Guidance on Race/Ethnicity
Montana Office of Public Instruction (OPI)

In accordance with new standards issued by the U.S. Department of Education (ED), schools across the nation must revise how they collect and report race and ethnicity for students. These revisions will make educational data consistent with the U.S. Census and other national data sets. The change in reporting is intended to make demographic information more accurate and to account for people who identify themselves as being part of more than one race in our diverse American society.

This change is not optional for states. State educational agencies, local educational agencies, postsecondary institutions, and other educational institutions and Department grantees are required to report racial and ethnic data to the Department. All must use the categories set forth in the ED's 2007 final guidance starting with information for the 2010-2011 school year.

The new standards make a separate distinction between race and ethnicity. Hispanic/Latino is considered an ethnicity, not a race. In general, the Census Bureau defines ethnicity as the heritage, nationality group, lineage, or country of birth of the person or the person's ancestors. People who identify their ethnicity as Hispanic or Latino may be of any race. Individuals will have the opportunity to select multiple races to more fully describe their heritage.

Montana law 20-9-309(2)(g) MCA authorizes the OPI to collect race/ethnicity data. Funding is allocated to districts based in part on reporting student racial/ethnic data. Federal education funds are allocated using aggregate data reported to the U.S. Department of Education (ED). Some state funding, such as the American Indian Achievement Gap Payment, is also tied to demographic data.

The New Standards: Two-Part Question
The federal regulations specifically address how data will be collected by schools and districts. These new standards require the use of a two-part question - both parts of which must be answered – focusing first on ethnicity and then on race.

Identify the ethnicity and race of the individual by answering **BOTH** questions.

Part 1.
Is the individual Hispanic or Latino? *(Choose only one)*
- ❑ **No**, not Hispanic or Latino
- ❑ **Yes**, Hispanic or Latino *(A person of Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race.)* Part 2.

What is the individual's race? *(Choose one or more races below)*
- ❑ **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 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, Vietnam and Laos.)*
- ❑ **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.)*

The Two-Part Question

A shorter version of this format can be used, but the descriptive information from the longer form must be available. This detailed information can be on a separate sheet, letter to parents, poster, or website. The shortest acceptable version for an enrollment form is this:

Identify the ethnicity and race of the individual by answering **BOTH** questions.

Part 1.
   Is the individual Hispanic or Latino? *(Choose only one)*
- ❑ No, not Hispanic or Latino
- ❑ Yes, Hispanic or Latino

Part 2.
   What is the individual's race? *(No matter how you answered the first question, choose one or more races below)*
- ❑ American Indian or Alaskan Native
- ❑ Asian
- ❑ Black or African American
- ❑ Native Hawaiian or Other Pacific Islander
- ❑ White

Collecting the Information

Collecting race and ethnicity information is most easily done during the enrollment period for new students and at the beginning of the year for returning students. New forms can be designed to ask only the two questions on race and ethnicity. Forms may also be made available to parents during open house or parent teacher conferences.

Guidance from the ED indicates that the selection of a student's racial and ethnic categories is to be made primarily by parents or guardians. If parents are unavailable, obtain a response from the student.

State law (20-9-330 MCA) prohibits a school district from requiring a student or parent to disclose the student's race. However, the ED requires aggregate reporting of race and ethnicity data on all K-12 students. Observer identification should be used if a parent/guardian refuses to identify the race or ethnicity of the student. *This is exactly the same as current practice.* Students and parents who are reluctant to self-identify should be informed that observer identification will be used. Many parents will want to make the decision so the information is more accurate.

Observer Identification
School district policy should indicate the steps to be taken before an observer makes a selection. This may include following up with parents to determine if the parent or student refused to self-identify or simply overlooked the questions. The observer should be prepared to explain, if asked; that the school district is required to select race and ethnicity categories for students on their behalf if parents or students decline to answer the questions; and that the school district will maintain the confidentiality of individual race and ethnicity records. The observation about a student's race can be based on what is known about the student. The default decision can be to assign the student to the ethnicity and race of the majority of students in the school.

It is generally a good practice to designate one administrator to perform observer identification. However, districts may vary in how they assign this responsibility. There are advantages to placing the responsibility with the school principal or superintendent, rather than sharing it among clerks and other staff. Designating one responsible official offers two benefits: (1) it improves the consistency of the data collection process, and (2) in the event that students or parents are dissatisfied with the observer identification process, this policy seats responsibility with one authoritative source, avoiding the confusion that might result if the burden is spread among numerous staff members.

Re-Identification
The OPI strongly encourages school districts to re-identify returning students. This allows persons of multiracial backgrounds to better represent themselves and promotes data consistency and comparability. The OPI has provided a sample letter to parents for districts to use or modify. This letter along with other resources can be found at http://opi.mt.gov/Leadership/Data-Reporting/AIM-Achievement-in-Montana/AIM-Technical-Policy-References.

If districts do not offer parents the opportunity to "re-identify" their child, then the OPI will designate a race and ethnicity for returning students using a "bridging" methodology based on the student's previously reported demographic information. This methodology is explained later in this guidance. This will not be as accurate as allowing parents or students to make a determination of their racial/ethnic origins. The school district may lose the opportunity to receive full funding from federal Impact Aid, or through the state American Indian

Achievement Gap payment if they miscode students who are American Indian as well as one or more other races. If the district does not offer all parents the opportunity to re-identify, they must provide the opportunity upon request.

