EXPLORING CLASSIFICATION OF BLACK-WHITE BIRACIAL

STUDENTS IN OREGON SCHOOLS

by

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DISSERTATION ABSTRACT

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Multiracial children constitute one of the fastest growing racial groups in the United States. However, biracial children, in particular Black-White biracial children, often are not recognized in the educational system. For instance, the current classification of Black-White biracial students in the state and federal educational systems is not disaggregated and does not allow for analyses of educational outcomes for this population. Not only is this population invisible in state education data, the demographic data at the school level often fail to represent this population. Not acknowledging multiple heritages dismisses the identity and experiences of students who are multiracial and thus symbolically negates a part of who they are. Additionally, multiracial students may be classified in a single category by administrators for the purposes of schools and funding. This study offers the perspective of administrators and current state and federal policies on this issue as applied to Black-White self-identified children and describes the complexities and relevance of addressing multiracial policies in educational systems. An ecological theoretical framework is used to explore four research questions in this area. Data were collected from seven school district administrators across Oregon through semi-structured interviews and document analysis. Relationships in the data between

responses and procedures from the seven sampled school districts are examined. Results suggest that across the seven school districts in this study, implementation of the policies and procedures of racial and ethnic categorization varied substantially. Furthermore, even though this revised race and ethnicity reporting policy was in part created to more accurately represent the multiracial population, it may actually be obscuring the multiple identities of these students. Detailed policy implications are discussed in further details in the Conclusions chapter.

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DEDICATIONS

       I would like to dedicate this dissertation to my four beautiful and amazing children who have inspired me and provided me with the greatest love and life that I could ever dream of. Thank you, Rylee James, my oldest child, who never hesitates to make me feel like the most amazing mom ever. To Yunis Luworo, who gives me the most loving notes and asks me the most interesting questions. To my oldest son, Jibandi Luworo, who continues to work hard and gives me the sweetest kisses on the cheek. And to my youngest child, Zachariah Luworo, who amazes me with his brilliant mind and work ethics. I love you all so very much and can't imagine doing this without all of you.

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CHAPTER I

INTRODUCTION AND LITERATURE REVIEW

As the Federal government moves toward a more inclusive racial categorization system for individuals with multiple races and ethnicities (Census, 2000; Census, 2010), state departments of education and school districts in some states, such as the State of Oregon, continue to report their multiracial student population in a singular category (Oregon Department of Education, 2010). This ambiguous categorization system may not allow for the recognition, support, and services for the sub-populations of multiracial youth in public schools. Not only is the racial status of these children invisible at the state level, but school level demographics may offer little or no representation of the unique multiracial populations. The invisibility of mixed race youth, in particular Black-White biracial children, can potentially influence school practice, including the lack of addressing specific issues of children from multiracial backgrounds in curriculum, school policies, academic performance, and cultural competency measures (Caballero, 2007; Root, 2004).

This dissertation examines the ways in which school districts in Oregon are utilizing and implementing policies on gathering and reporting on race and ethnicity in their school districts. The study explores how seven school districts in Oregon implement the Federal racial categorization mandates in their data collection and reporting procedures. In addition, this study considers the ways in which districts are adopting the suggested, yet not required, recommendations of this process set forth by the Oregon Department of Education and the U.S. Department of Education. Requirements and recommendations include training of relevant district staff, how the districts conduct

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observer identification when students do not self-identify, what communication takes place regarding the collection and reporting of race and ethnicity to parents and students, and what reporting practices exist for students who are identified as both Black and White racially.

Research Questions

Four research questions are designed to address the goals of this study and are discussed in greater detail and integrated with the conceptual framework later in this chapter:

RQ1: *What are the school collection and reporting procedures for students that do not self-identify their race and/or ethnicity?*

RQ2: *How is observer identification used to racially/ethnically categorize?*

RQ3: *Is there initial and continuous training?*

RQ4: *How are Black and White multiracial students reported?*

Significance of Study

Implementation of guidelines should be consistent with Federal racial categorization guidelines, which are described in the next section. Compliance may offer greater visibility for multiracial students, increased accuracy of reporting of students' racial identities, more information on the diversity of student populations, and alterations in funding for students who identify as two or more races. The significance of this study is to identify the approaches the case study school districts are using to comply with these race and ethnicity categorization guidelines, along with the fidelity of implementation.

I expect to find that compliance with the guidelines and recommendations by the U.S. Department of Education and State of Oregon will vary across the school districts

examined. Where the recommendations are implemented with greater fidelity, I expect to find greater opportunity for students to self-identify their own race and ethnicity. For example, when implementing a written procedure to use within districts as well as an explicit training process, increased opportunity to self-report can occur and therefore greater accuracy within data reporting.

Another important factor to consider is the fact that school districts are required to report on the race and ethnicity of each student. While students and students' parents are highly encouraged to self-identify to provide greater accuracy in reporting, when this does not occur school districts are required to conduct Observer Identification to fulfill this mandate. On one hand this requirement may help to address civil rights and equity issues within the school district, however, it does not permit families the option to refuse the participation of their children in this racial classification system. School districts may experience discomfort and perhaps non-compliance to some degree when required to notify the families that this is a required component of the US Department of Education. Additionally, some districts may believe that completing Observer Identification is an infringement on the rights and an inaccurate representation of the families and individual students.

In exploring the implementation of collection and reporting of race and ethnicity, there are likely to be varying degrees of implementation and interpretation of the guidelines and recommendations. It is important to look at the fidelity of implementation as well as the motivation of school districts to adopt new policies.

Required Collection and Reporting of Race and Ethnicity

In 1997 the U.S Office of Management and Budget (OMB) revised its policies on the Standards for the Classification of Federal Data on race and ethnicity. These new standards replaced the five categories for race with a seven option requirement for reporting (Table 1). The U.S. Department of Education (USED) proposed a plan in August 2006 to adopt these Federal Guidelines and in October 2007 the USED released *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education* (Appendix A). States and districts were required to begin using these new guidelines in collecting and reporting aggregated data by Fall 2010.

Table 1

Comparison of Previous and New U.S. Department of Education Race and Ethnicity Data Reporting Standards

Previous Federal Reporting Standards (Choose One)	**New Standards Outlined in USED's Final Guidance** (Select yes or no for ethnicity, and choose one or more for race)
American Indian or Alaska Native	Same (American Indian or Alaska Native)
Asian or Pacific Islander	Asian 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)

On February 22, 2012, initial contact was made by this researcher to the Oregon Department of Education requesting information on documentation regarding policies and procedures of reporting race and ethnicity for Oregon public schools. The response from the State of Oregon stated that all documentation can be found on the State of Oregon Web site (https://district.ode.state.or.us/search) using *ethnic* as a search term. On this site a total of 14 documents were available for download. The State of Oregon representative said that these were the same documents that were provided to the school district for training and implementation purposes of the revised race and ethnicity guidelines. One of the documents, mentioned previously, included the *Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education* (United States Department of Education, 2007). The *Final Guidance* states:

> **Summary:** The Secretary is issuing final guidance to modify the standards for racial and ethnic data used by the Department of Education (Department). This guidance provides educational institutions and other recipients of grants and contracts from the Department with clear and straightforward instructions for their collection and reporting of racial and ethnic data" (Federal Register, p. 59266)

The *Final Guidance* outlined the new process for Federal reporting on race and ethnicity. It stated that "educational institutions and other recipients will be required to report aggregated racial and ethnic data in seven categories: (1) Hispanic/Latino of any race; and for individuals who are non-Hispanic/Latino only; (2) American Indian or Alaska Natives; (3) Asian; (4) Black or African American; (5) Native Hawaiian or Other Pacific Islander; (6) White, and (7) Two or more races.

These options are to be collected in a two-part question in which the first part offers two options to report whether or not the respondent is Hispanic or

Latino. The second part provides the opportunity for the respondent to report his or her race. For purposes of data collection, all students must select at least one racial group. If two or more responses from the race categories are selected, then the respondent is placed for reporting purposes into an additional *two or more races* or multiracial category. This is done at the State level after districts have reported the mono or multiple racial groups to which the respondent has identified. In the previous racial and ethnic categorization system, 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" (National Forum on Educational Statistics, p. ix).

Simplified and draft versions of the *Final Guidance* are also posted on the State of Oregon's Web site. Additional documents included copies of the revised Race/Ethnicity Codes, Race/Ethnicity Reporting Guidelines, Racial and Ethnic Reporting Subgroups (modifications), the USED Revised Race/Ethnicity Codes Implementation Proposal, and USED Revised Race/Ethnicity Codes Implementation Schedule.

Bioecological Framework of Urie Bronfenbrenner

A bioecological framework developed by Urie Bronfenbrenner (1986; 2005) will be used as the theoretical framework to examine the empirical literature as well as to provide a frame of reference for this study. Bronfenbrenner's bioecological model suggests that "development involves interaction between organism and environment" (2005, p. 177). Hence, the organism, or individual, internalizes the external or environmental influence, and therefore changes. This changed organism can then influence the environment as

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well. The bioecological framework is therefore an evolving interactive development model. I will describe the relevant nested levels of this framework, as shown in Figures 1 and 2, which will be explored in this synthesis of literature in relation to Black-White biracial children.

Structures of the bioecological framework. The structures within the ecological framework are referred to as the *microsystem*, *mesosystem*, *exosystem*, *macrosystem,* and *chronosystem* (Bronfenbrenner, 1986).

In this study framework, shown in Figures 1 and 2:

- The *microsystem* is the immediate environment in which an individual experiences relationships and interactions, such as within the classroom or the immediate family.

- The *mesosystem* is the structure that encompasses the microsystem, and consists of relationships that do not necessarily have a direct impact on the individual, however influences the dynamics of the microsystem, such as the school culture and policies influence teachers, effecting the teacher interactions with the child. parents.

