

Center for Educational Performance and Information

Implementing New Federal Race and Ethnicity Regulations: Frequently Asked Questions

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Definitions of Race and Ethnicity

Q: What are the definitions for race and ethnicity?

A: Race: A distinct human type based on inherited physical characteristics.

Ethnicity: A heritage which is socially distinguishable from other groups that has developed its own subculture which can include nationality, religion and language.

Q: What are the federal race/ethnicity definitions?

A: Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central America or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic/Latino or Latino."

American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America, including Central America.

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.

General Information

Q: When will the change occur?

A: Implementation will be during the 2010-11 school year.

Q: Why did this change occur?

A: The change is occurring to comply with federal education requirements. The federal government is requiring the change in response to the increased diversity within the United States. The change allows individuals to more accurately identify themselves given the increasing diversity in our nation's population.

Q: Will these data be used for discrimination or to impact the immigrant status for students or staff?

A: The data collected will only be used for informational purposes and will not be used against any students or staff.

Q: How will the data be used?

A: The data will be used for the following:

- The Individuals with Disability Education Act requires collection of race and ethnicity data on students with disabilities.
- Required accountability reports collected through the ED Facts data collection system.
- To assist the Office of Civil Rights to assist with enforcement of laws prohibiting discrimination on the basis of race and national origin.
- Used by the U.S. Census Bureau in 2000.
- To ensure that students receive the educational services to which they are entitled.

Data will not be used to:

- Discriminate against anyone
- Determine immigration status
- Penalize students, parents or staff in anyway

Q: How is the collection changing at the district level?

A: A mandatory two-part question must be implemented for the 2010-11 school year for the fall enrollments.

Q: What is the question?

A: The following provides a sample format for the two-part question:

Please answer BOTH parts A and B.

Part A. **Is this student Hispanic/Latino?** (choose only one)

- No, not Hispanic/Latino
- Yes, Hispanic/Latino

[Part A of the question is about ethnicity, not race. Regardless of what you selected in Part A, **please answer Part B** 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 race?** (choose one or more)

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

NOTE: Both part A and B **must** be completed. We encourage you to select an answer for **both** parts. If either part (A or B) is not answered, the U.S. Department of Education **requires** the school district to supply an answer on your behalf.

Q: Will there be a change in how the data are reported to the State of Michigan?

A: No. The reporting requirements for the Michigan Student Information System and the Registry of Educational Personnel will not change.

Q: How long must a school district maintain the original responses for the race and ethnicity data?

A: 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. If there is an audit, inspection, review or investigation that has not been resolved, the responses must be maintained until resolution is complete. School districts must maintain the information in the responses as it was collected using the two-part question.

Q: What should be done if a respondent does not or will not respond to both parts of the question?

A: When parents or staff members decline to select the race and ethnicity, observers may fill in the race and ethnicity by observation of the individual. This can be handled through various means, such as family customs, language(s) spoken in the home, country of origin, etc.

Collecting Data from Staff Members and Students

Q: When should staff members, students or parents/guardians be asked for the data?

A: Parents/students should be asked during the enrollment for the 2010-11 school year.

Staff members should be asked to re-identify their race and ethnicity for the 2010-11 school year. CEPI and the Michigan Department of Education have provided sample documents for districts to utilize with parents/guardians and staff members of the districts.

Q: Does the state of Michigan 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.

Q: Why should staff members, students or parents/guardians report multiple categories?

A: The purpose of these changes is to provide a more accurate representation of each individual's ethnicity and race in order to provide more accurate data reports.

Q: If a student is identified as Hispanic, does he or she also need to select a race?

A: Yes. The major change 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.

Q: Can a parent refuse to classify his or her child/children entirely?

A: Yes. A parent may refuse to classify his or her child/children. However, the final guidance from the U.S. ED requires that if a parent refuses to classify a child, the district must make a determination about the child based upon observation. The parent, at the time of the refusal, must be notified that the district will be designating the race and ethnicity for the child.

Q: What should be done if a respondent does not or will not respond to both parts of the question?

A: When parents or staff members decline to select the race and ethnicity, observers may fill in the race and ethnicity by observation of the individual. This can be handled through various means, such as family customs, language(s) spoken in the home, country of origin, etc.

