilitating the self-identification process and accurately collecting and maintaining complete data about each individual, including if necessary, the use of observer identification at the elementary and secondary school level if complete data are not provided by each individual or on behalf of the individual.

In addition to the Department's resources in support of this transition, the following entities will be providing assistance and additional support:

- **Elementary and Secondary:** A task force of State and school district data experts from the National Forum on Education Statistics will publish a "white paper" on the issues and the challenges associated with this data collection and reporting change across K-12 districts and state agencies. You may find this document a useful resource since it is expected to report about the experiences of States that have already completed or started the process of implementing these data collection and reporting changes. This document, along with other resource documents from OMB and others, will be found on the ed.gov sites listed above when they are published.
- **Postsecondary:** The Association for Institutional Research ([www.airweb.org](http://www.airweb.org)) is developing a web portal for information related to the changes to collecting and reporting racial and ethnic data to IPEDS. In addition, the State Higher Education Executive Officers (SHEEO) ([www.shceo.org](http://www.shceo.org)) is developing additional resources for state postsecondary education agencies. Links to these resources as well as additional information for postsecondary education institutions and state agencies will be made available at the IPEDS website ([www.nces.ed.gov/ipeds](http://www.nces.ed.gov/ipeds)).

If you have further questions about the guidance or its requirements for the collection of data on race and ethnicity, please contact Patrick Sherrill in the Performance Information Management Service ([pat.sherrill@ed.gov](mailto:pat.sherrill@ed.gov)). For postsecondary questions, please contact Elise Miller at the National Center for Education Statistics ([elise.miller@ed.gov](mailto:elise.miller@ed.gov)).

Sincerely,

/s/

Bill Evers  
Assistant Secretary,  
OPEPD

Enclosure



**August 2008**

1. What's changing, why is it being changed, and how did you develop the standards?
2. What does the two-part question to be used for collection look like?
3. For how long, and in what format, must an institution maintain the original responses to this data collection?
4. What are the aggregate reporting requirements for elementary and secondary education institutions and agencies?
5. What are the aggregate reporting requirements for postsecondary education institutions and agencies?
6. What are the earliest and latest times for submitting data in the new racial and ethnic categories to the Department of Education?
7. What should be done if a respondent does not respond to both parts of the question?

**1. What's changing, why is it being changed, and how did you develop the standards?**

In 1997, the Office of Management and Budget published new standards for Federal agencies on the collection of racial and ethnic data. Since that time, the Department carefully examined its options for implementing the 1997 Standards and discussed the options with a variety of individuals and organizations representing educational institutions to ascertain their needs and interests, and examined how other agencies collecting similar data were providing guidance. The Department carefully balanced the needs of collecting comprehensive and accurate data in carrying out its responsibilities with the need to minimize burden as much as possible.

These new standards, developed by the Department after considering public comment, revise data collection standards in place since 1977. They allow a respondent to self-identify his or her race and ethnicity, and allow a respondent to select more than one racial or ethnic designation. The new standards require the use of a two-part question, focusing first on ethnicity and second on race when collecting the data from individuals. In the October 2007 guidance published by the Department of Education (Department) (72 Fed. Reg. 59266 (Oct. 19, 2007), at <http://www.ed.gov/legislation/FedRegister/other/2007-4/101907c.html>), the Department addresses how it will require racial and ethnic data to be collected and reported to the Department under programs administered by the Department. The Department's guidance also explains how education institutions and other Department grantees should modify their data collection and reporting systems to respond to the OMB standards.

**2. What does the two-part question to be used for collection look like?**

There are two different parts to the question, requiring two distinct responses. The first part asks about the broad category of ethnicity, and the second part asks about the more narrow divisions of race. The first part asks the respondent to identify his or her ethnicity as a Hispanic or Latino. The second part asks the respondent to identify his or her race or races. Provided below is an example (see [http://nces.ed.gov/statprog/2002/std1\\_5.asp](http://nces.ed.gov/statprog/2002/std1_5.asp)) of the questions.

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<sup>2</sup>Retrieved on-line at <http://www.ed.gov/policy/rschstat/guid/raceethnicity/questions.html>.

**The ethnicity question is:**

What is this person's ethnicity?

- Hispanic or Latino
- Not Hispanic or Latino

**The race question is:**

What is this person's race? Mark one or more races to indicate what this person considers himself/herself to be.