- The *exosystem* is a social or psychological setting in which the individual may not be physically present; however, it affects the experiences of that person, such as the educational system the social expectations of a racial categorization system.

- The *macrosystem* is the larger system encompassing the most remote influences such as society values, beliefs, and culture.

- The *chronosystem* is the developmental influence over time from the environments in which the individual interacts. (Bronfenbrenner, 1986)
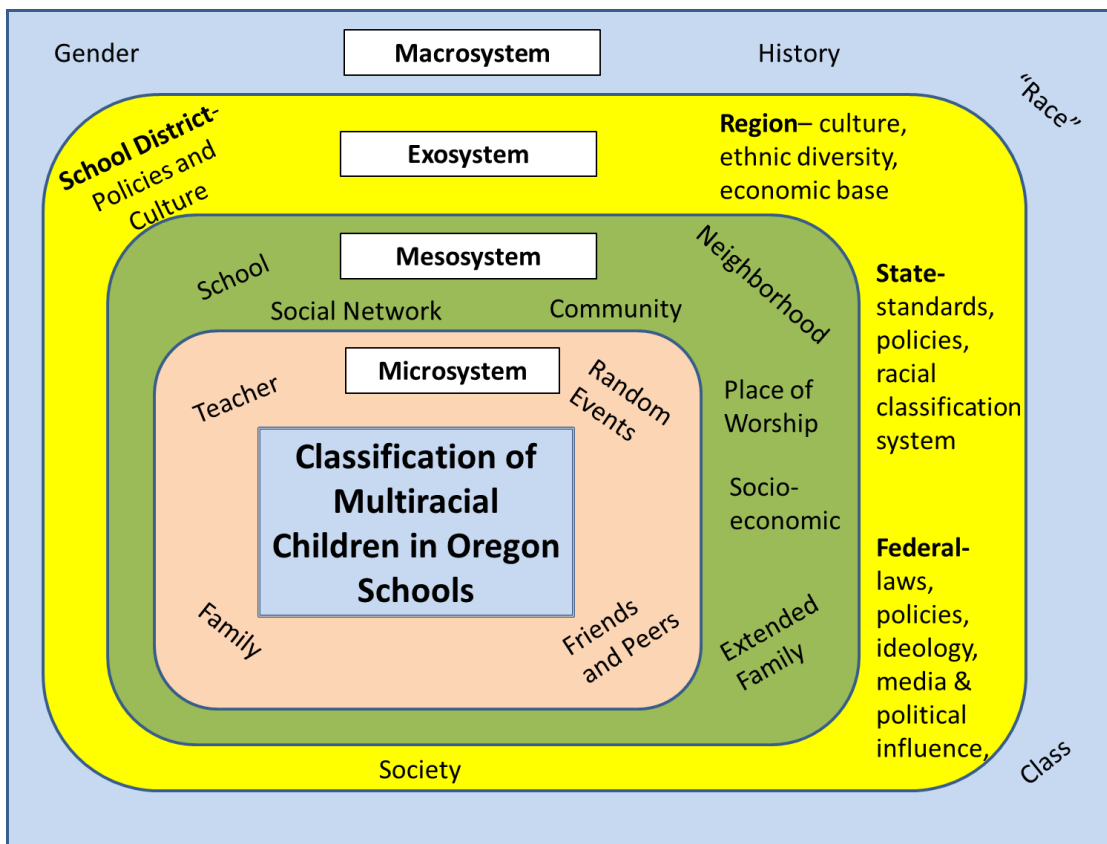
Figure 1. . Racial Classification System within Bronfenbrenner's Ecological Model Based upon Urie Bronfenbrenner's Ecological Framework. This model exemplifies the influence of external environments on the functioning of the racial classification and experiences of multiracial students. The influence can also function from the inside out, and the interactions produce change over time. The chronosystem is not pictured here, but is implicit in this model as working throughout all of the systems.

For this study, the systems examined and research questions explored will fall primarily within the exosystem and mesosystem. Findings will help to suggest implications of the policies and procedures of racial categorization embedded in the exosystem and mesosystem on the microsystem, which is the student. The chronosystem will not be directly addressed in this research. Each of these systems is taken up in more detail in the following section.
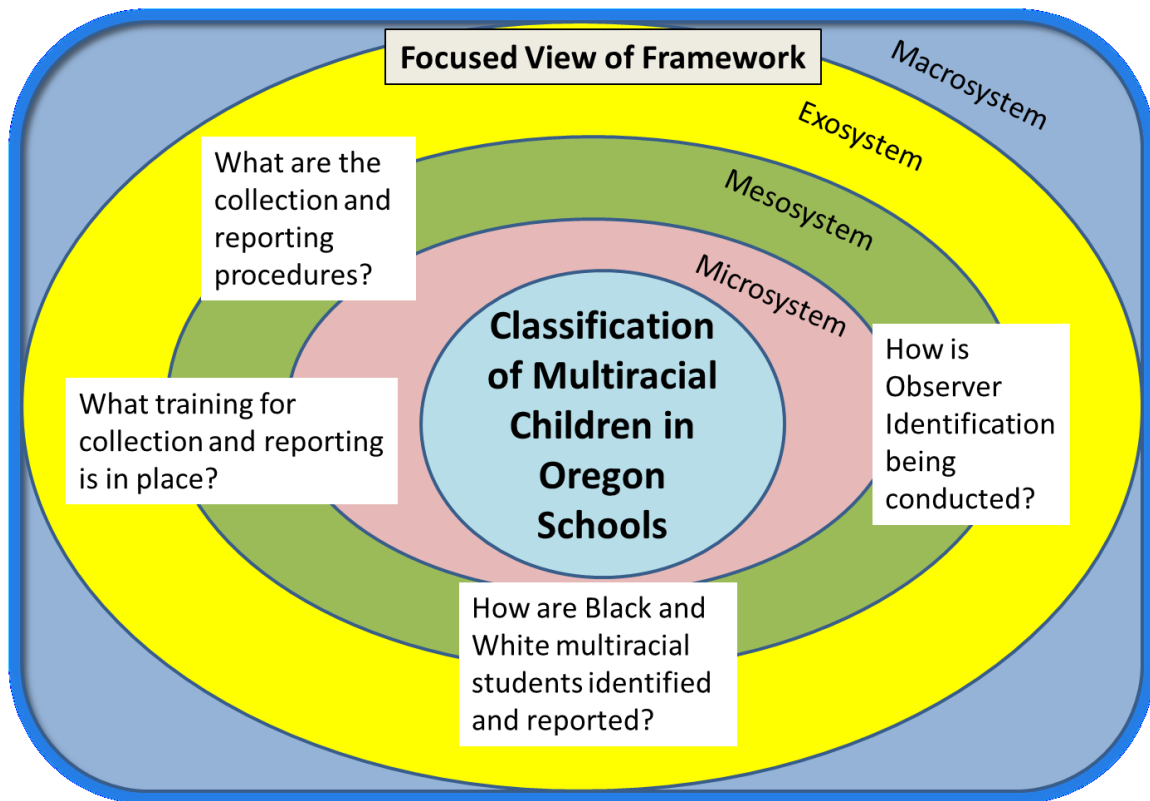
Figure 2. Research Questions within Bronfenbrenner's Ecological Model. The research questions are placed within this framework in the boxes, and each research question is embedded within the systems of the framework where they have varying degrees of influence.

The microsystem. Bronfenbrenner defines the *microsystem* as "a pattern of activities, roles, and interpersonal relations experienced by the developing person in a given setting with particular physical and material characteristics" (2005, p. 22). Three features of this system include the tasks or operations that an individual experiences or sees others engaging in as an observed experience. The second feature is the perceived connectedness between individuals in the setting whether they are involved in shared, complementary, or independent activities. The third feature is the notion of the role that each individual plays, including behaviors and expectations associated with that role.

The mesosystem. According to Bronfenbrenner (1986), the *mesosystem* of the development of a person includes the "principal context in which human development

takes place" (p. 723). This context includes several settings; for children it is most often the home, neighborhood, and school. The influence of these settings on a child's development is interactive: one influences the other, and the other returns its influence. For example, events at school can affect experiences at home, and vice versa. The mesosystem can be thought of as a sum of the microsystems.

The exosystem. The *exosystem* in this framework is the external environments of the mesosystem, where events can occur in which the developing individual is not directly involved but which have influence over the individual's environment. These external settings affect those people close to the child, and therefore affect the psychological development of the child. This setting could be the professional development or personal life of their teacher, or the social circles and work settings of their parent. These environments are external to the child, but affect the child through the interactions. The policy level effect on students is placed within the exosystem of this conceptual framework. External settings of children in the same school and neighborhood peers have a great influence on individuals as well (Bronfenbrenner, 2005, p. 203).

The macrosystem. The *macrosystem* in the bioecological framework is the outermost ring of the nested systems. "It encompasses the overarching patterns of stability, at the level of the subculture or culture as a whole, in forms of social organization, and associated belief systems of lifestyles" (Bronfenbrenner, 2005, p. 47). For the purpose of this study, the macrosystem will consist of the similar everyday experiences as part of this larger culture. This includes issues of race, class, history and gender that are part of the United States culture as a whole. The macrosystem affects the individual as it

influences with the exosystem, the mesosystem, and therefore the microsystem, in which the individual operates.

The chronosystem. Finally, the *chronosystem* in this bioecological framework refers to the passage of time. This system makes it possible to examine the "influence on the person's development of changes (and continuities) over time in the environments in which the person is living" (Bronfenbrenner, 1986, p. 724). This study assumes that this chronosystem is implicit throughout the other systems.

With the nested systems of the bioecological framework in mind, the history, interactions, experiences, choice of identification, and perceptions of Black-White biracial individuals can be seen as evolving and interactive. As the historical context of Black-White biracial people in the United States is discussed in the following sections, it will be important to consider these environment and systems, and how history has evolved to the current state of educational experiences of Black-White biracial students.

