

APPENDIX F

New Federal Requirements for Ethnicity and Race Data Collection and Reporting

In October 2007, the United States Department of Education (USDE) issued their final guidance to educational institutions on the adoption of new federal standards for collecting and reporting ethnicity and race data for students and staff. A copy of the final guidance published in the Federal Register can be found at <http://www.ed.gov/legislation/FedRegister/other/2007-4/101907c.pdf>. This new reporting standard was used during the 2000 Census.

The Texas Education Agency (TEA) is implementing the new federal standard for the collection of ethnicity and race information beginning with data collected in the 2009 – 2010 school year.

In addition, for the 2009 – 2010 school year only, PEIMS will collect this information using both the old (1977), and the new (1997) federal reporting standards. This will enable the agency to link the data collected under the two different systems across multiple years.

Summary of Changes

1. The USDE requires that ethnicity and race be collected separately using a specific two-part question, presented in a specific order. Both parts of the question must be answered.

Part 1. Ethnicity: Is the person Hispanic/Latino? Choose only one.

- Hispanic/Latino
- Not Hispanic/Latino

Part 2. Race: What is the person's race? Choose one or more regardless of ethnicity.

- a. American Indian or Alaska Native
- b. Asian
- c. Black or African American
- d. Native Hawaiian/Other Pacific Islander
- e. White

2. Respondents may select only one category for ethnicity, but may select multiple designations for race.
3. The categories for ethnicity are "Hispanic/Latino" and "Not Hispanic/Latino". Regardless of the category selected for ethnicity, respondents must still select one or more categories for race.
4. 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.
5. An additional category for race was created by separating "Asian or Pacific Islander" into two separate categories. The categories for race include "American Indian or Alaska Native", "Asian", "Black or African American", "Native Hawaiian or Other Pacific Islander", and "White". Note that Hispanic/Latino is not a racial category.
6. The categories to be used when reporting aggregate data to the USDE differ from the categories to be used for data collection. Each student or staff member is associated with only

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one of the seven aggregate reporting categories listed below. Use of these seven categories for aggregate reporting eliminates the possibility of counting an individual twice.

- Hispanic/Latino
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or More Races

Respondents who select “Hispanic/Latino” for ethnicity will be counted in this category for aggregate reporting to the USDE, regardless of the responses provided to the question on race.

Respondents who select “Not Hispanic/Latino” for ethnicity, and select more than one category for race, will be counted in the category “Two or More Races” for aggregate reporting to the USDE.

Respondents, who select “Not Hispanic/Latino” for ethnicity, and select only one category for race, will be counted in the single racial category for aggregate reporting to the USDE.

7. Educational institutions must retain all original, individual responses for a minimum of 3 years, unless there is litigation, a claim, an audit, investigation or other action involving the records that has commenced before the three-year period ends, in which case the responses must be retained until the action is complete.

Collecting the Information

Self identification by an individual staff member, or by the parent or guardian in the case of a student, is the preferred method for collecting information on ethnicity and race. The most important guidance for self identification is that the information should be based solely on the choice of the respondent as to the racial and ethnic groups with which they personally identify. In the event that there appears to be a question as to which ethnic or racial category is most appropriate, the respondent should select the category with which they personally identify. Any attempt to validate the individual's selections should be avoided.

The Texas education Agency has requested and received additional clarification from the USDE on the definition of American Indian or Alaska Native. Based on the information we have received, an individual does not have to be a tribal member in order to select this option.

To ensure uniformity, TEA has developed a standard form for use by all districts in collecting ethnicity and race information. Please see Exhibit 1.

For Students

All families must be given an opportunity to re-identify ethnicity and race information for their school aged children. The district should request that a student's parent or guardian identify the student's ethnicity and race. However, the parent or guardian is not required to provide this information; nor is it a requirement for enrolling the student. If the parent or guardian declines to provide the information, the USDE requires that the school district employ observer identification as a last resort to gather this information for federal reporting.

For Staff

All staff persons must be given an opportunity to re-identify their ethnicity and race information. The district should request that individuals self-identify their own ethnicity and race. If a person declines to provide the information, the district is required to employ observer identification as a last resort to gather this information.

Sample Notification Letters to Parents/Guardians and Staff Members

It is recommended that school districts send out a notification to the parents and guardians of students enrolled in the district, and to district staff to prepare them for the reporting changes to be implemented in the 2009 – 2010 school year. Sample letters are provided in Exhibit 2 and Exhibit 3 that districts may use as a template to craft a letter of notification.