- White
- Black or African American
- Asian
- American Indian or Alaska Native
- Native Hawaiian or Other Pacific Islander

Additional racial or ethnic categories that are sub-categories of the categories used in the two-part question may be used if the educational institution collecting the data deems such distinctions valuable. For example, if there is a large population of Asians and differentiation of the multiple subcategories is worthwhile to the State or other educational institution, data within those sub-categories may be collected. In this case the individual could choose among Asian subcategories (for example, Chinese, Japanese, Korean, Pakistani, and Indian). Similarly, if there is a diverse population of Hispanics and differentiation of the multiple subcategories is worthwhile to the State or educational institution, data within the Hispanic/Latino category may be collected. For example, individuals could choose among Hispanic subcategories such as Mexican, Cuban, or Puerto Rican. These subcategories would be for the use of the State or educational institution and would not be reported to the Department.

There is no "multiracial" or "other race" category used when collecting data from individuals using this two-part question for ethnicity and race. However, a respondent may report having more than one race.

**3. For how long, and in what format, must an institution maintain the original responses to this data collection?**

Because the collection of the data is associated with the disbursement of Federal funds, the regulatory requirement for maintaining original individual responses is a minimum of three years unless there is an audit, inspection, review, or investigation that has not been resolved (in that case, the responses must be maintained until resolution is complete). Institutions must maintain the information in the responses as it was collected using the two-part question, in case the Department needs it in the exercise of its oversight and enforcement responsibilities. In addition, other statutes or regulations, such as the Common Rule for the Protection of Human Subject in Research (34 CFR 97), may require that individual responses be retained for a longer period for some data collections.

**4. What are the aggregate reporting requirements for elementary and secondary education institutions and agencies?**

For Federal reporting requirements aggregate data about all elementary and secondary students will be reported to the Department using one of the seven aggregate reporting categories discussed in the guidance. These reporting categories are—

- Hispanic/Latino of any race,
- For individuals who are Non-Hispanic/Latino
- American Indian or Alaska Native
- Asian

- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races

In some instances, it may be necessary for the Department to request additional information about the race and ethnicity of individuals in elementary and secondary schools (such as the individual responses as discussed under question 2 above) in order to resolve specific issues, e.g., those presented in a discrimination complaint or compliance review.

For elementary and secondary students, if an individual (or the parent on behalf of the individual) does not complete the two-part question, then the educational institution should take steps to collect and document information that enables the school to include the individual in one of the seven Federal reporting categories. The Department's existing policy of using observer identification in these cases remains unchanged from previous guidance provided by the Department.

##### **5. What are the aggregate reporting requirements for postsecondary education institutions and agencies?**

For Federal aggregate reporting requirements, postsecondary educational institutions will be required to report data using the nine reporting categories discussed in the guidance that includes:

- Nonresident aliens (for whom neither race nor ethnicity is reported),
- Hispanics of any race,
- American Indian or Alaska Native non-Hispanic,
- Asian non-Hispanic,
- Black or African American non-Hispanic,
- Native Hawaiian or Other Pacific Islander non-Hispanic,
- White non-Hispanic,
- Two or more races non-Hispanic, and
- Race and ethnicity unknown.

Postsecondary institutions, students, and staff should be provided with the opportunity to self-identify by reporting their ethnicity and race on the data collection form. For Federal reporting, there are two additional categories used in higher education that are not used in reporting elementary and secondary education data: "Nonresident aliens" and "Race and ethnicity unknown." While the use of third-party observation is permissible at the postsecondary level, it is not required. Therefore, if an individual omits or refuses to provide his or her racial or ethnic identity, the person should be reported in the race/ethnicity unknown category. In some instances, it may be necessary for the Department to request additional information about the race and ethnicity of individuals at the postsecondary level (such as the individual responses as discussed under question 2 above) in order to resolve specific issues, e.g., those presented in a discrimination complaint or compliance review.

##### **6. What are the earliest and latest times for submitting data in the new racial and ethnic categories to the Department of Education?**

The Department is requiring that educational institutions and other Department grantees begin reporting data using the new collection procedures and aggregate reporting categories no later than for data about the 2010-11 school year. Education data systems must collect these data from individuals utilizing the two-part question. The Department's primary elementary and secondary data collection system, the EDFacts Education Data Exchange

Network (EDEN) Submission System will be able to receive data in the new categories beginning with the 2008-09 school year. Educational institutions and grantees implementing the new guidance procedures for collecting and aggregating ethnicity and race data may begin reporting those data according to the revised categories as early as for school year 2008-09. However, data on the 2010-11 school year or later MUST be collected and aggregated in accordance with the new guidance and reported using the new categories.

The Integrated Postsecondary Education System (IPEDS) will accept data in the new categories starting with the 2008-09 data collection. In 2008-09 and 2009-10, the new categories will be optional for all IPEDS components. Starting in 2010-11, institutions must report the new categories on the Fall Enrollment and Human Resources components. Starting in 2011-12, institutions must report the new categories on the 12-month Enrollment, Completions, and Graduation Rates components.

