To: District Superintendents
              School District Superintendents
              Charter School Principals
              Nonpublic School Principals

From: Alan Ray

Date: November 10, 2009

Subject: Guidance on the collection and reporting of race/ethnicity data for individual students

This memorandum provides important information on changes in the federal requirements for reporting racial and ethnic data for students. This guidance directly addresses three sets of issues:

(1) How schools and school districts will collect and maintain racial and ethnic data from students;

(2) How racial and ethnic data will be aggregated in State and federal reporting; 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 guidance provides information regarding the implementation schedule for these changes.

Please share this memorandum with other staff in your district that need this information and keep it for future reference.

Background

Since 1977, the federal Education Department, along with the other federal agencies, has been collecting aggregated student data on race and ethnicity for five categories (American Indian or Alaskan Native, Asian and Pacific Islander, Black or African American, Hispanic, and White).

In 1997, the federal Office of Management and Budget published new revised standards for the collection of data on race and ethnicity. In accordance with these standards, the U. S. Department of Education published final guidance in the Federal Register (http://www.ed.gov/legislation/FedRegister/other/2007-4/101907c.html) on October 19, 2007 (72 Fed. Reg. 59267) on the collection and reporting of racial and ethnic data by educational institutions and other grantees.

Schools and districts <u>will be required to collect racial and ethnic data using a two-part question</u>. 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 "multi-racial" or similar category for "two or more races".

The process for reporting the data collected is different than the process for the collection of data from individuals. When reporting data, NYSED will report aggregated racial and ethnic data in the following seven categories:

(1) 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.

In accordance with the federal guidelines, this system will ensure that no student will be reported in more than one category. Schools and districts will collect both racial and ethnic data for individual students using the two-part question. When reporting aggregate student data, individuals who are identified as being Hispanic/Latino will be reported in the Hispanic/Latino category, 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 are identified as having Hispanic/Latino ethnicity and who also have provided racial information in response to the second question about race.

Policy

Timing. Implementation of the reporting requirements will apply to data collected and reported for the 2010-2011 school year.

These standards apply to data reported for any student through the State Information Repository System (SIRS). However, any student systems within your school or district that contain racial or ethnic identifiers should be updated to reflect the new guidelines for the 2010-2011 school year.

Reporting Requirements for 2009-10. Districts and Schools will continue to use the existing reporting requirements for collecting and reporting race/ethnicity data for students. This data will continue to be collected through the BEDS online system, as well as through SIRS in 2009-10.

Reporting Requirements for 2010-2011. Districts and schools will begin to report using the new federal requirements for collecting and reporting race/ethnicity data for students.

Recanvassing. Districts and schools are strongly encouraged to recanvass the entire student population and offer parents and/or students the opportunity to select student race and ethnicity identifiers using the 2000 CENSUS guidelines. However, the New York State Education Department will not require schools and

districts to recanvass their student populations. Please note that changes in racial and ethnic categories may impact accountability subgroups.

Local Data Systems. The key to successful participation in the statewide data system is a district student management system that contains accurate and complete data for State reporting and subscribes to the appropriate standards for format and content. Districts that accomplish this goal will find that transferring data to the Repository is an efficient process. Districts are strongly advised to appoint a district data coordinator to provide leadership on the collection of data, oversee changes in and maintenance of the local data management system, and chair a committee of district staff charged with ensuring the accuracy of data. This individual should have the authority to assign tasks and deadlines, as required.

What Your School District or Charter School Needs to Do

1. Make sure that your student management system is capable of storing the data collected under the new guidelines.

2. Decide whether to recanvass the entire student body or to apply the new guidelines to new students as they enter the district or school.

3. Once the new data collection guidance has been implemented, multiracial will no longer be a reporting category. If your school or district is required to report a student who was previously reported as multiracial, the student's information will need to be updated using the new guidelines.

4. Once the new data collection guidance has been implemented, students who are Hispanic/Latino will also need to have a race reported. If your school or district is required to report a student who was previously reported as Hispanic/Latino, the student's information will need to be updated using the new guidelines.

5. Create a questionnaire that uses the two question format. A sample form is included in this memo.

6. Create processes to implement the use of the new questionnaire.

7. Train staff on the new processes.

8. Implement the processes.

I thank you for your continued support as we implement this change to our data collection and reporting system. If you have any questions, please contact the office of Information and Reporting Services at (518) 474-7965 or via email at studentdata@mail.nysed.gov.

Attachments

cc: Regional Information Center Directors
        Big 5 Data Coordinators
        Data Warehouse Project Managers

<u>**Appendix A:**</u>
Additional guidance on the collection and reporting of race/ethnicity data for individual students

1. **A two-part question must be used to collect data about students' 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 locally, but they must be subcategories of these groups.

2. **Whenever possible, students 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. In this case a student records officer from the school or district will be required to identify the group to which the student appears to belong, identifies with, or is regarded in the community as belonging.

3. **States and districts are strongly encouraged to re-inventory their racial and ethnic data.**
   Though not mandated by this guidance, schools and districts are strongly encouraged to allow current students to re-identify their race and ethnicity using the new 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.**
   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 must be reported in the following seven categories:**
   ▪ Hispanic/Latino of any race
   ▪ 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 to the Equal Employment Opportunity Commission (EEOC).**

Implications of Multiple-Race Responses for NCLB 2001
   The introduction of multiple-race aggregation has implications under Title I of the Elementary and Secondary Education Act of 1965, as Amended (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.

A Comparison of Existing and New
Race and Ethnicity Data Reporting Standards

Beginning with the 2010-11 school year, 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 and new standards.

Existing New York State Education Department Reporting Standards	New Federal Reporting Standards
Race and Ethnicity Categories	
American Indian or Alaska Native	Same (American Indian or Alaska Native)
Asian	Same (Asian)
Native Hawaiian or Other Pacific Islander	Same (Native Hawaiian or Other Pacific Islander)
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)
Multiracial	Not available
Individual Data Collection Format	
Respondents select one of the seven 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.)
Race/ Ethnicity (Choose one): • American Indian or Alaskan Native • Asian • Native Hawaiian or Other Pacific Islander • Black • White • Hispanic origin • Multiracial	A two-part question is mandatory, with the ethnicity part asked first. **Ethnicity (Choose one):** • Hispanic/Latino • Not Hispanic/Latino **Race (Choose one or more, regardless of Ethnicity):** • American Indian or Alaska Native • Asian • Native Hawaiian or Other Pacific Islander • Black or African American • White
Reporting Categories	
Each student is associated with one of the six aggregate reporting categories. (The Asian and Native Hawaiian or Other Pacific Islander data collection categories are combined to form the Asian or Pacific Islander reporting category) : • American Indian or Alaskan Native • Asian or Pacific Islander • Black, not of Hispanic origin • Hispanic • White, not of Hispanic origin • Multiracial	Each student is associated with exactly one of the seven aggregate reporting categories: • Hispanic/Latino of any race • American Indian or Alaska Native • Asian • Black or African American • Native Hawaiian or Other Pacific Islander • White • Two or more races
Dealing with Missing Information	
Individuals (or parents of students) are asked to self-identify. Observer identification is required if individuals decline to choose a race/ethnicity.	Unchanged.
Recordkeeping	
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.