Another option may be to report data from a previous year. If the individual was reported with a race other than Hispanic, you can report the same race. If the individual was reported as Hispanic, then the district will also need to provide a race. If the race is unknown, observer identification will need to be utilized.

Q: What should the district do if a parent identifies his or her child/children as Hispanic/Latino but refuses to answer the question about race?

A: The district must select a race based upon observation. It is important that forms used to collect the race and ethnicity information explain the separation between ethnicity (Hispanic/Latino Yes/No) and race (American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Other Pacific Islander or White).

Q: What should the school district do if the district believes that a student or staff member is of a different race or ethnicity than he/she claims to be?

A: The school 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 identification of a student's racial and ethnic categories is made primarily by parents or guardians. Staff and high school students may self-identify their individual race and ethnicity categories.

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

A: Individual student records are protected by the Federal Education Records and Privacy Act. The new race and ethnicity standards have no effect on FERPA's protection of student records. FERPA does not designate race and ethnicity as direction information, and race and ethnicity have the same protection as any other non-directory information in a student's education record. This information will not be reported to any federal agency in a manner that would identify a student. No one will check immigration status from the information provided, nor will a student be discriminated against in any way. However, the total number of students in each category of each school is reported to ensure that schools are receiving the educational programs and services they need.

Identifying by Observation

Q: Is identifying by observation the only choice for individuals who refuse to provide the necessary information?

A: If an individual has identified race/ethnicity in previous school years, the district may report the previously reported category. Those individuals who have reported Hispanic will require additional information. Observer identification is the only other option in this case.

Q: Who should perform the observer identification?

A: District policy will make this determination.

Q: How will the district determine the guidelines for identifying by observation?

A: Each district will need to determine guidelines for consistency within the district.

Q: Can the district default to the majority race in the school?

A: This is not recommended and does not meet the requirements made by the U.S. Department of Education.

Q: Are there suggested steps for identifying race and ethnicity by observation?

A: Below are suggested steps to include in the observer identification procedures:

1. Rely first on existing information before you actually “observe” the race and/or ethnicity of the student. Check your information source to the best of your ability. For example:
 - a. 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).
 - b. Check whether a student’s sibling in the school has re-identified a race and ethnicity during the reclassification. There is, however, the possibility of different race and ethnicity among siblings as a result of adoption and blended families.
2. If sufficient existing information is lacking, you may look for clues from other sources such as:
 - a. First-hand knowledge about the student or his/her family (check with a teacher or counselor).
 - b. The student’s and parent’s country of birth or origin.
 - c. The student’s home language or parent’s home language of preference.
 - d. Knowledge about the community to which the school belongs.

Federal Reporting Requirements Guidelines

Q: What are the aggregate reporting requirements for elementary and secondary education institutions and agencies?

A: For federal reporting requirements, aggregate data about all elementary and secondary students will be reported to the U.S. Department of Education using one of 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

Q: How will the data be used?

A: The data will be used for the following:

- The Individuals with Disability Education Act required the collection of race and ethnicity data on students with disabilities.
- The data are required for the accountability reports collected through the ED Facts data collection system.
- The data will ensure that students receive the educational services to which they are entitled.

Questions Districts may Receive from the Public

Q: Why do the state of Michigan or federal government 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 members to more accurately describe who they are. States 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 the federal requirements. States routinely report aggregate information to the federal government for funding and evaluation purposes, as well as civil rights compliance. States also use race and ethnicity data to evaluate their 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 each individual's immigration status?

A: No. This information will be maintained in the staff member's employment records or the student's records. It will not be reported to any federal agency in a way that identifies the individual. No one will check immigration status from the information given to a school district.

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

A: No. Individual student records are protected by the Federal Education Records and Privacy Act. 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. Race and ethnicity have the same protection as any other non-directory information in a student's education record.

Q: Can a district make an employee or student answer the race and ethnicity questions?

A: No. However, providing the information would be beneficial for both students and staff members. Districts are required to provide an answer on behalf of students and staff members if they choose not to provide the 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.

Q: What will the district do if an individual refuses to respond?

A: 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. However, if one refuses to respond a determination will be made by the school district. Existing employment for student records will be reviewed for racial and ethnic designations as a next-to-the-last resort. The federal government requires the use of observer identification to identify race and ethnicity, as a last resort, if such information is not located in previous records or not provided by the students, parents or staff.