



Education Enterprise Steering Committee

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*A partnership between the Governor's Office, ODE, OUS, K12 and OAESD*

# New Federal Race and Ethnicity Reporting Assistance Manual

February 2010

## Acknowledgements

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With assistance from

Lane Education Service District  
Oregon Department of Education  
Coalition of Oregon School Administrators  
Oregon School Employees Association

## Purpose of this Assistance Manual

This manual has been created to assist school districts and administrators in implementing the new method required by the federal government for collecting and reporting race and ethnicity information. There are various components of this new requirement that may be viewed as controversial. It is not the intent for this document or any professional development from anyone who participated in producing this document, to speak to underlying issues or have the ability to change any part of the federal mandate. This manual was created only to help districts with implementation of this new requirement. It is our hope that this resource is useful to your district.

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## Background

In 1997, the Office of Management and Budget (OMB) published new standards for Federal agencies on the collection of racial and ethnic data.

Since that time, the US Department of Education (USED) 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 USED 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 USED 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 USED (72 Fed. Reg. 59266 (Oct. 19, 2007)), at <http://www.ed.gov/legislation/FedRegister/other/2007-4/101907c.html>, the USED addresses how it will require racial and ethnic data to be collected and reported to the Department under programs administered by the Department.

USED guidance also explains how education institutions and other USED grantees should modify their data collection and reporting systems to respond to the OMB standards.

**In 2008, The National Forum on Education Statistics, Race/Ethnicity Data Implementation Task Force published *Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity* (<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2008802>)**

**This report is full of helpful information; please refer to it for further information beyond what this Assistance Manual can provide.**

### What does this mean for districts?

- Civil Rights Enforcement - 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.
- Accurate and Equitable District Allocation of District Resources - Collecting and reporting racial and ethnic data using these new 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.
- Program Alignment based on Demographic Data - Program and curricular cultural alignments/misalignments are more easily identified with accurate demographic data.
- Consistent & Comparable Data -Offering all individuals the opportunity to re-identify under the new guidelines will help create more consistent and comparable data, including the demographic ratio between staff and students. It is critical that the changes be effectively communicated to all staff and students/families for the best outcomes.
- Insight into Student, Staff & Family Concerns - Some of your students, staff and families will have significant concerns or confusion regarding these changes; the manner in which districts and individuals respond to these concerns is important. Please read over this entire document to be prepared.
- Opportunity to Build Relationships - Significant opportunity for staff to acquire important new skills and to engage parents and students through developing relationships.
- Impact on Federal Fund Allocation - Race and ethnicity data have always been collected and reported to the USED. Federal education funds are allocated through data reported to USED.

## New Federal Requirements

*The following components are the basic requirements of the new federal guidelines. This is not a data collection form, it only explains the basic requirements that the federal government has mandated.*

### Two-Part Question

ALL students/parents and staffs are required to answer the following two-part question:

#### Part 1 - Question on Ethnicity

The first part should consist of a question about the respondent's ethnicity, specifically whether the student is Hispanic/Latino or not:

Question Example:

Are you Latino or Hispanic    Yes\_\_\_\_\_    No\_\_\_\_\_

#### Part 2 - Question on Race

The second part should ask the respondent to select one or more races .

An example:

Please select one or more of the following races:

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

#### Action Required

*The old standard questions on your registration forms need to be replaced with the two questions above in the same order. Explanatory language is allowed.*

*You will also need to create a form with the above questions to collect data from each of your staff members.*

# New Race & Ethnicity Guidelines

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## New Federal Requirements (*continued*)

### Self-Identification Preferred

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 practical or feasible or the respondent has been provided adequate opportunity to self-identify, but still leaves the item/s blank or refuses to self-identify, observer identification should be used. Observer identification procedures or process will be explained later in this document.

To better assure parents, students and staff understand and feel comfortable with the questions additional assistance is recommended. This assistance should include:

- A staff letter explaining the new requirement - Distributing this letter and collecting the information may be accomplished through various methods depending on district size. Letters and forms can be mailed, or distributed and explained at district/regional in-services or at school staff meetings.
- Professional Development for staff appropriate to their level of responsibility and contact that fully explains what they need to know both for themselves and to support self-identification by students/families.
- Prepared materials for reference and distribution by staff as appropriate to support self-identification by students/families.
- A parent letter explaining the new requirement. This letter should be sent home prior to registration. In your letter please name someone knowledgeable about the new law as a district contact person.
- Knowledgeable Staff - A person/s at each registration point who is knowledgeable about the new requirement and is able to explain the process in a user friendly manner and have printed information available to assist with the explanation.
- Information in other languages - If you are a district with any population of students/families whose primary language is other than English, you will want to provide the families with an opportunity to learn about the change in their primary language. Included is a video with a user friendly explanation in Spanish. You may choose to show this at a parent meeting or have a station set up at registration for individual viewing.