Information on a student's race/ethnicity is confidential, and can only be released in the aggregate. It cannot be disclosed for an individual student except under the stringent conditions imposed by the Family Education Rights and Privacy Act (FERPA.)

Storing and Reporting the Information

Data on each student must be stored so that the information from both questions can be retrieved. The ED has a specified format for reporting students by demographic subgroups. In addition, Montana has a particular interest in the American Indian achievement gap and provides funding to close the gap. To generate the American Indian Achievement Gap payment, the OPI will count all students reported as being of American Indian heritage regardless of a student's claim of more races or ethnicity. Districts may aggregate the data in different ways. This requires that each data element for the student be stored.

To accommodate these changes, all vendors with national clientele are making changes to their software. The OPI will continue to work with student information system vendors to ensure these changes conform to the state's data collection and reporting requirements.

Maintenance of Original Responses

Guidance from the ED requires educational institutions to store original responses using the two-part question format for three years, unless there is an audit, inspection, review, or investigation that has not been resolved (in that case, the responses must be maintained until resolution is complete). This is consistent with current regulations.

Timeline

The OPI is providing this guidance to districts for use beginning in the 2009-2010 school year. Guidance includes sample parent letters, enrollment forms, parent brochure, and frequently asked questions. The new format will be available in the AIM Montana Edition for the start of the 2009-2010 school year. Although encouraged to implement sooner, districts will not be required to use this format until 2010-2011 school year.

Districts need to collect race/ethnicity, using the new format, no later than the start of 2010-2011 school year. Enrollment forms, both paper and on-line, must be updated by the time districts start the new enrollment process, usually sometime in the spring. Districts should encourage parents of new students to provide accurate information. Parents also need to know they have the right to refuse to answer the race and ethnicity questions, but a third-party observer will then designate the student's race and ethnicity.

When districts begin gathering information in the new format, the OPI encourages use of the attached parent notification letter, or something of the districts devising, to inform them of the change. Parents need to know that if they do not answer the race and ethnicity questions, the OPI will designate a race and ethnicity for returning students using a "bridging" methodology based on their previously reported demographic information.

Transition

The current requirements allow a parent or student to choose only one race from among six choices, counting Hispanic/Latino as a race. The new format requires yes or no to the Hispanic/Latino ethnicity, then a choice of one or more races from the five options. Clearly, the two systems produce different "results" for students of more than one race and for students who are Hispanic/Latino.

As Montana transitions from the present system to the new format, the OPI is requiring districts to continue to report students under the current format of six race/ethnicity codes, while providing the option to use the new format. For the 2009-2010 school year, districts must report the state race code while the two-part question is optional. In the 2010-2011 school year, the two-part question will be required for all students, and the state race code will become optional.

Bridging: Comparing Data for Longitudinal Use

For many students, race and ethnicity information will be the same in the old and new formats. Students who are not Hispanic/Latino and are from only one race will continue to be reported as they were. However, students who are Hispanic/Latino, regardless of race, and students claiming more than one race will be reported differently in the two formats. In these instances, a "bridging" methodology will be used.

There are two problems when comparing data from two different formats – bridging forward and bridging backward.

Bridging forward refers to the process of making race data collected using the prior format comparable to data collected under the new guidelines. Districts and or the state must bridge forward (from old data to new data) for students who do not provide race and ethnicity information under the new categories. If your district chooses not to "re-identify" returning students, the following bridging methodology will be applied.

Bridging forward methodology
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Current Designation		New Designation
White	→	Non-Hispanic and White
American Indian/Alaskan Native	→	Non-Hispanic and American Indian/Alaskan Native
Black/African American	→	Non-Hispanic and Black/African American
Asian	→	Non-Hispanic and Asian
Pacific Islander	→	Non-Hispanic and Native Hawaiian/Pacific Islander
Hispanic/Latino	→	Hispanic and White

The default for students formerly listed as "Hispanic" for the primary race will now be listed as Hispanic for ethnicity and White for race, as that is the predominant race in Montana.

Bridging backwards describes the process of linking data from the new categories to the old for NCLB purposes and trend analysis. The ED has authorized 13 different "bridging" mechanisms. None of them can be completely accurate, since the two systems produce conflicting information about some students. As the state education agency, the OPI is required to choose the mechanism which must be used by all districts and schools for the

purposes of NCLB. This choice has not been finalized and will not affect how districts will gather, report and store the data.

School District Implementation and Assistance

To assist school districts in implementing the revised regulations, the OPI has developed a number of resources including sample parent letters, sample enrollment forms, a brochure explaining the changes, and a FAQ sheet which may be adapted for individual use. These resources, along with other relevant links, will be available on the OPI Website at http://opi.mt.gov/Leadership/Data-Reporting/AIM-Achievement-in-Montana/AIM-Technical-Policy-References.

Policy and procedure development begins at the state level. However, the implementation of these changes won't work without close collaboration with Montana's school districts. The OPI will continue to work closely with its SAGE (School Advisory Group of Educators) to develop a consistent message to school districts and provide additional resources during the transition.

For questions or to access the available resources, please see the AIM Website at http://opi.mt.gov/Leadership/Data-Reporting/AIM-Achievement-in-Montana or call Gail Harms, Data Resource Administrator, at 406-444-3494, or email gharms@mt.gov.