Definitions of Terms

People who identify as two or more specifically defined racial groups have been referred to in literature and society in differing terminology. For the purpose of this study I will be referring to individuals with two or more racial identities as *multiracial*. This term is very broad as it can include, for example, any student who identifies as at least two of the U.S. Department of Education defined racial groups as referenced in Table 1; American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, Black or African American, and White. Individuals categorized as one racial group are considered *monoracial* or *uniracial*.

Another term that has been used to describe individuals with exactly two racial

identities is *biracial*. I will not be referring to this term to describe the multiracial

population as it is limited to only two racial groups. When discussing the new policies,

any individual with two or more races is considered *multiracial*, yet not necessarily

biracial. I am therefore using *multiracial* because it is more inclusive of the populations

discussed in this study.

A person who identifies as two or more ethnicities, such as Japanese (Asian) and

Korean (Asian), can be considered *multiethnic* but not multiracial according to the federal

guidelines. A multiethnic person can however be multiracial as well, such as a Kenyan

(Black) and Swedish (White). Other terms that are commonly used for people of more

than one racial group are also *mixed*, *interracial*, and *mixed race*.

History of Black-White Multiracial Categorization

This section will discuss some major historical aspects of racial classification of

multiracial people in the United States. This condensed history and the understanding of

what *race* means is embedded in the macrosystem of the Bronfenbrenner framework

within this study. It is relevant to consider how the history of race and of Black and

White multiracial individuals in the United States has evolved and in what ways

historical attributes persist with regards to racial categorization. This literature review

examines the historical context of Black-White biracial people in America, the

development of identity of Black-White biracial individuals, and racial categorization by

others, followed by the experiences of Black-White biracial students compared to other

students in the U.S. educational system.

One-drop rule or the rule of hypodescent. In 1661, slavery was declared legal in

Virginia. Slavery in colonies throughout the south followed soon after (Jackson, 2007). In

1662, colonial lawmakers deviated from their established law of children assuming the ethnic categorization of the father, and declared that mulatto children born to Black women assumed the *status*, or categorization of their mothers (Brown, 2001). This also aided in providing additional slaves, since then all biracial Black-White children would be classified as Black (Korgen, 1999). After that time, the treatment of an individual who had "one drop" of African American blood in their ancestral line was classified as Black. The norm or rule of hypodescent evolved during the years of slavery and is another name for the one drop rule: any amount of African ancestry classified a person as Black (Rocquemore & Brunsma, 2002). This prevented biracial descendants from obtaining the status of Whites and challenging the existing social hierarchy and political powers.

   The Jim Crow Laws. Another significant part of the history of Black-White multiracial people in the United States was the implementation of the Jim Crow Laws in the early 1900"s. This new racial segregation legislation allowed southern states to define what amount of Black blood constituted an individual to be considered Black. And by 1915 "the one-drop rule had become universally backed by whites, in the South and North." (Davis, 1995, p. 12). Initiatives of the Jim Crow laws included racial segregation within public places including schools as well as within the political, economic and legal realms. The Civil Rights movements in the 1950's and 1960's abolished much of the Jim Crow Laws, however, the perception of Blacks according to the One-Drop rule persisted. (Davis, 1995).

   Eyeballing. The US Department of Education issued a pamphlet outlining the connection between the Title VI of the Civil Rights Act of 1964 and compliance by the US Department of Education. It was within this document that the US Department of

Education was validated in utilizing a monoracial categorization system as well as embedding policy to allow school districts the freedom to determine the race of their students by assigning them to a race group for which a student "appears to belong" or "is regarded in the community as belonging to" (Chiong, p. 65).It was the perception of the teachers and other school personnel, or the practice of eyeballing, that determined the monoracial group to which a student belonged. There was no priority for students to self-identify or the opportunity to identify as multiracial, multiracial students rights to identify in a personally preferred manner was denied (Chiong, 1998). The practice of eyeballing continues with the mandate and preference of the US Department of Education to have school districts conduct Observer Identification when a student does not self-identify, rather than allowing the individual the right to choose not to report their race or ethnicity.

Lower status and social value. Historically, this established that the "multi-racial person is assigned to the group with the lowest social value among the race groups represented by his/her ancestry" (Herman, 2002, p. 9). U.S. society has traditionally placed individuals according to race and skin tone in a hierarchical classified position (Root, 1996), with according to Roots, Whites placed at the top of this social hierarchy ladder, followed by Asian populations, then Hispanic and Native American populations, and finally at the bottom, Blacks. Blacks have continued to hold the lowest position in this hierarchy (Root, 1996). In earlier history, this theory provided validation for slavery; exclusion of Blacks from voting, schooling, and other rights of White Americans; banning of intermarriages; and violence against Blacks including lynching and rape (Korgen, 1999).

Herman (2002) affirms that multiracial individuals with Black ancestry are placed near the bottom of this social hierarchy much like monoracial Blacks. The treatment of Black-White biracial individuals is therefore similar to the treatment of Blacks. She argues that "such treatment … leads to similar racial identification and developmental outcomes for part-black biracial" people (p. 9).

The Mulatto culture. The term "Mulatto" is a controversial term. Mulatto literally translates as offspring of a horse and a donkey or mule (Brown, 2001). It refers to an individual who is half Black and half White, or is a mixture of both ethnicities. Current American research literature does not use the term Mulatto, except when referring to a historical epoch when the term Mulatto was the norm.

According to Lee and Edmonston (2005), early U.S. Census data referred to multiracial children as "mulatto and mixed-blood Indians" (p. 3). Mulatto was the first explicitly mixed-race group to appear in the U.S. Census in 1850. During that year, the upper South had approximately 200,000 mixed-race persons and about 90,000 in the lower South. Mulatto persons of the upper South in the mid-1800s tended to be treated as Blacks both economically and legally. In the lower South, the light skin Mulattos were "in a different caste than blacks" (Korgen, 1999, p. 13). The Mulattos, according to Brown (2001) were in a higher position than Blacks in the social hierarchy and "enjoyed psychological and social privileges that were denied to uniracial blacks" (p. 16).

The late 1800s brought with it the notion that Blacks were inferior genetically and that those with blood of African descent were deemed mentally, morally, and physically inferior to Whites (Zack, 2001). As the Civil War approached, slavery was adamantly defended by promoting the supposed inferiority of blacks.

Following the Civil War, Mulattos began to create elite social clubs, and admission to these clubs was based on the lightness of one's skin. In 1890, *Quadroon* (1/4th Black) and *Octoroon* (1/8th Black) were added to the census. By 1900, the Mulatto categories were absent in the census, reappeared for a brief time in 1910, and in 1920 listed as "all persons having some proportion or perceptible trace of Negro blood." The categories were deleted from subsequent census data collection (Morning, 2003, p. 46, as cited in Nobles, 2000). American society categorized those with any apparent African blood as Black according to the U.S. Census, regardless of their White ancestry.

Identification of race. Race is commonly regarded as a social construct, sometimes used to describe people based on their phenotypes, or physical characteristics, such as hair color, hair texture, body types, skin color and facial features. This perception of race, according to Texeira (2003), is "founded not so much on biology as on the economic and social climates of the particular time and place" (p. 22). Researchers, social activists, multiracial families, and scholars often support use of racial categorization, as well as promoting further breakdown of data on multiracial individuals. Multiracial children cannot be examined as part of a "biracial" group, "multiracial group," or "2 or more races" group, as evidence exemplifies the sometimes subtle and other times apparent variations in the multiple racial subgroups from which multiracial children originate. Great variation also exists in how multiracial individuals identify themselves and how they are identified by others in their family, school, peer groups, community, and society at large.

U.S. society and culture. The summary of the historical context for Black-White biracial individuals provides a backdrop for integration of a bioecological framework in

the current state of societal and cultural issues for Black-White biracial youth. According to Bronfenbrenner (1979), the macrosystem consists of the wider realm in which individuals function. The values of society, societal expectations, and acceptable behavior and habits are included in this realm. The values of our society also comprise the limitations and compulsion to racially categorize members of its population.

Data Collection of Multiracial Individuals

The United States is a nation that strongly values categorization and categorizing people into racial groups. The norms of society and values are slowly changing, yet the historical and social background of categorization is essential when examining why multiracial children and particularly those of Black-White heritage may have experiences unlike other students (Brunsma, 2006; Harris, 2002; Kao, 1999). An examination of data on Black-White biracial and other multiracial individuals in the United States sheds light on societal values and norms.

One of the greatest challenges in gathering statistics for the multiracial and Black-White biracial population is the lack of specificity in racial categorization in schools, school systems, population reports, and most other data collection systems. The Bureau of Labor Statistics' 1995 Current Population Survey Supplement on Race and Ethnicity and the Census Bureau's 1996 National Content Survey reported that nationwide less than two percent of the population self-identified as multiracial.

The total multiracial population is rapidly growing. In the 2010 US Census the multiracial population accounted for approximately 9 million or 2.9% of the US population. There are a total of 57 possible multiracial combinations on the 2010 U.S. Census. The "most common racial combination is Black and White," growing 134%

since the 2000 Census, and estimated to be 1.8 million Americans in the 2010 Census, or a little more than 20% of the multiracial population (http://www.nytimes.com/2011/03/25/us/25race.html). The 2010 Census finds the multiracial youth population to be 4.2 million, an increase of about 50% since Census 2000. Results from the 2000 Census reported close to 2.5% of the population of multiracial youth and around 1.8 million or "nearly 4% of people younger than 18 were described by two or more races" (Morning, 2003, p. 58). For the younger population, each parent identified as a race different than his or her spouse.