#### **7. What should be done if a respondent does not respond to both parts of the question?**

For elementary and secondary education students, if an individual (or the parent on behalf of the individual) does not complete the two-part question, then the educational institution should take steps to collect and document information allowing the reporting of the individual in one of the seven Federal reporting categories. The Department will continue its existing policy of using observer identification in these cases. If only one part of the two-part question is unanswered, the educational institution should take steps to ensure that the respondent has intentionally refused to complete both parts of the question, before using observer identification if there is not enough information in the response to allow for proper reporting within one of the seven categories.

For postsecondary institutions or other educational institutions serving adults such as grantees of the Rehabilitation Services Administration, presenting the data collection form with the two-part question to students and staff is sufficient to ensure that individuals have had an opportunity to respond. No use of observer identification is required.

# Appendix C. I'll Cross That Bridge When I Come to It: A Guide to Bridging Methodologies

## Introduction

In its *"Final Guidance on Maintaining, Collecting and Reporting Racial and Ethnic Data on Race and Ethnicity to the U.S. Department of Education,"* the U.S. Department of Education (ED) says that "states, educational institutions, and other recipients may propose to 'bridge' the 'two or more races' category into single-race categories or the new single-race categories into the previous single-race categories."<sup>1</sup> To aid in this process of selecting and implementing a bridging technique, this report presents 13 data-bridging methodologies for states' consideration: 9 studied by the Office of Management and Budget (OMB); 1 developed and used by the National Center for Health Statistics (NCHS); as well as 3 alternative methods. While states may exclude several of the 13 from consideration rather easily, many will remain as viable options. This report will summarize each methodology's merits and weaknesses and will offer some best-practice recommendations. If states decide to bridge, a single bridging methodology should be selected based on such considerations, as the characteristics of local populations as well as data processing capabilities and should be used by all districts in the state for purposes of No Child Left Behind (NCLB).

## Bridging Basics

For our purposes, "bridging" refers to the process of making race data collected using the 1997 standards comparable to data collected using the previous 1977 standards to allow time trend analyses using those data. Following a shift to the 1997 standards for collecting race and ethnicity data, which include five race categories and offer respondents the opportunity to select multiple races, it may be necessary for agencies to use two sets of data for a finite length of time referred to as a "bridge period." To facilitate the study of historical trends in data collected before and after the shift to the new standards, during this bridge period agencies will not only collect new data along the 1997 guidelines, but may also consider creating a "bridging estimate," defined as a "prediction of how the responses would have been collected and coded under the 1977 standards."<sup>2</sup> In other words, the bridge data set estimates how the newly identified multiracial populations would have identified themselves under the old single-race system.



Though bridging estimates will fail to give users completely accurate pictures of the racial and ethnic makeup of populations before and after the standard change, they will provide some approximation that will bridge the gap between old and new data and allow important analyses such as the AYP or other educational, social, or economic trend studies to be conducted.

<sup>1</sup> U.S. Department of Education, *"Final Guidance on Maintaining, Collecting and Reporting Racial and Ethnic Data to the U.S. Department of Education."* Federal Register, Vol. 72, No. 202. October 19, 2007, pp. 59, 278.

<sup>2</sup> OMB (2000), p. 85.

In this report, for illustrative purposes only, bridging is sometimes described at the individual level. However, it should be noted that the bridging methodologies discussed should be used at the aggregate level in most cases for general education data purposes—that is, they should be applied at the aggregate level to divvy up groups of multiple-race individuals into single-race groups, rather than to assign each individual multirace respondent to a single race category or to divide each individual among the categories.

### ***To whom does bridging apply?***

Bridging estimates are only necessary where there are respondents who choose multiple races to describe themselves.<sup>3</sup> It is assumed that students who report a single race under the new reporting scheme also chose the same single race under the old scheme. No bridging is necessary for such individuals. Even Hawaiian Natives and Other Pacific Islanders, who are separated from Asians under the new standards, can easily be recoded to align with previous-year standards simply by adding them to the 1977 category “Asian or Other Pacific Islander,” which includes the new category. In cases like these, where a clear one-to-one relationship exists between old and new categories, no formal bridging methodology is necessary. However, because the new standards allow respondents to choose multiple races, the job of guessing which single race these multirace individuals would have chosen for themselves if presented with the 1977 standards grows more complicated and some formal bridging methodology, therefore, becomes necessary.