Comparison of Existing and New USDE Ethnicity and Race Reporting Standards

As of December 2007, state and local education organizations are required to adopt the new federal standard for collecting race and ethnicity data for students and staff. Below is a comparison of existing and new standards.

Existing Federal Standards (1977)	New Federal Standards (1997)
Race and Ethnicity Categories	
American Indian or Alaska Native	Same (American Indian or Alaska Native)
Asian or Pacific Islander	Separate into 2 categories <ul style="list-style-type: none"> • Asian • Native Hawaiian or Other Pacific Islander
Black or African American	Same (Black or African American)
Hispanic/Latino	Same except that individuals are now asked to choose an ethnicity (Hispanic/Latino or Not Hispanic/Latino) as the first part of a 2 part question, as well as race(s).
White	Same (White)
Individual Data Collection Format	
Respondents are asked to select 1 of the 5 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 or ethnic origins.	Respondents are asked to select both an ethnicity and 1 or more of the above 5 racial categories. (Hispanic/Latino is considered an ethnicity, not a race category.)
Combined Race and Ethnicity (Choose one) <ul style="list-style-type: none"> • Hispanic/Latino • American Indian or Alaska Native • Asian or Pacific Islander • Black or African American • White 	A 2 part question is mandatory, with the ethnicity part asked first. Ethnicity (Choose one): <ul style="list-style-type: none"> • Hispanic/Latino • Not Hispanic/Latino Race (Choose 1 or more, regardless of ethnicity) <ul style="list-style-type: none"> • American Indian or Alaska Native • Asian • Native Hawaiian or Other Pacific Islander • Black or African American • White
Minimum Federal Reporting Categories	
Each student or staff member is associated with 1 of 5 aggregate reporting categories <ul style="list-style-type: none"> • Hispanic/Latino • American Indian or Alaska Native • Asian or Pacific Islander • Black or African American • White 	Each student or staff member is associated with exactly 1 of the 7 aggregate reporting categories. <ul style="list-style-type: none"> • Hispanic/Latino • American Indian or Alaska Native • Asian • Native Hawaiian or Other Pacific Islander • Black or African American • White • Two or more races
Missing Information	
Individuals (or students' parents) are asked to self identify themselves. Observer identification is required if individuals decline to choose a race/ethnicity.	Unchanged
Record Keeping	
Three years. However, if 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

Exhibit 1

**Texas Education Agency
Texas Public School Student/Staff Ethnicity and Race Data Questionnaire**

The United States Department of Education (USDE) requires all state and local education institutions to collect data on ethnicity and race for students and staff. This information is used for state and federal accountability reporting as well as for reporting to the Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC).

School district staff and parents or guardians of students enrolling in school are requested to provide this information. If you decline to provide this information, please be aware that the USDE requires school districts to use observer identification as a last resort for collecting the data for federal reporting.

Please answer both parts of the following questions on the student's or staff member's ethnicity and race. *United States Federal Register (71 FR 44866)*

Part 1. Ethnicity: Is the person Hispanic/Latino? (Choose only one)

- Hispanic/Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- Not Hispanic/Latino**

Part 2. Race: What is the person's 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 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.

Student/Staff Name (please print)

(Parent/Guardian)/(Staff) Signature

Student/Staff Identification Number

Date

Texas Education Agency – March 2009

Exhibit 2

SAMPLE LETTER TO PARENTS

School District Name

Street Address

City, Texas Zip

Month Date, 2009

Dear Parents and Guardians:

I am writing to inform you about new guidelines from the U. S. Department of Education (USDE) regarding the collection of data on race and ethnicity for public school students and staff.

The USDE requires all state and local education institutions to collect information on ethnicity and race for students and staff. This information is used for state and federal accountability reporting, as well as for reporting to the Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC).

The federal government has developed a new standard for collecting and reporting this data in order to provide a more accurate picture of the nation's ethnic and racial diversity. These reporting categories were used in the 2000 Census.

This new standard enables individuals to be identified in both ethnic and racial classifications and in more than one racial category if applicable. In the past, enrollment forms allowed individuals to be identified in only one category.

Beginning with the 2009 – 2010 school year, we will ask the families of newly enrolled students and all returning students to complete a brief form to collect information on the student's ethnicity and race using the new federal standard. For the first year only, this information will be collected using the current standard as well as the new standard. Beginning in 2010 – 2011, this information will be collected using the new reporting categories only.

Enclosed is the standard form required by the Texas Education Agency for collecting this information. Families will be asked to re-identify their students' information at the time of enrollment for the 2009 – 2010 school year.

