Collecting and Reporting Racial and Ethnic Data

Instructions and Guidance on the Federal Guidelines effective December 3, 2007

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Maryland State Department of Education

Division of Accountability and Assessment
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INTRODUCTION

The U.S. Department of Education issued Final Guidance on October 19, 2007 requiring state education departments to implement modifications to the standards and aggregation categories for collecting information on race and ethnicity. The 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). The Final Guidance gives states three years before compliance is mandatory for the 2010-2011 school year.

The 1997 Standards are a result of four years of extensive review by OMB. Since the 1990 census, the standards have come under increasing criticism from those who argue that the minimum categories previously used do not reflect the Nation's increasing diversity due to immigration and interracial marriages.

The 1997 Standards create 5 minimum categories for race and 2 categories for data on ethnicity. The most notable changes are:

(1) The use of a two part question on race *and* ethnicity
(2) The separation of the Asian or Pacific Islander into 2 categories – "Asian" and "Native Hawaiian or Other Pacific Islander"
(3) The term "Hispanic" changed to "Hispanic or Latino"

This publication, Collecting and Reporting Racial and Ethnic Data, contains definitions of the new racial categories, strategies for implementation of the guidelines and implications related to the change.

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SUMMARY OF GUIDANCE

All guidelines outlined in this document have been adapted from the U.S. Department of Education guidelines in the Federal Register (71 FR 44866-44871 and 72 FR 59266-59279).

Copies of the Federal Register can be found at the following site:

http://www.gpoaccess.gov/fr/index.html

The Office of Management and Budget's 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity can be found in the Federal Register (62 FR 58781-58790) at the following site:

http://www.whitehouse.gov/omb/fedreg/1997standards.html

COLLECTION OF INDIVIDUAL DATA

IMPLEMENTATION OF THE TWO QUESTION FORMAT

Educational institutions and other recipients will be required to collect data on race and ethnicity using a two question format.

> **PART 1** – Are you Hispanic/Latino? Yes or No

> **PART 2** – Select one or more races from the 5 racial groups listed below:

> > American Indian or Alaska Native

> > Asian

> > Black or African American

> > Native Hawaiian or Other Pacific Islander

> > White

SELF IDENTIFICATION

Educational institutions and other recipients should allow students, parents, and staff to ''self-identify'' race and ethnicity. If adequate opportunity to self-identify has been provided and respondents still do not answer, observer identification will be used as a last resort. In this case, someone from the school district will provide the information on behalf of the parent, student or staff. (72 FR 59268 Part II.C; 71 FR 44868 Part IV.A.3)

RE-IDENTIFICATION

The U.S. Department of Education encourages educational institutions and other recipients to allow all students and staff the opportunity to re-identify their race and ethnicity. While individuals are *not* required to self-identify, educational institutions are required to use the new ethnic and racial guidelines. (72 FR 59268 Part II.B)

REPORTING AGGREGATED DATA

The collection of individual data involves gathering information from individuals. The reporting of data requires the aggregation of individual data. The rules for reporting aggregated data to MSDE and the U.S. Department of Education are outlined below.

Aggregated data on race and ethnicity will be aggregated by MSDE and reported to the U.S. Department of Education in seven (7) 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, and
- Two or more races.

The following examples will help clarify how individuals will be reported under the aggregated categories.

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. This process will produce unduplicated counts of all persons in the educational system.

(72 FR 59267 Part I.B)

AYP IMPLICATIONS

There are two major AYP implications relating to the change in Racial and Ethnic guidelines:

- AYP subgroups will change. Students now coded in one subgroup may be moved to another.

- MSDE will need two years of data for each subgroup to apply safe harbor for AYP calculations in 2011.

IMPLEMENTATION DEADLINE

MSDE is requiring local school systems to collect data using both the existing race codes and the new race codes for the 2009-2010 school year. This requirement is one year prior to the federal deadline for implementation. Because MSDE would prefer not to have a break in the use of Safe Harbor in 2011, local school systems are required continue to collect data using both the existing race codes and the new race codes for the 2009-2010 school year. The availability of the data in 2009-2010 will help in 2 ways:

- Analyze Adequate Yearly Progress (AYP) results using the 'new' racial category subgroups.

- Determine which racial subgroups are appropriate for AYP reporting.

- Allow schools to benefit by the safe harbor calculation to be applied for the implementation year of 2011 by having the data for 2010.