### ***Spare the bridge, omit the child: Opting out of bridging***

If an agency decides that a break in historical data is acceptable, it might decide to forgo the bridging process—a decision that may be justifiable in a number of scenarios. For instance, this decision may be acceptable if there is little change in the racial composition of the agency’s population over time. In addition, an agency might not bridge its data if the proportion of multiracial students and staff in the agency’s population is small enough so as to have only a negligible effect on the agency’s race data overall. These agencies may choose to treat data on multirace individuals as missing when calculating time trend analyses rather than attempt to bridge these data.<sup>4</sup> However, it should be noted that excluding multirace individuals from such calculations might significantly affect data on minority populations.<sup>5</sup> For other agencies that have substantial multirace populations and would like to facilitate longitudinal studies using their data, a number of ways to create bridging estimates are available.

### ***Different uses, different bridges***

The choice of a bridging technique depends, in part, upon how the data will be used. Statistical reports that follow the characteristics of a group of students or staff over time can probably be supported by estimates of race and ethnicity distribution derived through bridging at the aggregate level. Civil rights data collections that are concerned with outcomes for individual students may have different requirements for assigning race and ethnicity status.<sup>6</sup>

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<sup>3</sup> This is true, with the exception of multirace respondents who choose “Asian” and “Hawaiian or Other Pacific Islander” as their component races under the 1997 Standards. For these individuals, no bridging is necessary as they can be simply recoded into the 1977 single-race category “Asian or Other Pacific Islander,” which includes both 1997 categories. Census 2000 found that 2.4 percent of the total U.S. population identified with two or more races—a rate that varies widely by state, racial-combination, and age group. The percentage of the population reporting two or more races ranged from less than 1 percent in Mississippi and West Virginia to more than 21 percent in Hawaii. White/American Indian or Alaska Native was the most prevalent multirace combination, being selected by more than a million respondents, followed by White/Asian, which was chosen by nearly 900,000 respondents (excluding additional race categories collected in the Census 2000, commonly combined as “some other race,” which are not among the five 1997 standards race categories). The frequency of multirace identity is clearly rising with each new generation. Among the 60- to 64-year age group, only 1.3 percent reported two or more races, while the younger age groups report consistently higher percents (3.1 percent among 15 to 19 year olds; 3.4 percent among 10 to 14 year olds; 4.0 percent among 5 to 9 year olds; and 4.9 percent among children under five years of age).

<sup>4</sup> Agencies that do not create bridge estimate data should footnote the first occurrence of data collected under the 1997 standards so users know that the data are not comparable to those of previous years.

<sup>5</sup> Ingram (2003), p. 4.

<sup>6</sup> Guidelines on how multiple-race responses should be allocated for civil rights enforcement can be found in the OMB bulletin entitled, “Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement,” which is available at: <http://www.whitehouse.gov/omb/bulletins/b00-02.html>. For a discussion on individual-level bridging, see “NCHS Procedures for Multiple-Race and Hispanic Origin Data: Collection, Coding, Editing, and Transmitting,” which is available online at [http://www.cdc.gov/nchs/data/dvs/Multiple\\_race\\_documentation\\_5-10-04.pdf](http://www.cdc.gov/nchs/data/dvs/Multiple_race_documentation_5-10-04.pdf).

## OMB Bridging Methodologies

Recognizing the need to address the incomparability between race data collected under the 1977 and 1997 standards, OMB published a study in 2000 presenting findings on a set of bridging methods. Table 2 below presents the four major categories of bridging techniques studied by OMB and the nine specific methodologies that fall under them (in **bold**):

**Table 2. Bridging methodologies outlined by OMB, by category**

	<b>Whole Assignment</b>	<b>Fractional Assignment</b>	<b>All Inclusive</b>
Deterministic	(1a) <b>Smallest Group</b> (1b) <b>Largest Group other than White</b> (1c) <b>Largest Group</b> (1d) <b>Plurality</b>	(3a) <b>Equal Fractions</b> (3b) <b>NHIS Fractions</b>	†
Probabilistic	(2a) <b>Equal Selection</b> (2b) <b>NHIS Fractions</b>	**	†
	†	†	(4) <b>All Inclusive</b>

† Not applicable.

\*\* OMB did not consider Probabilistic Fractional Assignment methods because they were deemed to be unnecessarily complex and did not improve upon the other methods. In addition, Renn and Lunceford warn, "Attempting to estimate how often an individual might identify in different groups is a messy and political business." (Renn and Lunceford (2002), p. 13.)

SOURCE: Jackson (2002) and OMB (2000).