Respectfully,

XXX

Superintendent of Schools

Exhibit 3

SAMPLE LETTER TO STAFF

***School District
Street Address
City, Texas Zip Code***

Month, Date 2009

Dear Colleagues:

I am writing to inform you about new guidelines from the U. S. Department of Education (USDE) regarding the collection of data on race and ethnicity for public school students and staff.

The USDE requires all state and local education institutions to collect information on ethnicity and race for students and staff. This information is used for state and federal accountability reporting, as well as for reporting to the Office of Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC).

The federal government has developed a new standard for collecting and reporting this data in order to provide a more accurate picture of the nation's ethnic and racial diversity. These reporting categories were used in the 2000 Census.

The new standard enables individuals to be identified in both ethnic and racial classifications and in more than one racial category if applicable. In the past, individuals could only select one category.

Texas schools will adopt the new standard in the 2009 – 2010 school year. As a result, you are being asked to review and update your race and ethnicity information.

Enclosed is the standard form required by the Texas Education Agency for collecting this information. Please complete the enclosed form and return it to your Human Resources office by **[date]**.

If we do not hear back from you, please be aware that the USDE requires the school district to employ observer identification as a last resort for federal 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.

Sincerely,

XXX
Superintendent of Schools

Suggestions for Observer Identification

The USDE 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. In addition to visual observation, the following sources of information are suggested to assist school district staff in conducting “observer identification” if a parent/guardian or staff member declines to provide the requested information.

- Ensure that the parent/guardian or staff member has not overlooked or misunderstood the question.
- Check the student’s or staff member’s prior record to determine whether a racial category was selected in the past.
- Check the student’s birth certificate.
- Check the student’s home language or parents’ language of preference.
- Check with a teacher or counselor who has first hand knowledge of the student or their family.

The following definitions are provided for the ethnic and racial categories:

Ethnic and Race Category	Definition
<i>Hispanic/Latino</i>	A person of Cuban, Mexican, Puerto Rican, South or Central American, other Spanish culture or origin, regardless of race.
<i>American Indian or Alaska Native</i>	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.
<i>Asian</i>	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.
<i>Black or African American</i>	A person having origins in any of the black racial groups of Africa.
<i>Native Hawaiian or Other Pacific Islander</i>	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
<i>White</i>	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Languages

Languages can be an indication of an individual's race and ethnicity. The following are the nine most common languages other than English spoken and their probable "race/ethnicity" designations:

If an individual's native home language is:	He/She is likely:	Therefore...
Chinese	Asian	
Hindi (India)	Asian	
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	

Selecting an Ethnicity

If an individual declines to select an ethnicity, prior school records may indicate whether the student is Hispanic/Latino or not. In addition, the following is a list of Hispanic ancestry groups with which a Hispanic person may identify.

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

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Selecting a Race

The following chart may help in connecting an individual's geographic/national origin with a race, as defined in the USDE Guidance:

If an individual considers him- or herself to be:	...or comes from one of the following countries or regions:	...and assuming single-race, the individual may be identified as:
European American	<p>Northern Europe such as: Britain (Scotland, Ireland, Wales) Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden</p> <p>Western Europe such as: Belgium, France, Holland, Luxembourg,</p> <p>Central Europe such as: Austria, Czech Republic, Germany, Hungary, Poland, Slovakia, Switzerland</p> <p>Eastern Europe such as: Belarus, Bulgaria, Romania, Russia, Ukraine</p> <p>Southern Europe such as: Bosnia, Catalonia, Croatia, Cyprus, Greece, Italy, Macedonia, Malta, Montenegro, Portugal, Serbia, Slovenia, Spain</p> <p>Other such as: Caucasus, Armenia, Georgia, Azerbaijan</p>	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 Lankan, 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, Melanesian, Torres Straits Islander	Australia, New Zealand, Torres Straits Islands	Pacific Islander

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Though not exhaustive, the following is a list of American Indian and Alaska Native tribes or self-descriptions that may assist students or staff in race identification.

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
Hoopa	Hoopa 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 Spokane	Shoshone Indians of Nevada
Paiute-Shoshone	Siletz	Siuslaw	Trinidad	Stockbridge-Munsee
Tohono O'Odham	Tolowa	Tonkawa	Walla-Walla	Tygh
Umatilla	Umpqua	Wailaki	Wichita	Wampanoag
Warm Springs	Wascopum	Washoe	Wiyot	Wind River
Winnebago	Wintun	Wintun-Wailaki	Yokuts	Yakama
Yakama Cowlitz	Yaqui	Yavapai Apache		Yuchi
Yuman	Yurok			

Alaska Native Tribes

Alaska Native	Alaska Indian Tribes	Alaska Indian	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	Suqpiqaq	Unangan Aleut