USE OF STANDARDS FOR RECORD KEEPING AND REPORTING

These standards shall be used for all MSDE sponsored statistical data collections that include data on race and/or ethnicity. These standards shall be used for both student and staff data collections. These collections include, but are not limited to:

- Student Record Cards
- September 30 Enrollment Counts
- Maryland School Assessments
- Maryland High School Assessments
- Attendance Collections
- SSIS
- Student Suspensions/Firearms
- Career and Technology Reporting
- Staff Reporting
- Maryland State Report Card Website (www.mdreportcard.org)

DEFINITIONS FOR REVISED ETHNICITY AND RACE CATEGORIES

ETHNICITY

Hispanic or Latino

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 or Latino.''

RACE

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.

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.

(72 FR 44867)

APPLYING THE NEW ETHNIC AND RACIAL STANDARDS

ALL file formats that are required by MSDE will be modified to implement the new ethnic and racial guidelines. This change will begin with the September 30, 2009 enrollment data collection and continue through the 2009-2010 school year. The changes to the racial and ethnic data will be available in all MSDE data collection manuals distributed beginning with the 2010 school year.

ETHNICITY CODING STRATEGY

The data field for ethnicity in all file formats will include a 1 position character field to identify the respondent's ethnicity. If the staff member or student has been identified as Hispanic or Latino then the record will contain a "Y" in this position. All non-Hispanic students, staff and other individuals will be reported as "N".

RACIAL CODING STRATEGY

Each file format will include a 5 position data field to identify one or more races for each respondent. All records must contain a racial identification. Each race will assume one position of this field. The coding strategy for the racial identifications is:

> 1 = American Indian/Alaska Native
> 2 = Asian
> 3 = Black or African American
> 4 = Native Hawaiian or Other Pacific Islander
> 5 = White

The position that identifies the respondent's race will be indicated with the appropriate race code. All other positions will be reported as "0". More than one position may contain a race code. Examples of this coding strategy are listed below as well as all possible combinations of racial and ethnic classifications.

Respondents are encouraged to answer both the Ethnicity and Race questions. While a respondent can be reported as Hispanic/Latino and no race (Y00000) or Non-Hispanic/Latino and no race (N00000), respondents are encouraged to answer both questions.

The most frequent cases of an individual not reporting a race occur for individuals who identify themselves as Hispanic/Latino. The two-part question results in more complete reporting of Hispanic/Latino ethnicity and helps to ensure data accuracy. While these individuals will be reported in the Hispanic/Latino of any race category for aggregated data, it may become necessary to know the race of these individuals. (72 FR 59270 Part III.A)

EXAMPLES OF THE ETHNIC AND RACIAL CODING STRATEGIES

Respondent's Ethnicity and Race	*Reported as:*
A. Student identified as non-Hispanic and Asian	N02000
B. Hispanic student identified as Black	Y00300
C. Non-Hispanic teacher with multiple race of Asian, Pacific Islander, White	N02045

Example	*Race and Ethnicity*					
	Hispanic Ethnicity	*American Indian/ Alaskan Native*	*Asian*	*Black or African American*	*Native Hawaiian/ Pacific Islander*	*White*
A	N	0	2	0	0	0
B	Y	0	0	3	0	0
C	N	0	2	0	4	5

RE-IDENTIFICATION

In order to convert the current race codes to the revised codes, all students, staff and other individuals in Maryland public school systems should be given the opportunity to modify their racial classification. Everyone must have the opportunity to update their ethnicity and race under the new coding strategy.

RE-SURVEYING INDIVIDUALS

This process shall be completed by procedures developed in each Local Educational Agency (LEA) but must be implemented no later than the first day of school in the 2009-2010 school year. This document contains a standard template (Appendix A) for use by LEAs in re-surveying their staff and student populations.

School systems are expected to begin collecting race and ethnic data for all new and transferring entrants, both students and staff, for the 2009-2010 school year. This will result in LEAs maintaining two separate race and ethnic data items for each person in their data system.

OBSERVER IDENTIFICATION

The use of observer identification to identify students will be used as a last resort only after all of the following conditions have been met. (72 FR 59268)

- Individuals have been provided with adequate opportunity to re-identify under the new standards.
- The respondent has refused to re-identify and provides documentation of refusal.
- Respondents are informed that if they fail to provide the requested ethnic and racial information someone from the school district will provide it on their behalf.