OMB assessed these nine methodologies along nine criteria. Briefly, these nine assessment criteria are:

1. *Measure change over time.* How well does the methodology recreate the population distribution under the 1977 standards? How accurately does it assign an individual's response to the 1977 category that would have been chosen had those standards been in effect? This is said to be the most important criterion by OMB.
2. *Congruence with respondent's choice.* How well is the full range of a respondent's choices represented in the racial distribution? Are some of the multiple-race respondents' responses disregarded because of the methodology or are all responses reflected in the data?
3. *Range of applicability.* How well can the methodology be applied to different contexts (e.g., populations of varying racial distributions and sizes)?
4. *Meet confidentiality and reliability standards.* OMB found that none of the methodologies introduce new confidentiality problems, but reliability may differ among the methodologies. How reliable is the bridging estimate created under this technique?
5. *Minimize disruptions to single race distributions.* How does the methodology affect the single-race distributions? Are the bridged single-race distributions similar to those collected under the 1997 standards?
6. *Statistically defensible.* Does the methodology conform to acceptable statistical conventions? Are assumptions being made about how respondents would answer under 1977 standards or about the relative importance of a given race?
7. *Ease of use.* How complicated is it to produce bridge results with the methodology? Can the method be implemented with little operational difficulty?
8. *Skill required.* What skills are needed to create bridge data under the methodology? Can someone with relatively little statistical knowledge implement the methodology?
9. *Understandability and communicability.* How easily can the methodology be explained to and understood by the average user?

Below, we present the nine OMB methodologies. Provided along with simple definitions are basic practical descriptions of how the methods produce estimates, as well as brief discussions of the strengths and weaknesses of each as discussed by OMB and other bridging researchers along with additional notes to help states in their consideration of these methods.

**1. Deterministic Whole Assignment**—Assignment into a single category based on a predetermined rule.

- a. *Smallest Group*—This rule assigns multiple-race responses that include White and another racial group to the other group. This action is based on the assumption that White is the largest group, although this is not always the case at the local level. Responses including two or more racial groups other than White are assigned to the group with the lowest single race count in the collection.
- White/Other race → Other race (misclassifies all who would have chosen White)
  - Other race/Smaller other race → Smaller other race in the collection (misclassifies all who would have chosen larger other race)

OMB accorded this methodology was one of its least favorable reviews. In general, bridging has little effect on the largest race groups in a population because the number of multiple-race respondents is usually quite small compared to the sizes of those groups. Therefore, the addition of the few multiple-race people to these large groups has a minimal effect. Conversely, race-bridging tends to have a greater impact on smaller race groups such as American Indian or Alaska Native (AIAN) and Asian or Other Pacific Islander (API). While smaller race groups are most sensitive to bridging in general, they are especially affected by this assignment methodology, which tends to exaggerate the size of minority race groups. The smaller the group, the larger the distortion will be.

A state in which White is not the predominant racial group (e.g., Hawaii, may find this method to be inappropriate for use with its population, since it would cause White/Asian multirace respondents to be assigned to the latter group even though White is the smaller of the two groups in the state. On the other hand, states with substantial numbers of AIAN/Other race multirace individuals may consider this methodology as a way of avoiding underestimation of their AIAN population in light of the tendency of multirace individuals having AIAN as a component race to choose AIAN as their primary race much more often than do multirace individuals of other component races.<sup>8,9,10</sup>

- b. *Largest Group other than White*—This rule allocates responses that include White and another racial group to the other group. Responses including two or more racial groups other than White are assigned to the group with the highest single race count.
- White/Other race → Other race (misclassifies all who would have chosen White)
  - Other race/Larger other race → Larger other race (misclassifies all who would have chosen smaller Other race)

Along with method 1a, this methodology received one of the least favorable reviews from OMB among the methodologies that were reviewed. While smaller race groups are most sensitive to bridging in general, they are especially affected by this assignment methodology. On the one hand, it tends to overestimate larger minority groups. When respondents choose White and another race, for example, this method may cause the aggregate size of that other race population to be exaggerated, since some of those respondents would have chosen White if they had to select only one race. On the other hand, it will tend to underestimate the size of smaller minority race groups—the smaller the group, the larger the distortion.

<sup>8</sup> National Health Interview Survey.

<sup>9</sup> Jackson (2002).

<sup>10</sup> Ingram (2003).



- c. *Largest Group*—This rule assigns responses including two or more racial groups to the group with the highest single race count. In this OMB method, any individual with a multirace combination including White is allocated to the White category. This action is based on the assumption that White is the largest group, although this is not always the case at the local level. Combinations that do not include White are assigned to the group with the highest single race count.
- White/Other race → White (misclassifies those who would have chosen Other race)
  - Other race/Larger other race → Larger other in collection (misclassifies all who would have chosen smaller Other race)

This methodology was one of the most favorably assessed by OMB. It received a positive review in terms of the ease with which it can be used as well as its ability to produce high quality estimates on average. However, this technique may underestimate smaller groups by misclassifying all multirace individuals who would have selected their non-White or smaller component race under the 1977 standards. Additionally, at the local level, this simplistic methodology may produce poor estimates as it may not reflect local preferences. It will likely diminish the size of small minority groups if multirace individuals tend to identify with those groups more often than with the larger groups. This method tends to produce the best estimates for the White and Black groups, but poorer estimates for the smaller race groups.