   The 2000 Census was the first census opportunity for individuals to self-report as two or more races since the census of 1970 when 460,000 children reported living in a mixed race household; the multiracial population has doubled for each consecutive census (See Figure 3). In the 1980 Census, that number increased to 996,070. By 1990, it doubled to almost two million in (Lee & Edmonston, 2005; Morning, 2003). These numbers may be an approximation of children who identify as two or more races. If this pattern continues, as some research suggests, the under 18 multiracial population could approach 8 percent of the U.S. population shortly (Morning, 2003).

   Beliefs about Black-White biracial identification by policy makers, political activists, and educators vary. Some groups oppose further delineation of racial categories feeling that "historically, traditionally, and culturally society has viewed biracial people, particularly black/white biracial, as black and these individuals experience the world as black people" (Rockquemore & Brunsma, 2002, p. 107). Other groups believe it is necessary for further delineation in order to fully understand our diverse population and

Under 18 Multiracial Population by Census Year
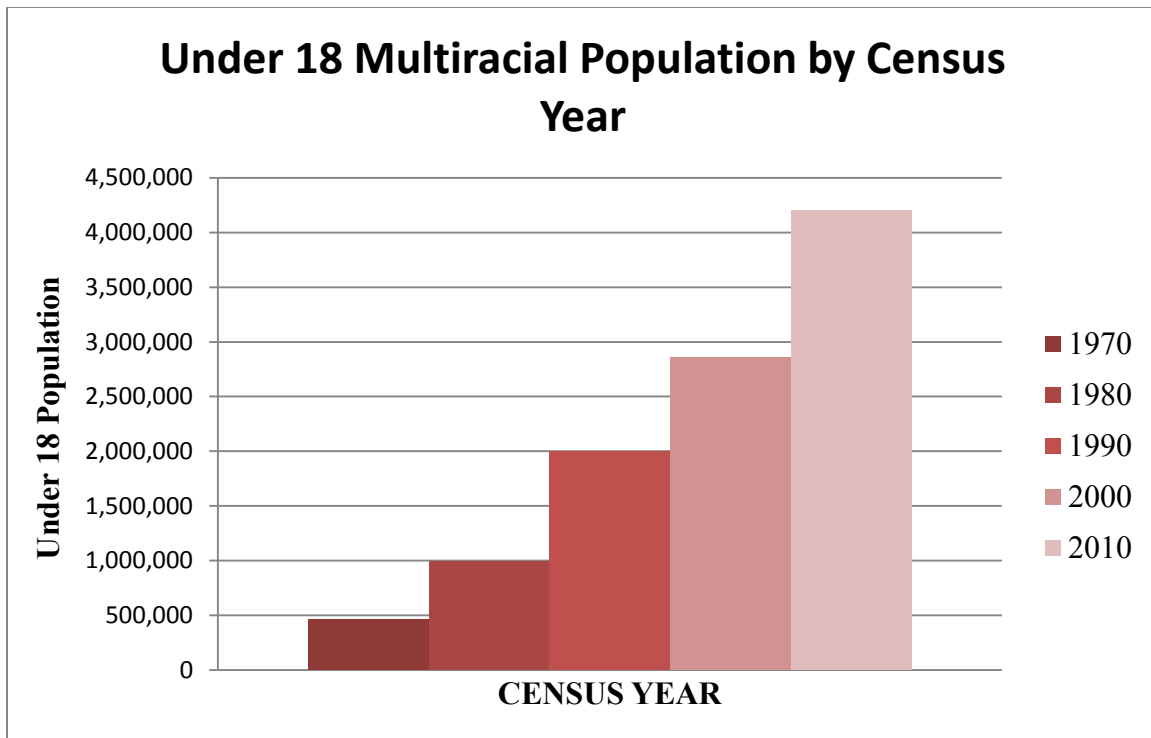
Figure 3. Under 18 Multiracial Population by Census Year. Note that in the year 1990, this is an estimate as referenced in the text.

how the subgroups are operating within our society, including academic achievement (Brunsma, 2005; Harris, 2002; Kao, 1999). Regardless of how individuals and groups prefer to categorize multiracial people, categorization will continue, resulting in important issues to consider.

Multiracial data and schooling issues. When data has been disaggregated, studies have indicated that Black-White biracial children have academic performance closer to that of the Black population than the White population (Kao, 1999). It is unclear whether or not schools are continuing to recognize the Black-White students by their minority race and including them in the efforts to reduce the achievement gap between Whites and Blacks. If this is occurring, several concerns emerge, including the persistence of adoption by schools' and educators' adherence to the *one drop rule* of

racial categorization. In addition, if multiracial students are clumped together in the available data sets, it is not possible for districts to distinguish the success of their program to close the achievement gap for the Black-White multiracial population. In a study conducted for The Civil Rights Project of Harvard University, authors Lee and Orfield (2006) advocate for reconsideration of the new policy of gathering race and ethnicity data according to the U.S. Department of Education Final Guidance. They specifically oppose that students of multiple backgrounds will now be placed into a single race category. Lee and Orfield state:

> This is in contrast to the U.S. Census policy of reporting the racial combinations of multiracial individuals so that researchers can look at a category, for example, of blacks and black mixed race students or Asians plus those with mixed Asian and Pacific Islander backgrounds. Since "mixed race" does not define any kind of ethnic community, it will be impossible to interpret statistics that will combine unknown groups of students from extremely different backgrounds. (2006, p.4)

Where multiracial categories are not available in data collection approaches, one possibility for schools is that Black-White students are dually classified according to the needs and/or convenience of the school systems. However, this can over-count the total number of students at a school or district site. Another possibility is to classify multiracial students according to one of their self-identified ethnicities. School policies may not specify what approaches are to be taken, resulting in inconsistencies not only in data but ultimately in services and support provided.

Elementary and middle school children who have dual parentage of one White parent and one Black parent are often confronted with unique challenges that require support. Some of these barriers and experiences are not typical for children of other mixed races or for monoracial individuals. The historical context for interracial relationships and

children from interracial unions have unique aspects for Black-White biracial people in the United States, and are marked by centuries of strife and discrimination. Black-White biracial students and families are affected by racial categorization, racial stereotyping, and perceptions of their phenotypic attributes, including skin color, hair texture and color, and perceived facial features.

Lack of recognition in systems of measurement. The National Assessment of Educational Progress (NAEP) does not aggregate the academic achievement of Black-White biracial youth or multiracial youth. Other research by scholars indicates that academic performance of Black-White biracial youth is between the performance of their monoracial counterparts, and usually closer to the Black population (Kao, 1999). Currently, NAEP uses the racial/ethnic categories of White, Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native. The Nation's Report for 2007 claimed that between 2005 and 2007 the Black-White achievement gap narrowed in the 8th grade mathematics assessment, but the 4th grade achievement gap narrowed only in 2007 (Lee et al., 2007). In the area of reading, only the White – Black gap at grade 4 was smaller in comparison to the gaps in 2005 and 1992 (National Assessment of Educational Progress, 2007). Meyer's (1995) NAEP research project suggested that NAEP is moving towards using categorization that is more inclusive of the diverse and growing subgroup populations of K-12 students (see Appendix A). This data set may indicate similar trends for Black-White biracial students; however, further research utilizing disaggregated data is necessary in order to establish the trend for this population.

Multiracial individuals may be underrepresented in data when it is available for at least five reasons. First, many multiracial individuals may not have awareness that they

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are technically more than one race. Second, a great number of multiracial individuals chose not to acknowledge racial categorization at all, and do not mark their race (Brunsma, 2006). Third, other mixed race individuals chose to identify with one of their monoracial parents, and most often from the "minority race" (Harris, 2002; Lee & Edmonston, 2005; Rockquemore & Brunsma, 2002). Fourth, many statistics are gathered considering the marital unit in the household and the race of each parent. Only about 21% of Black-White children live with both biological parents (Harris, 2002). This finding was based on Harris's analysis of the National Longitudinal Study of Adolescent Health from 1994 and 1995 with a weighted sample size of 8,373 multiracial middle and high school students. A significantly different finding in Brunsma (2005) found that 48.2% of Black-White children in his study of 4 to 6 year olds and their families live with both their biological monoracial parents.

The fifth and final reason that multiracial students are underrepresented is due to a lack of systematic data collection especially in the area of academic achievement outcomes of Black-White biracial youth at earlier grade levels and throughout elementary education. Most studies utilized participants that are in high school and older (Brown, 2001; DeBose & Winters, 2003; Harris, 2002; Herman, 2002). Others included middle school age and older (Milan & Keiley, 2000; Udry et al., 2003). Considering that youth 18 and under represent almost half of the multiracial population, 4.2 million, and it is one of the fastest growing populations entering our school systems, scholars suggest trend data is needed at younger age ranges (Brown, 1995; Census 2010; Harris, 2002; Morning, 2003).

School Policy and Public Schools in the U.S.

It remains uncommon to find mention of mixed race or biracial children in educational policy. According to Caballero et al. (2007), "mixed race pupils were still not recognized or targeted, despite … data showing that this group was one of the most, if not the most, underachieving and over-excluded" (p. 355).

Kao (1999) states that multiracial status may have important policy implications and may threaten race-based policies designed to protect minorities. Kao describes an example of a multiracial youth in the California school system. The child had identified as Black for the school records, and was having learning difficulties. At that time and under the policies of that school district, the child's White mother would have had to change the child's racial category to White in order to have an IQ test given, as it was illegal to administer to Black students due to increased risk of being labeled as "Mentally retarded" (p. 224). Public policies and school policies do not appear to be considering erasing the socially constructed racial categorization of school children anytime soon (Zack, 1995). Therefore, school children and families can continue to recognize this categorization policy, but if so then Black-White biracial students and other multiracial students should have the opportunity to claim their multiple heritages.