COMBINATIONS OF RACE/ETHNICITY CLASSIFICATIONS

RACE	ETHNICITY									
	Y					N				
	Hispanic					Not Hispanic				
	1 American Indian/ Alaska Native	**2** Asian	**3** Black or African American	**4** Native Hawaiian or Other Pacific Islander	**5** White	**1** American Indian/ Alaska Native	**2** Asian	**3** Black or African American	**4** Native Hawaiian or Other Pacific Islander	**5** White
1 American Indian/Alaska Native	1	1-2	1-3 1-2-3	1-4 1-2-3-4 1-2-4 1-3-4	1-5 1-2-3-4-5 1-2-3-5 1-2-4-5 1-3-4-5 1-2-5 1-3-5 1-4-5	1	1-2	1-3 1-2-3	1-4 1-2-3-4 1-2-4 1-3-4	1-5 1-2-3-4-5 1-2-3-5 1-2-4-5 1-3-4-5 1-2-5 1-3-5 1-4-5
2 Asian		2	2-3	2-4 2-3-4	2-5 2-3-4-5 2-3-5 2-4-5		2	2-3	2-4 2-3-4	2-5 2-3-4-5 2-3-5 2-4-5
3 Black or African American			3	3-4	3-5 3-4-5			3	3-4	3-5 3-4-5
4 Native Hawaiian/ Other Pacific Islander				4	4-5				4	4-5
5 White					5					5

FILE FORMATS FOR MSDE COLLECTIONS

All file formats currently in use by MSDE will be altered to reflect the changes in the collection of race and ethnicity prior to the 2009-2010 school year.

ADDITIONAL RESOURCES

Copies of the Federal Register can be found at the following site:

> http://www.ed.gov/news/fedregister

The U.S. Department of Education's website is:

> http://www.ed.gov

APPENDIX A

Draft templates of the following documents can be found in Appendix A. These documents are for use by LEAs to re-survey populations affected by the race and ethnicity changes. Templates of these forms in Microsoft Word (.doc or .docx) format can be obtained by contacting Laia Block at LBlock@msde.state.md.us.

> RACE AND ETHNICITY IDENTIFICATION FORM

> RACE AND ETHNICITY INFORMATION SHEET

Race and Ethnicity Identification Form

To Parents/Guardians/Students and Staff:
Under federal and State law the racial and ethnic classifications used to describe staff and students in public schools in Maryland have been modified. Please update the information currently on file in the school by completing and returning this form to your school by **September 1, 2009.** If this form is not returned by the above date, the current information will be converted to the new classifications as described in the Ethnic and Racial classifications below.

Student Identification Information
This area may be used for placing a label with identifying information for LEA/school use.

DIRECTIONS: Part 1

Read the definition below and place an "X" in the box that indicates the respondent's heritage.
If this form is NOT returned the ethnicity will be coded as NO, Not Hispanic or Latino.

Hispanic or Latino
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 or Latino.''

PART 1:	**Are you Hispanic or Latino?** CHECK ONE
	☐ Yes
	☐ No

DIRECTIONS: Part 2

Using the descriptions below, place an "X" in the box or boxes that indicate the respondent's race.
<u>You must select at least one race</u>, regardless of Hispanic ethnicity.
More than one response can be selected.
If this form is **NOT** returned, the respondent's race will be identified by someone from the school district.

PART 2:		**Check one or more races:**	
	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.

I verify the information on this form is accurate.	_____ _____ Student, Parent or Guardian Signature Date
As the Student, Parent or Guardian of the individual listed on this form, I refuse to re-identify my race and ethnicity.	_____ _____ Signature Date
I am the observer who identified the individual listed on this form.	_____ _____ Signature and Title Date

Race and Ethnicity Information Sheet

Who needs to review the race and ethnicity information?

All students currently enrolled in any Maryland Public School.

Why are we asking you to revise your race and ethnicity information?

The U.S. Department of Education issued Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education on October 19, 2007. This guidance requires state education departments to implement the new race/ethnicity strategies that were previously passed into law as of October 30, 1997.

Maryland Public schools are allowing you to re-identify your/your student's ethnicity and race in accordance with the Federal Law.

What if the current information does not have to be changed?

Because the race and ethnic codes have changed significantly, everyone must update their information.

How do you change your information?

Please update the information currently on file in the school by completing and returning this form to your school by **September 1, 2009.**

What if I refuse?

If you refuse to re-identify someone from the school district will provide it on your behalf.
If you refuse to re-identify please sign the statement on the attached form indicating your refusal.