- d. *Plurality*—In this method, all responses in a multiple-race category are assigned to the race group with the highest proportion of primary race responses on the National Health Interview Survey (NHIS), with “primary race” being the one race with which respondents most identify or that their community most commonly recognizes them as.<sup>11</sup> For instance, all White/Black multirace responses would be bridged to the race with the most primary responses among White/Black individuals in the NHIS.
- Smaller NHIS primary race/Larger NHIS primary race → Larger NHIS primary race (misclassifies all who would have chosen smaller NHIS primary race)

This methodology, along with methods 1c and 2a, received one of the most favorable assessments from OMB among the methodologies it evaluated. NHIS-based methodologies are limited by the survey’s inclusion of only the major multirace combinations and racial combinations that include only two component races. For that small number of individuals who identify as a rare racial combination or as more than two races, therefore, NHIS-based probabilities are not available. To deal with this limitation, states may devise some method of simplifying these combinations down to only two components, perhaps using only the two largest or smallest groups identified.

## 2. **Probabilistic Whole Assignment**—iAssignment into single group using probabilities.

- a. *Equal Selection*—iThis method assigns each of the multiple responses in equal fractions back to only one of the previous racial categories identified. The fractions specify the probabilities used to select a particular category (in this case they are equal selection probabilities). In practice, for example, half of White/Black respondents would be assigned to White, and the other half to Black.
- Race 1/Race 2 → All such individuals are randomly assigned using 50/50 probability. In practice, when bridging at the aggregate level, multirace responses are divided evenly among the component races.

<sup>11</sup> For these methodologies, the OMB study used the NHIS, a national survey that collects data on about 100,000 people each year. Since 1997, the NHIS has included an additional question asking multiracial respondents which single-race category best describes them (i.e. their “primary race.”). These response data, which are available down to the county level, could be used by agencies to ascertain proportions for use in the whole (1d, 2b) or fractional (3b) assignment of multirace respondents. Basically, by utilizing national data collected from multirace individuals about their preferences, they can allow for potentially more accurate approximation of how state and local multirace populations are likely to identify themselves under a single-race data collection system. To access these NHIS primary race probabilities, visit the NCHS’s Research Data Center at <http://www.cdc.gov/nchs/r&d/rdc.htm>. See table 6 in the series report for probabilities based on the 1997-2000 NHIS.

Along with methods 1c and 1d, this methodology is among the most positively assessed of the OMB methodologies. It received a positive review in terms of the relative ease with which it can be used as well as its ability to produce high quality estimates on average. However, this method will distort the data to the degree that multirace individuals' preferences differ from equal probabilities and is particularly problematic in its allocation of AIAN populations.

- b. *NHIS Fractions*—This alternative assigns multiple race responses to single race categories based on the proportions of multirace respondents' choices of primary race on the NHIS. In practice, a percentage of White/Black respondents are assigned to White based on the NHIS results, and the remaining percentage to Black. Equal fractions are used where no information is available from NHIS.

  - Race 1/Race 2 → Random assignment of individual to either group based on NHIS primary race proportions. Equal fractions used where NHIS data are not available.

This methodology may produce a high-quality estimate because it is based on a national sample's preferences of primary race. NHIS-based methodologies are limited by the survey's inclusion of only the major multirace combinations and racial combinations that include only two component races. For that small number of individuals who identify as a rare racial combination or as more than two races, therefore, NHIS-based probabilities are not available. To deal with this latter limitation, states may devise some method of simplifying these combinations down to only two components, perhaps only the two largest or smallest groups identified.
3. **Deterministic Fractional Assignment**—Assignment into multiple groups using probabilities.

  - a. *Equal Fractions*—This method assigns each of a respondent's multiple responses in equal fractions to each racial group identified. In effect, each multirace respondent is fractionally assigned to multiple race categories in equal parts. These fractions must sum to one.

    - Race 1/Race 2 → Individual response split equally among races (i.e.  $\frac{1}{2}$  to Race 1,  $\frac{1}{2}$  to Race 2)

This method, while receiving a positive assessment from OMB for its ability to produce high-quality estimates on average, will distort the data to the degree that multirace individuals' preferences differ from equal probabilities. In addition, this methodology complicates data storage because it requires multiple race categories to be marked with a fractional value for each multirace individual. Therefore, this methodology may be better suited for bridging at the individual level, while methodologies 2a and 2b may be more appropriate for bridging at the aggregate level.
  - b. *NHIS Fractions*—This alternative also assigns multiple race responses in fractions to each racial group identified based on fractions drawn from the results of the NHIS. These fractions must sum to one. For example, a Black/White respondent may be assigned  $\frac{2}{3}$  White and  $\frac{1}{3}$  Black based on NHIS primary race proportions.