Reducing the achievement gap. With an increasing trend of Black-White biracial children identifying as biracial or of two or more races, fewer are therefore identifying as their minority race (Root, 2004). Some educational programs, such as the No Child Left Behind Act of 2001, were designed to bridge the achievement gap between Whites and Blacks. The Black-White biracial population is not considered in the targeted programs designed to improve academic achievement of minorities, unless they choose to

identify solely as Black or African American. Regarding the biracial child, Caballero's analysis of research yielded similar findings of "almost total neglect of this category of pupils in educational policies" (2007, p. 352).

Academic achievement of Black-White biracial students is closer to the achievement of African Americans than White Americans (Herman, 2002; Kao, 1999). This is not true of other biracial students such as Asian-White and Native American-White, the later achievement more comparable to that of White Americans. Kao (1999) analyzed the National Education Longitudinal Study of 1988 and found that "biracial black youth perform significantly lower in standardized mathematics tests than their monoracial white counterparts from comparable family socioeconomic backgrounds" (p. 323). In addition, Herman (2003) found that academic variables in her study were not significantly different between those Black-White biracial students who identified as White and those who identified as Black.

This research intends to highlight the possibility that the understanding of academic achievement and of Black-White multiracial students may be sliding through the cracks. Whereas it is important to recognize the multiple heritages of multiracial youth, it is likely that students who identify as Black and White may continue to have lower academic performance, yet are not flagged for intervention, and these group-specific dynamics therefore remain invisible.

Relevancy of racial categorization by teachers. Everyday tasks and experiences with teachers and the school community are part of the *mesosystem*. Teachers also interact within the *microsystem* of their students and play a major integral role and influence in how a child develops. A teacher's prior knowledge and experience with

diverse populations may influence how the teacher behaves in these experiences and interactions. Additionally, these interactions may encourage multiracial students to adopt one identity over another, and influence how a child racially identifies.

Teachers are role models for thinking critically about race. According to Root (2004), teachers who do not have specific training or life experience to examine their assumptions about race may be "likely to replicate conventional meanings of race and reinforce standard racial identities that alienate an increasing number of students" (p. 122). Results in Brown (2001) found evidence that "in some schools…teachers were not only ignorant about the special needs of interracial children, but they failed to confront racist abuses" (p. 87). It can be difficult to gather data in this area; uprooting politically incorrect biases and prejudices that teachers and school personnel bring with them to their profession can be a challenge.

Public schools and lack of multiracial representation in curriculum. It is rare to find the discussion of mixed race as part of the mainstream curriculum in public schools, or introduced into the classroom by teachers. Caballero affirms this perception stating that "across the schools in general, it was rare to find the issue of mixed race addressed" (p. 354). Even the mixed students in schools oftentimes feel invisible: "Pupils demonstrated an awareness of their invisibility within the school curriculum and culture and expressed a desire to have specific acknowledgement of their mixed background" (Caballero, p. 354). Teachers continue to infuse recognition of African Americans, Native Americans, and other ethnic groups into their curriculum, yet it is rare, and nonexistent in most classroom environments, to find a discussion and discourse focused on the contributions and experiences of multiracial people.

Parent input and influence on teachers and policy. An additional element is the lack of voice of the parents of Black-White biracial youth in elementary and middle schools (Fernandes, 2005), particularly in white majority communities. I conducted five individual interviews with parents of children who had one White parent and one Black parent. I also gathered five parents of Black-White biracial children into a focus group to discuss some of the prominent concerns that emerged from the initial individual interviews (James, 2008). Parents experienced feelings of isolation from school activities, lack of networking opportunities with other parents, avoidance by other parents and school personnel to discuss racial issues, curriculum changes, and racial incidents within the school such as teasing by peers and their children being used by the teachers as the minority example in classroom lessons. The bioecological implications would consider these interactions, or lack of interactions, as a deficit in influencing teacher behaviors as well as school policies around these and other issues. In order to broaden the knowledge base of teachers and influence changes in policy, parents should have the opportunity to share their experiences and knowledge.

Many parents of mixed race children in Cline et al. (2002) were pleased to offer personal insights to foster awareness of a range of cultures in the schools. However, "few of the teachers appreciated…the readiness of some parents to foster both the minority identity of their own child and the understanding and celebration of diversity by white members of the school" (p. 165). Perhaps it is more difficult to integrate this practice due to the discomfort of race conversations. It may also be that even armed with the understanding of their students' multiracial background, teachers are not supported in the policies and curriculum regarding multiracial history and experiences. Therefore, even if

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the conversations were fostered, the tools to integrate discussions and curriculum around multiracial identity and individuals are not readily supported.

Identity Development of Multiracial Children.

The mesosystem of a Black-White biracial child's development consists of the child's everyday experiences at home, with peers, at school, and for some, at church. Identity development for Black-White biracial youth, from an ecological framework, considers the interactions between these settings as part of the development process. Many researchers have traditionally claimed that biracial children have a more complex identity process than monoracial children (Brown, 1993; Brunsma, 2005; Gillem et al., 2001;Udry et al, 2003). In these cases, the difficult psychological adjustment and well-being of multiracial children has been attributed to personal struggles of individuals in their development of who they are and what to call themselves in terms of racial categorization and identity, rather than a static result of interactions with his or her environment.

Self-identification in racial classification systems. The way Black-White biracial individuals racially identify appears to be greatly influenced by their interactions with their environments or multiple ecological systems. Rockquemore and Brunsma (2002) propose four identity types in their survey data from 177 college students. They do not elaborate on how these key variables were constructed, but do provide a framework for recognizing the different ways some White-Black individuals categorize themselves, and also provide evidence to support the majority opinion that biracial youth are underrepresented in statistics and research data.

According to these authors, individuals with one Black and one White parent may choose to identify in several ways: a) exclusively black or exclusively white; b) a "border" identity or biracial identity; c) fluctuate between identifying as black, white, or biracial in different situations; or d) a transcendent path of not acknowledging any race at all.

The way in which biracial youth self-identify is impacted by their home environment, school environment, and community, and their choice of how they identify is relational to their school performance. Academic performance is associated with the way a multiracial youth self identifies; this is particularly true for White-Black biracial. Kao (1999) found that "subjective identification plays an important role in determining academic performance of black biracial, but not Asian biracial" (p. 238).

Black-White biracial youth identify their race differently depending on whether they are reporting from the school environment, or with in-home interviews (Harris, 2001). Harris found that Black-White biracial students living in predominately White communities more consistently self-identify as multiracial. On the other hand, Black-White students living in more diverse or predominately Black neighborhoods are more likely to identity as Black in school.

A similar study by Brunsma (2005) analyzed data from the 2000 Census and The Survey of Biracial Experience (Rockquemore and Brunsma, 2002) to produce correlations between public categories of race and individuals' private and socially embedded understanding of their racial identity. Results indicated that identity choices by Black-White biracials were found to differ significantly when comparing different

regions of the United States. Most commonly, though, he found that the "border" identity, or biracial, was how most individuals chose to identify.

Family influence on racial identification of a Black-White biracial child.

Parents of Black-White children may identify them in several ways. According to a study by Brunsma (2005) parents of majority-minority multiracial children, (Black-White biracial children, for example) are more likely to identify their children with the norms of hypodescent, by selecting the minority designation. Brunsma explores three ways parents may identify their multiracial children. First, in an effort to move towards a categorization that has the least negative value in American society, parents may prefer to identify their child as multi-racial or White. In addition, as the author noted, parents from higher socioeconomic statuses are also more likely to identify as multiracial or White, rather than the minority counterpart. Finally, depending on the social context in which the multiracial family lives, a school community with a minority that is the majority enrollment may increase the likelihood that the parents will identify their children as the minority race (Bratter, 2007; Herman, 2004).

From the perspective of the *microsystem* of parent-child relationships, there can be certain expectations and behaviors associated with the role of the Black-White child. Black-White biracial youth's denial of White roots can lead to resentment and tension with the White parent. At the same time, "failure to negate their whiteness seemed to elicit guilt and shame for betraying black parents, relatives, and friends" according to the findings from in-depth interviews by Brown (2001, p. 47). Parents who encourage their children to explore both of their monoracial counterparts, and do not constrict their children to one or the other, relax the expectations on their Black-White child. Under

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such conditions, children who related to the interracial identity have significantly diminished conflict in issues of identity (Brown, 2001), supporting the bioecological framework as well as acknowledging the influence of the systems on the individuals' development.

Schools: Racial Categorizations and Expectations

Limited research exists on teacher and school staff conducting racial categorization. Literature supports the tendency for Black-White multiracial students to be perceived as their minority race (Brunsma, 2005; Herman, 2004). Therefore, when teachers or school staffs are required to document the race of their students, they may adopt the racial designation based on their belief system and perceptions. What does this mean for schooling interactions in the life of the Black-White biracial child? If teachers are responsible for racially categorizing multiracial children who do not self-identify, their perception of the Black-White child identity would be especially influential in consideration of Bronfenbrenner's ecological framework.

Teacher expectations. Although most teachers want all of their students to succeed in their education, several factors impede teachers' ability to fully incorporate this desire with mixed race students. In Cline et al. (2002) the teachers interviewed observed other educators and classes wanting to "treat all children equally" (p. 112), and avoiding acknowledgement of ethnic or cultural differences. Furthermore, lack of recognition of ethnicity and race by a multiracial child's teacher can be detrimental to the child's positive self-concept (Schwartz, 1998). Additional findings by Cline et al. (2002) noted a "tendency for teachers in mainly White schools to play down and even ignore ethnic and cultural differences among their pupils" (p. 162).

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How schools classify interracial children may additionally affect teacher perceptions (Chiong, 1998, p. 35). Some researchers have found academic achievement for Black-White biracial students can be affected due to "low expectations of teachers based on a stereotypical view of the pupils' 'confused' identities and fragmented home backgrounds, as well as negative perceptions from teachers, their White and Black peers and wider society which centered on their 'mixedness'" (Caballero et al., p. 348).