If you have need for other languages, a transcript of the video is included with the video to assist with translation.

## New Federal Requirements *(continued)*

### Observer Identification Requirement

When self-identification is not possible or is refused “observer identification” should be used. This observer identification should be used for students and staff.

The USED 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 by USED to having no data at all.

Students, parents and staff who are reluctant to self-identify should be informed that observer identification is required by federal law and will be used.

The USED highly encourages that only school administrators be used as Observer Identifiers. In consultation with the Oregon School Employees Association, the Coalition of Oregon School Administrators and the Oregon Department of Education, it is recommended that only licensed administrators be appointed and trained as Observer Identifiers. Please refer to Appendix E for federal suggested guidelines for conducting observer identification.

### Re-Inventory Strongly Encouraged

Districts are strongly encouraged to re-inventory their racial and ethnic data in 2010-2011.

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

A process for re-identification allows:

- On a personal level, it will minimize concerns that specific groups or individuals are being targeted.
- On an institutional level, it promotes data consistency and comparability within schools, districts, and states.

#### Action Required

*Your district should embed the new standard questions within your registration materials; this will allow most of the student data to be captured with proper preparation. This document will provide you with the information and tools you need to be*

### New Federal Requirements (*continued*)

#### Record Retention Requirement

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.

Oregon Department of Education is working to assure that all Data Warehouses are able to accommodate the new standards. All data must be retained for at least 3 years.

### Critical Considerations for Districts

- Implementation by 2010-2011 - USED/ODE requirement is that the new methodology for collecting and reporting both Staff and Student data must be implemented beginning no later than school year 2010-2011.
- Outreach to Families, Staff & Communities - Significant outreach to families, staff and communities about the changes must be undertaken for best results. Best results= accurate data, least question/concerns, least changes to demographic data, relational trust built.
- Re-Survey of Staff in Spring 2010 - It is recommended that districts re-survey staff first in the Spring of 2010 as a test and to avoid the additional burden in the Fall. Additionally this will prepare staff to effectively communicate these changes to students and families.
- Observer ID Required - Observer ID is required for *both* students and staff who choose not to self-identify.
- Observer Identifier Selection & Training - USED, the Oregon School Employees Association, the Coalition of Oregon School Administrators and ODE strongly recommend that a single administrator in each building be designated and trained as the Observer Identifier. It is recommended that no other staff engage in any type of Observer Identification although they may have information that will assist the Observer Identifier and should communicate that information effectively. Thorough guidelines and training should be provided to all staff on this issue.
- Prepare Staff to Assist Students - All staff should be prepared and encouraged to help students, families and individuals understand the guidelines including the choices and their outcomes in reporting. Staff should be prepared to explain that Observer Identification is required in the event that self-identification is withheld, and to refer further concerns to the designated Observer Identifier in their building. Staff should receive training appropriate to their level of contact and responsibility.
- ALL Students and Staff Must Answer Two-Part Question - ALL individuals: staff and students, must answer both parts of the two-part question in order for their record to be complete. Districts will not receive funding of any kind for incomplete records.

## New Race & Ethnicity Guidelines

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### Critical Considerations for Districts (*continued*)

- Student Information System Capabilities - If respondents choose more than one race, how does your data system handle queries by demographic? Will these students/staff potentially be counted twice in queries for different demographic categories? How can you prevent this yet still run reports that accurately reflect the diversity of your district? If you have incomplete records, how will you know? Test student information systems by the end of the 2009-10 school year.
- Potential Title VII Conflict - The new two (2) part format changes the way Latino individuals are reported, and allows them to identify as Latino for reporting, but still requires them to indicate one or more races.

As a result of this change many Latinos will correctly identify as Native American under the new guidelines. This may result in referrals of non-eligible indigenous tribal members from tribal nations not recognized by the U.S. under guidelines of the Title VII Indian Education program into these programs. If all respondents to the Native American category are referred to Title VII programs via the student information system, districts will need to confirm students' tribal affiliation.

- Districts Can Collect More Information - Depending on the current and projected demographics of your district USED recommends that districts collect *more* than the required reporting information. Specifically this means more detailed race info depending on demographic variance.

Any additional district-specific categories would be sub-groups of the federal reporting categories. For example, the federal category is Asian but the district may want to collect more information, such as Vietnamese, or Japanese, for more detailed disaggregate capacity. This is especially important to districts with significant diverse enrollment either currently or expected. The intent is to still report individuals as a single identity/race to ODE/USED as appropriate, but to maintain district level data on sub-groups within federal categories.