    - Race 1/Race 2 → Fraction of individual to Race 1, another fraction to Race 2 based on NHIS primary race proportions.

Like the previous technique, this methodology complicates data storage because it requires multiple race categories to be marked with a fractional value for each multirace individual. This methodology may be better suited for bridging at the individual level, while methodologies 2a and 2b may be more appropriate for bridging at the aggregate level. See notes on methodology 1d for additional considerations about using NHIS data.
4. **All Inclusive Assignment**—All race choices are counted as whole responses.

In this alternative, each of a multirace respondent's race responses are counted as one full response, with the respondents being assigned to every racial category they select.

- Race 1/Race 2 → One whole response to each (race totals exceed 100 percent). Essentially, responses are counted rather than bodies and one person can appear as multiple bodies in the data unless the data system is designed to treat the data otherwise or “raking” is performed. As a result, in a population of 100 with 5 people reporting two races, the total race count for the population will be 105. And, as follows, the sum of all the racial categories, which includes both single and multiple race reporting, will exceed 100 percent, a fact that may exclude this method from states’ consideration.

## The Good, the Bad, and the Problematic: Alternative Bridging Methodologies

### ***NHIS Regression Method***

In addition to these nine methods considered by OMB, there is a potentially more accurate bridging technique called the NHIS Regression method. This method essentially addresses the question, “What characteristics make a multirace person likely to choose one of their component races as dominant over the other(s)?”

The NHIS Regression method, which is an extension of the NHIS Fractions method (2b), was developed at the NCHS,<sup>12,13</sup> and is used by NCHS for its Vital Statistics program. By taking into account primary race data and several geographic and demographic variables available on the NHIS or Census 2000, including information about the respondent’s county of residence, such as region, level of urbanization, percent of county’s residents who reported more than one race, and the age, sex, and Hispanic origin of the respondent, this approach has been found to result in bridging estimates that more accurately match the preferences of the multirace populations in question. Using this method, regression models were developed for each of the major multirace groups and a “composite” model was developed for the smaller multirace groups. The regression coefficients obtained from fitting the models to the 1997-2000 NHIS were used to derive the probabilities of multirace respondents selecting each possible single race as their primary race. For example, for an AIAN/White respondent, the probabilities of selecting AIAN as the primary race or White as the primary race were derived for each county, age, sex, and Hispanic-origin combination.

Using this methodology to bridge local multirace populations would basically require someone at the state or local level to apply the NHIS probabilities to their own data. The use of the NHIS probabilities would be complicated only because they are county-age-sex-Hispanic origin-specific.

- Race 1/Race 2 → Fraction of individuals to Race 1, another fraction to Race 2 based on probabilities derived from the regressions on NHIS data

For more information on this methodology and its logistics, see Ingram et al. (2003) and the NCHS race bridging web site at <http://www.cdc.gov/nchs/about/major/dvs/popbridge/popbridge.htm>.

### ***Why not just prorate? A cautionary note***

An alternative method to bridging that may seem at first to be the obvious and logical approach, but may actually be quite problematic, is proration based on racial distributions in the education agency’s population. By this methodology, a district could simply use the relative proportions of the race groups in their populations to generate probabilities for race assignments. For instance, if a district had 700 White students and 300 Black students, White/Black multirace students would be divided 70/30 into these respective single-race categories. While this method may seem like a reasonable way to go, it will likely produce poor bridging estimates.

<sup>12</sup> Schenker and Parker (2003).

<sup>13</sup> Ingram et al. (2003).

Remember that the goal of bridging is to estimate what the racial distribution of a population would have been had individuals been allowed only to select a single race category. Its purpose is to enable trend analyses with data collected before and after a shift to the 1997 standards. Since the selection of racial identity is a function of individual preferences, the bridge estimate should seek to approximate those preferences. The relative sizes of racial groups in the population do not necessarily resemble those preferences.

Using proration to assign multirace individuals to a single race group will likely produce inaccurate estimates because this technique assumes that the relative sizes of the single race groups determines multirace individuals' preferences for identification with those groups. The preferences of some multirace populations may happen to align with such a distribution, but those populations are not likely to be the norm. Multirace White/AIAN individuals, which comprise one of the largest multirace groups, present perhaps the most extreme example of the possible disparity between racial preferences and racial population distributions. The AIAN population is usually quite small compared to the White population, so the use of proration to bridge AIAN/white individuals would result in most being assigned to the White population and a very small proportion being assigned to the AIAN population. Such an assignment would be erroneous though because White/AIAN individuals are much more likely to choose AIAN as their single race than they are to choose White.<sup>14</sup> While this erroneous assignment generally would have little impact on estimates of the White population, it could result in substantial underestimation of the AIAN population because such a large proportion of individuals of AIAN ancestry identify themselves as multirace. For such reasons, we discourage the use of proration as a bridging technique.