Low expectations may also be tied to historical references to children of mixed race, and those of Black-White parentage in particular. School systems "continue to reflect historical values and beliefs, including racial stereotypes and prejudice" (Spencer & Markstrom-Adams, p. 293). Teachers who function within these school microsystems are likely, based on the viewpoint of an ecological framework, influenced by these values and beliefs.

Low expectations from teachers can be looked at from the view of the marginal man hypothesis, believing that multiracial children are fated to experience social and psychological stress (Park, 1928). This hypothesis has had a great impact on American racial thought. Some teachers believe that multiracial children struggle with more severe issues of identity that can lead to negative outcomes in academic achievement. Kao (1999) states that self-esteem and academic achievement are positively correlated, however, her study found that these minor differences in self-esteem did "not account for the difference in academic achievement between biracial Asians and Asians nor biracial Blacks and Whites" (p. 234).

Teachers often assume that individual biracial children come from one-parent families of lower socioeconomic status and less education (Caballero, 2007, Shih, 2007).

While statistically this may represent some aspects of the populations (Census 2000; Harris, 2002), for individuals the indirect impact of such teacher assumptions may be reflective in their school outcomes. Kao (1999) describes the link of children's self-esteem to academic performance. Negative perceptions of teachers and administrators could impact the self-esteem of the Black-White biracial student, resulting in lower academic performance. Tenenbaum (2007) states that "teachers' expectations may influence students' future achievement through the process of self-fulfilling prophesies" (p. 254). More research directly measuring teachers' assumptions, values, and beliefs relating to multiracial children and their families is necessary to provide empirical evidence for a causal relationship; while the topics is noted here due to the interaction with categorization policies in schools, this research is outside the scope of this dissertation project but will be noted in Chapter IV regarding implications for future work.

CHAPTER II

METHODS

This policy analysis was designed to assess the ways in which some school districts in Oregon are implementing required and recommended policies and procedures for collecting and reporting on race and ethnicity, in particular for how children who identify as more than one race are identified and represented.

The methodological chapter will explore (a) how the research questions are associated with the ecological framework and therefore to dependent and independent policy variables of interest for data collection, (b) the study design and sampling used to examine and inform on these policies and their implementation in the study context, (c) the collection and analysis of the data.

The Research Questions and the Ecological Framework

Table 2 presents the four research questions introduced in Chapter I, and connects them to the ecological framework for the study. This table also describes the anticipated dependent variables and some of the expected written data sources to be used to address the results of the research questions. This study was developed to investigate the variation and degrees to which selected school districts across Oregon are implementing and adapting to these policies, in particular, how they have chosen to collect data on and report on those students who choose not to report their race and/or ethnicity.

Research Question 1

The first research question examined the specific policies and procedures in place for those who do not self-report their race and ethnicity. Procedural requirements and

recommendations for data collection and reporting on race and ethnicity in Oregon school districts will be further explored, and their relationship to (a) the U.S. Department of Education policies and recommendations, and (b) the State of Oregon requirements and recommendations will be considered.

Federal and State policies are embedded within the exosystem of the ecological model. How the districts and schools interpret these policies are communicated between the exosystem and the mesosystem. Thus, implementation also influences the microsystem and individual student in the microsystem during the data collection and communications with families.

In consideration of this, I explored whether or not districts had explicit written policies and documentation available, and utilized by staff, to implement this process. The assumption is that with written documentation, there is greater reliability and consistency with implementation of policies. Interviews were also conducted, as described below. An additional component to this question included *how* the districts requested information from their students and families.

Research Question 2

The second question focused on how Observer Identification is used to racially and ethnically classify students. This question addresses whether or not the school district practices Observer Identification, how, and to what extent. This can depend on the environment of the exosystem in which the observers are employed. I considered, for example, whether the districts created policies to select individuals closest to student within the microsystem to conduct Observer Identification like a teacher. Alternatively, another process that is outside the microsystem such as an Observer Identifier from an

administrator may be employed, who may not have had direct interactions with the student. This question is also relevant to this paper in exploring whether or not Observer Identification practices lead to identification based on a descendent of the "one-drop rule" described in Chapter I, such as if a student appears to be at least in part of African-American descent, being categorized as "Black" (Ho, A. K, Sidanius, J., Banaji, M.R., Levin, D.T., 2011).

Research Question 3

The third question concerned whether or not there was initial and continual training. This question was designed to explore the importance and emphasis which districts placed on making sure the district staff and teachers were aware of and accurately following the revised procedures and policies, as well as more accurately representing their student populations. I wanted greater details on the training available or required for staff on the collection and reporting of race and ethnicity. Furthermore, I wanted to know what this training consisted of for the given school district.

Training falls at the level of the exosystem based on the system-level specifications of the Federal Final Guidance. School districts within the same system can choose to adapt recommendations. If trainings occur, they are likely to be with the school personnel within the mesosystem and to possible include those with direct interactions with the student in the microsystem.

Research Question 4

The fourth and final research question examined more specifically how students who were racially identified as Black and White are reported within the school district, on forms, or even in schools. This question was also intended to explore how these

students are reported to the State of Oregon, and to consider how the state uses and represents that data. Inquiry into this question may also provide implications of how important this issue is to the school districts. Policies from the U.S. Department of Education, residing in the exosystem, specify a system to allow for Black and White students within the microsystem to check boxes for both races. The policies and procedures for these Federal policies interact from the outside (exosystem) to the inside (microsystem) within the ecological model as data are collected. Then, as data are reported out, the process begins within the microsystem, through the mesosystem and is collected and analyzed by the state and Federal government in the exosystem.

Table 2

Research Questions within the Bronfenbrenner Framework: Dependent and Independent Variables

Research Question	Framework	Dependent Variables	Data Sources
1. What are the Collection and Reporting Procedures?	Exosystem Mesosystem Microsystem	A specific procedure is in place for districts to collect and report race and ethnicity data.	National, State, District and School Policies, leadership decisions, Forms
2. How is Observer Identification used to racially/ ethnically categorize?	Exosystem Mesosystem (Microsystem)	Administrators/Staff will or will not be able to racially/ ethnically categorize their students.	District Policy protocol, Federal Policy, Leadership decision in school
3. Is there Initial and Continuous Training?	(Exosystem) Mesosystem Microsystem	Whether or not district has written or explicit training, time, motivation.	Policies, Leadership, Funding, Interest from staff
4. How are Black and White Multiracial Students reported?	Exosystem, Macrosystem Microsystem	Whether or not students are reported by multiple races or by one category.	Restrictive forms, database capacity, policy, state reporting protocol, family and student identification

Study Design

   The methodology utilized in this study is a descriptive cross-case analysis. A case is defined as a school district as the unit of analysis in this policy implementation study (see Sampling section). Interview questions were designed to explore the data collection and procedural process utilized in seven school districts across Oregon with regard to racial categorization of multiracial students. Descriptions will be based on findings from document analysis and interviews of key personnel in the districts.

   The study design consisted of seven phases, described below. Each phase is examined in more detail in an upcoming section of this methodology chapter:

- Phase 1: The Sample

- Phase 2: Contact Protocol

- Phase 3: Interview Questions

- Phase 4: Coding of the Districts

- Phase 5: The Interviews

- Phase 6: Interview Data Reduction and Analysis

- Phase 7: Document Study at the School Level

   Phase 1: the sample. In addition to initial contact made with the Oregon Department of Education, seven public school districts across Oregon were contacted and interviewed for this policy analysis as well as individual consultation with an Education Service District representative serving an additional 13 school districts not included in the seven in the sample. The seven school districts were purposive samples based on location, size of school district, and percentage of multiracial population.

Location. The selection of the location of the seven school districts represented five distinct locations in Oregon. One school district was located in a large urban city in northern Oregon; a second school district was located in eastern Oregon; a third school district was located in southern Oregon; and a fourth school district was located in a coastal region in western Oregon. Three school districts in the Willamette Valley were also part of this sample.

Size and multiracial population. The second factor that was considered when selecting the school districts was the population size of the school district and the multiracial diversity within the district. A four-part categorization scheme was designed to place districts in a continuum of district size by multiracial population size (See Table 3). For this sample a school district with more than 6,000 students was considered a *Big District*, whereas those with less than 6,000 students were *Small Districts*. Consequently, small school districts were those that had only one primary high school, and large school districts had at least two major high schools. School districts that had a multiracial student population of 4.7% or more were considered *High Multiracial,* and those with a multiracial population of less than 4.7% were considered *Lower Multiracial*. This percentage of 4.7 is based on the average percentage of multiracial students in Oregon Public Schools in the 2011-2012 school year (Oregon Department of Education, 2012). The cross classification of the resulting four groups on the two dimensions is displayed in Table 3. The number of districts in the sample that are in each of the four groups is displayed in Table 4. High Multiracial districts are oversampled at an approximate rate of 2.5:1 to better represent the Multiracial population in the state, while still collecting data representative of the range of Oregon schools.

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Table 3

Districts Displayed by Size and Multiracial Population

District Size	High Multiracial (H)	Lower Multiracial (L)
Big District (B)	Student Population $\geq$ 6,000 *and* Multiracial Population $\geq$ 4.7%	Student Population $\geq$ 6,000 *and* Multiracial Population $<$ 4.7%
Small District (S)	Student Population $<$ 6,000 *and* Multiracial Population $\geq$ 4.7%	Student Population $<$ 6,000 *and* Multiracial Population $<$ 4.7%

Table 4

Districts Displayed by Number of Districts within District Size and Multiracial Population

District Size	High Multiracial (H)	Low Multiracial (L)
Big District (B)	2 districts	1 district
Small District (S)	3 districts	1 district

Phase 2: contact protocol. A contact protocol was designed in order to systematically contact and schedule interviews with the selected school districts (see Appendix 3). Key contact personnel were selected based on several factors, including both personal recommendations from district administrators and/or secretaries, and formal job descriptions as noted on school district Web sites. On several occasions the initial key contact person referred me onto another administrator or staff person within the school district, and this is noted in the data collection and reporting.

The contact protocol is described in this section. Round one was initial contact of all seven school districts and was conducted on March 28th with a scripted email. The

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email was sent to each of the seven school districts requesting an interview regarding their district's policies and procedures on collecting and reporting using the new race and ethnicity reporting guidelines, this email also described the purpose of the study and my credentials and contact information . Five potential responses were possible after the emails were sent to the targeted interviewees. The expected responses from round one included: *No Response* (NR), *Referred On* (RO) (to another district staff member), *Requested More Information* (RMI), *Agreed to Meet* (AM) (for interview), and *Provided Documents* (PD).

Depending on which five of the responses occurred a follow-up protocol was defined, this was round two. Exactly one week after initial contact, the round two contact occurred on April 4th, 2012. The process for the second round of contact was as follows: (a) if the round one response was NR, then a second email was sent (SSE); (b)if the round one response was RO, then an e-mail was sent to the new contact person (ENC); (c)if the round one response was RMI, then a second email was sent providing the additional information requested and requesting a meeting for the interview; (d) if the round one response was AM, then I emailed back to set up a meeting (SM); and (e) if the round one response was PD, then a follow up email was sent requesting school contact (FURS).

The protocol for round two allowed up to one week for responses, and a 3rd round of contact commenced a week following round two on April 11, 2012. The third round was slightly different; (a) if the round two response was NR, I placed a phone call directly to the respondent; (b) if the round two response was RO, I placed a phone call directly to the referred individual; (c) if the round two response was RMI, I placed a phone call directly to the respondent; (d) if the response from round two was AM, then I

emailed back to set up a meeting; (e) if the round two response was PD, then a follow up email was sent requesting school contact (FURS).

A fourth and final round of contact was made on April 18, 2012. This fourth round was (a) if the round three response was NR, I placed a phone call directly to the respondent and an email; (b) if the round three response was RO, I placed a phone call directly to the referred individual and an email; (c) if the round three response was RMI, I placed a phone call directly to the respondent and an email; (d) if the response from round three was AM, then I emailed back to set up a meeting; (e) if the round three response was PD, then a follow up email was sent requesting school contact (FURS).

Following this fourth and final round of contacts, respondents were given the week to reply in which I would respond according to the round four protocol. Interviews were to be completed by or scheduled by April 25th, 2012. Any interview meetings confirmed were allowed to be scheduled past the final date of responding to contacts. (Note that as reported in the Results chapter, 100% of response by the sampled districts was achieved through this Contact Protocol.)

Phase 3: interview questions and interview protocol. The initial introductory portion of the interview transcript was adapted from a template provided by the University of Oregon's' Office for Protection of Human Subjects. In this section I was introduced as the researcher, a background of the study was described, and contact information for me, faculty member overseeing the research, as well as the Office for Protection of Human Subjects contact information was provided. Respondents were also informed that at any time during the interview they can request to skip questions or ask for additional information. The interview script was designed as a semi-structured in-

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person or phone interview by the researcher based on guidelines as outlined in Powney and Watts, (1987) *Interviewing in Educational Research* and Rubin and Rubin's (1995) *Qualitative Interviewing: The Art of Hearing Data*.

The design of the semi-structured interview included a set of five major questions, several with follow-up questions and a list of probes and prompts, see Appendix D for the protocol instrument. A main intention of the semi-structured interviews was to be conversational while allowing for the opportunity for systematic data collection, permitting the respondent to answer the question while allowing for the respondent to speak freely if he or she felt there was additional important information to be shared. Most of the interviews were audio recorded and transcribed following the interview, and field notes were completed on all interviews.

Question 1: Collection and reporting procedures. The first question setin the interview was designed to get a better understanding of the collection and reporting procedures utilized by the district when students and/or their families chose not to report on their race and/or ethnicity: *What are your district's collection and reporting procedures for students who don't self-report race and/or ethnicity? Is there written documentation from your district regarding this? Can you provide me the available documents?*

Question 2: Communication and requests for self-report. The second question was designed to further the understanding of how the districts communicate with students and their families when requesting race and ethnicity data. This question asked: *How does the school district request ethnic/racial demographics from students and/or their families? (Letters, phone calls, emails, form sent home from school, a specific process of*

steps, etc.). . After completing the first two interviews, it became evident that this

question was somewhat redundant to Question 1 and oftentimes was addressed in

Question 1; however the question was retained for systematicity of data collection.

Question 3: Training. The third question set was designed to establish the level

of training that was offered or required as well as identify the staff and administration

that were active recipients of the training. The questions asked were: *Is training available*

for staff on reporting of race and ethnicity? What does this look like?

Question 4: Documents requiring reporting on race and ethnicity. The fourth

question set was designed to form a general idea of the number and types of forms used

by the school district that utilize the new USED mandated seven part race and ethnicity

guidelines. In addition, this question addressed the means by which this data collection

was then reported to the state. The questions asked were: *What*

documents/assessments/enrollment forms, etc., require the reporting of a student's race

and ethnicity? How is this requested from the schools? (Email to secretary, built into the

assessments, will call the school if data missing, etc.)

Question 5: More than one race. The fifth and final question set in the semi-

structured interview was designed to gain information on the issue of reporting

procedures and documentation for students who reported more than one race. This

question is more specific to the topic of this dissertation and is intended to reveal what

happens to the data of students who report as two races, and more specifically as Black

and White. The questions asked were: *On documents requiring reporting of*

race/ethnicity, how do your reports reflect students who report as Black and White?

(Example: Black, multiracial, other, etc.). Does this look the same on assessments such

as (the) OAKS tests? How about enrollment forms? Reporting on free and reduced lunch? Can you think of any forms, documents, or tests/assessments that we haven't talked about which require reporting of race and ethnicity?

Phase 4: coding of the districts. Each school district was coded according to its physical location as well as where it was placed in the four-part categorization scheme (See Table 4). The districts henceforth will be referred to as Coastal, Urban, South, Eastern, Mid1, Mid2, and Mid3 (See Table 5). These schools may also be displayed with an attached reference to their size. For example, Coastal (SH) describes this district as *Small* with a *High* Multiracial population.

Table 5

Districts by Size, Multiracial Population and Location

District Size	High Multiracial (H)	Low Multiracial (L)
Big District (B)	Mid2 and Mid3 (BH)	Eastern (BL)
Small District (S)	Southern, Coastal, and Urban (SH)	Mid1 (SL)

Research Questions and Evidence Allen Table

The research questions, which were discussed in greater detail in chapter one, are described again in Table 6, the Evidence Allen Table. Within this table, a brief overview of the sample, the methods, the instruments, and the analysis techniques used to address each question are described.

Research Questions: Independent and Dependent Variables

In addition to the Evidence Allen Table and analysis conducted, a table exploring the possible independent and dependent variables associated with the research questions was created and included in this table. The predictions and relationships of the possible response outcomes were proposed. The independent and dependent variable and predicted outcomes are described in Table 7.

Phase 5: the interviews. The preferred method to complete the interviews was to be in-person in depth interviews. As previously discussed, the questions were designed to be answered within a semi-structured interview protocol which allowed for discussion and further probing when deemed appropriate. The contact protocol framework allowed some flexibility for setting up interview appointments and the researcher was able to travel to the school district offices in Oregon in order to complete the interviews. Additionally, the interview questions and protocol were designed in such a way that the interview would only require 30 to 60 minutes to complete if time was a factor for the respondent. The researcher provided the option to meet at the office of the District representative, a meeting room, or a neutral location. This researcher was flexible in permitting the meeting place to be the preferred location of the respondent. When respondent was unable to meet in person, a phone interview was requested. If the respondent was not able to accommodate a phone interview, the last resort to gain the highest response rate with the sample school districts was to permit responses to the interview questions with emails and clarification or prompts with follow up emails.

Table 6

Evidence Allen Table Describing the Research Questions, Sample, Methods, Instruments, and Analysis

Research Questions	Sample	Methods	Instruments	Analysis Techniques
1. What are the Collection and Reporting Procedures for students that do not self-identify their race and/or ethnicity?	Seven School Districts in Oregon public schools based on size and diversity. District representatives recruited from the seven districts.	Qualitative: Document review, Interview responses	Semi-structured interview questions 1, 2, and 4, document requests	Field note review, Cross-case analysis using coding, summary tables, interpretation and descriptions of findings
2. How is Observer Identification used to racially/ethnically categorize?	Same sample as above	Qualitative: Document review, Interview responses.	Semi-structured interview question 1, document requests	Field note review, Cross-case analysis using coding, summary tables, interpretation and descriptions of findings
3. Is there Initial and Continuous Training?	Same sample as above	Qualitative: Document review, Interview responses.	Semi-structured interview question 3, document request	Field note review, Cross-case analysis using coding, summary tables, interpretation and descriptions of findings
4. How are Black and White Multiracial Students reported?	Same sample as above	Qualitative: Document review, Interview responses	Semi-structured interview questions 4 and 5, document request	Field note review, Cross-case analysis using coding, summary tables, interpretation and descriptions of findings

Table 7

Independent Variables (IVs) and Dependent Variables (DVs) addressed in the survey, including the predictions and/or the study of the relationships among variables

Research Questions	IVs	DVs	Prediction and/or Study of Relations Among Variables
1. What are the Collection and Reporting Procedures for students that do not self-identify their race and/or ethnicity?	National, State, District and School Policies, leadership decisions, Restrictive reporting/forms	Districts and school personnel will or will not have this opportunity to record race.	The IVs may be the boundary in which school personnel are able to report race. Some may have knowledge of these policies and forms, and others may not. There may be conflicts across policies, forms, and decisions.
2. How is Observer Identification used to racially/ethnically categorize?	Restrictive reporting/forms, Policy protocol	Districts and school personnel will or will not conduct Observer Identification	Prediction may suggest that there are currently opportunities to implement Observer Identification and this process will vary by district.
3. Is there Initial and Continuous Training?	District Forms District Policies, State and Federal Policies	Districts and school personnel will have access, opportunity, or guidelines that implement training.	Findings might suggest that district personnel may have varying access and opportunity to training, and variety in breadth and depth of training.
4. How are Black and White Multiracial Students reported?	Restrictive forms, multicultural competency, policy, leadership influence, social acceptability	Districts and school personnel will define which racial category they may place multiracial students, black-white students, and specific reasons they may do so.	Prediction may include that district personnel make this selection based on what choices are available; some may make decisions based on what will be of most benefit for the school/district/state, or perhaps based on what they deem is socially acceptable.