### ***Why not just base probabilities on changes in racial distributions over time? A second cautionary note***

Another alternative method of deriving bridging estimates is to base probabilities on the year-to-year changes in racial distributions in a school or district. While it may seem like a logical approach, it too may be problematic. For instance, after the shift to the new collection standards, education agencies will likely see, along with new multirace students and staff, drops in the various single race groups (i.e., if there are 30 Black/White multirace students in a district, there will likely be an associated drop in the Black and White population totals compared to the previous year equal to about 30 students. Let's say, for instance, that the number of White students drops by about 20 for that grade cohort since the previous year and the number of Black students drops by about 10 students. The district could theoretically derive a probability for bridging Black/White children based on those relative differences. However, this technique is problematic for a number of reasons.

For example, because of the migration of students and staff in and out of the district from year to year, data from consecutive years will not be directly comparable and the differences in the single race groups will probably not add to exactly 30. Also, people tend to be inconsistent in the way they identify their racial identity. A person who is White/Black this year may have identified as White in the previous year and as Black the year prior to that.

As the flux of populations and reported identities can render this technique unreliable, we do not endorse the use of this approach in districts with unstable or racially heterogeneous populations.

### ***Primary Race: An Alternative to Bridging?***

A potentially useful avenue to pursue that could either eliminate the need to bridge or at least limit the scope of the bridging that is required, is to collect an additional data item from students and staff during the bridge period, called "primary race/ethnicity." Like the NHIS has done for more than a decade, and similar to what the state of Kansas has

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<sup>14</sup> National Health Interview Survey

done since the 2005-06 school year, education agencies might consider including an additional question on race and ethnicity, which asks multirace respondents to select one race with which they most identify or how their community most commonly recognizes them. The options for this question should be the race and ethnicity categories under the 1977 standards. For trend analyses, states can simply use this primary race, thus avoiding the need to use a bridging methodology. Instead of estimating how the multirace individuals in a population would have identified themselves if limited to the single-race system, this primary race question would ask them directly.

The main problem with this approach is the issue of nonresponse. For those multirace individuals who select a primary race, the need to bridge is averted. However, since this item can not be required by the state, some multirace individuals may refuse to designate a primary race. For this portion of the multirace population, however small, bridging will still be necessary. However, with smaller numbers of respondents needing to be bridged, any distortions that result from the bridging method used will be limited. Additionally, the information on preferred primary race assignment that is obtained from the multirace individuals who do respond could be utilized as locally specific bridging probabilities that could be used to bridge the nonrespondents.

### **Conclusion**

In the search for a bridging methodology, states must consider a number of factors. The characteristics of local populations as well as the capabilities of school district staff and data systems should all be weighed in the choice of a bridging technique. Additionally, the merits and characteristics of the individual bridging methodologies must be considered. States may frame their assessment of these methodologies with a focus on the balance between ease of use and implementation and the quality of the bridging estimate. In addition to deliberating on these questions, states may also opt for an empirical approach, trying out a number of the methods discussed in this report with data collected under the 1997 standards and comparing the resulting estimates to prior years' data. Assuming that local race and ethnicity distributions will not change very much from one year to the next, good matches between the racial and ethnic distributions created in the bridge estimates and those of the previous year's population may indicate good bridging and, thus, inform a decision on which method to use.

While the number of multirace individuals in a local population is likely to be small, considering the national rate was only 2.4 percent as of 2000<sup>15</sup>, it will tend to be higher among students than teachers, and among younger than older student cohorts. When the number of multirace individuals is small, the distortions created by bridging may be minimal. However, the percentage of the population that reports itself as multiple-race varies considerably from state to state and from county to county. Moreover, some multiple-race groups are more prevalent in some areas than in others, members of some multiple-race groups are more likely to report multiple races than members of other multiple-race groups, and members of some multiple-race groups are more likely to identify most closely with the majority race than others are. States with a large number of multirace students and staff may be more affected by their choice of methodology, and therefore may be more inclined to spend more resources to pursue a more involved method such as NHIS Fractions or NHIS Regression to get a potentially more accurate estimate. In both cases, states may consider collecting "primary race" data as a way of limiting the size of the multirace population that will need to be bridged.

Though bridging is necessary for only a small portion of the population and will only be needed for a few years at most, the decision to bridge and, thereafter, of which method to use can have a great impact on a state's student and staff data. To ensure that the data are of the highest quality possible, great care should be taken in crossing this bridge.

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<sup>15</sup> United States Census Bureau (2000)



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