Phase 6: interview data reduction and analysis. Analyzing the data from this descriptive cross-case analysis first involved a "thick description" recording the results of the interview process data collection in full transcripts and field notes. Responses to the interview questions were digitally audio recorded and the researcher additionally took extensive field notes during the interviews. The audio recordings were then transcribed and converted into a written transcription. Field notes were reviewed and summary material developed over the course of the interview rounds process described above.

Sampling of the relevant interview transcripts and field notes and representing attributes of the interview transcripts and field notes, as well as the findings, was completed using methods of integrative research (Jackson, 1980). Miles and Huberman approaches to data reduction and display were used for this portion of the transcript synthesis (1994). First, for early steps in the analysis, each relevant interview transcript was reviewed for aspects found to be associated with the research questions designed for this study. Miles and Huberman explained the guiding questions for this review process as "the main concepts, themes, issues, and questions" noticed throughout the review (Miles & Huberman, 1994, p. 51).

Special consideration was given to being perceptibly attentive of the purposes of the study as well as application of the conceptual lenses described by Miles and Huberman. The purpose of the study in this instance was to gather evidence from the interview transcripts that would help to address responses to the interview questions and, more importantly, the research questions. Therefore, characteristics in the interview

transcripts that were associated with the research questions and purpose of this study were selected for further analysis.

In reviewing the transcripts and field notes, using thematic analysis can assist the researcher in progressing to a second level of a more general or explanatory description of attributes of interest. Miles and Huberman discussed examining data records such as these using data reduction through identifying "emergent theme, configuration, or explanation" (Miles & Huberman, 1994, p. 69). This allows for material to be grouped into more noteworthy and simplified units of analysis. *First-level review* as described here is the process for "summarizing segments of data" via iterative examination and summary of the field notes and transcripts, whereas placing those summaries into subgroups, themes, or constructs is referred to as *pattern coding*.

For the purpose of this study, common themes were allowed to surface from the pattern coding as ideas repeated within the interview transcripts. All instances of similar characteristics between case study responses to the same question were noted. Some responses were coded as "yes" or "no" and more specific characteristics to some case responses elicited additional information which pattern coding evolved into distinct components. Other interview questions were framed to allow for more open ended responses, and pattern coding was utilized to target the similar and divergent attributes of the transcripts across cases.

Once the general grouping of themes had been completed, the data was then integrated into a framework to address the four research questions. This framework consisted of tables displaying all the cases, and the themes that emerged from the interview transcripts of these cases, and how they related to answering the research

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questions, see the Results chapter. Specific text was selected from each case as appropriate to illustrate the narrative of the thematic analysis, and displayed in the tables. Text was selected as representative of similar and divergent attributes, and because it most clearly demonstrated the thematic attributes acquired in the pattern coding expressed by the individual cases (case is a school district for this analysis).

Validity. Issues of validity were addressed by taking accurate and descriptive field notes, electronically recording all seven interviews, and transcribing them. Construct validity was supported by using multiple sources of evidence from the seven districts. External validity was supported by utilizing replication logic in the multiple district sites. With replication logic, the original findings from multiple cases can be considered more robust and worthy of further investigation or interpretation (Yin, 2003).

Reliability. Reliability was supported by carefully following case study and semi-structured interview protocol. Case study protocol included making careful observations and taking extensive field notes addressing specific research questions of this study, including which racial category is being selected for multiracial students in the seven study districts and why. Each district representative interviewee received their own copy of the interview protocol, so as we went through the interview the district representative was able to follow along and ask questions or provide further comments regarding the interview questions. Each respondent was offered a copy of their interview transcript; however, a follow up check of accuracy with the respondents was not built into this study.

Phase 7: document study at the school level. The study design included examination of documents from the seven Oregon school districts and how they were

collecting and reporting on race and ethnicity. This document study looked at how school districts interpreted and implemented the revised policies on maintaining, collecting, and reporting on racial and ethnic data according to the Department of Education's Final Guidance published in 2007. In particular, I wanted to gather explicit evidence of the written procedures utilized to request race and ethnicity data from students and students' parents or guardians.

A follow-up question to *Question 1: Collection and Reporting Procedures* asked districts to provide any documents they may utilize within their district in regard to their procedures for reporting the race and ethnicity of their student population. The first part of this three-part interview follow-up question asked: *What are your district's collection and reporting procedures for students who don't self-report?* This was followed by: *Is there written documentation from your district regarding this?* The researcher then followed those questions with a document request: *Can you provide me the available documents?*

These documents were collected for evidence of written procedures, letters to families and/or staff, FAQs sheets, use of the *Final Guidance* or other documents relevant to Question 1. I was also examining to what extent these districts had adopted the recommendations of the *Final Guidance* and the Education Enterprise Steering Committee (2010) in utilizing written procedures of the implementation process, the Letters to Family Templates, and the FAQs sheet.

A similar integrative approach as described above for the interview data analysis was employed for the document analysis. Analysis of the written documentation provided by each district in response to the follow-up interview question described above was

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completed using methods of integrative research (Jackson, 1980). Miles and Huberman approaches to data reduction and display were employed (1994). First, for early steps in the analysis, each relevant document was reviewed for aspects found to be associated with the research questions designed for this study. Special consideration was given to being perceptibly attentive of the purposes of the study as well as application of the conceptual lenses. The purpose of the study in this instance was to gather evidence from the documents that would help to address responses to the research questions. Therefore, characteristics in the interview transcripts that were associated with the research questions and purpose of this study were selected for further analysis, in iterative analysis cycles as described above. The document analysis was incorporated into the thematic analysis of the interviews as applicable, and used in large part to address the research question on written documentation but also to inform other aspects of the study, see the Results chapter for further information.

CHAPTER III

RESULTS

This chapter presents the results of the study, organized by phases and research questions. Results omit Phase 1 through 4 as they were completed as part of the instrument development or study design, and are previously fully described within the methodology section. Results here are for Phases 5-7:

Phase 5: The Interviews

A total of five in-person interviews were granted and completed with site visits to the district, one interview took place via phone call and email, and the last interview took place entirely via an email process. 100% of the sampled districts provided interviews via these processes.

The districts in which in-person interviews were conducted were Eastern, Mid1, Mid2, Urban, and Mid3. During these site visits I met with the district representative either in his or her office or in a meeting room.

In order to preserve the confidentiality of the districts and their representatives, the researcher has chosen not to disclose the job title specific to each responder. This decision was made for several reasons; (a) two of the respondents were Diversity and Equity representatives from their respective districts and there are fewer than 10 districts in Oregon that employ individuals in this position and (b) due to the descriptions of the school sizes, diversity of students within their district, and region specificity of the district, disclosure of the title of the respondent may provide evidence for identification.. Besides the two Diversity and Equity specialists, there was one Superintendent, two Data or Technology Managers, one Director of Student Services, and one Director of Student

Services, Assessment, and Technology completing the interview process on behalf of the district.

For the in-person interviews, I introduced myself according to the scripted interview protocol and asked permission to audiotape the interview. In all five cases, permission was granted to complete the audiotaping. In-person interviews lasted between 45-60 minutes each.

A sixth interview with Coastal district was granted and completed with a phone call and an email response. It was during this phone conversation that the researcher asked the interview questions and the call was completed in about 25 minutes. This interview was not audiotaped, and detailed field notes and direct quotes were noted in the transcriptions of Coastal districts responses to the interview questions. After reviewing the field notes from the Coastal interview, several questions required clarification. An e-mail requesting clarification was sent to the Coastal District representative, it was responded to promptly, and clarified the responses.

The seventh interview with Southern was provided with email responses to the interview questions. The respondent declined an in-person interview due to other commitments and deadlines, and did not have time to meet within this studies *Contact Protocol and Procedures* time frame.   After declining the in-person interview, the respondent was recontacted with an email that included the interview questions. The respondent answered the questions promptly and a second follow-up email was sent and responded to in order to further clarify some responses.

Phase 6: Interview Data Results

Upon completion of all the interviews, all notes were reviewed, and the audio tapes for the five districts were transcribed. From several reviews of the notes and transcriptions, general themes began to emerge across cases, as described in the Methods chapter. An initial variable-oriented strategy was implemented and a case-level display table was created to explore the themes across cases, shown in Table 8.

Most or all of the schools in the study displayed some similar characteristics or variables of varying degrees. I provided a general summary of the variables displayed in Table 8 and then examined the findings relating to each of these variables as separate components.

The emerging six themes were as follows: (1) the presence or lack of an explicit written procedure utilized by the school district for collecting and reporting on race and ethnicity; (2) the Utilization and Degree of Utilization in Applying Observer Identification; (3) Initial and Continual Training of Staff in Collecting Data on Race and Ethnicity; (4) Education and Communication with Students and Families; (5) Initial and Yearly Reclassification of All Students; and (6) Reporting of students with 2 or more races identified.

Written procedures for collecting and reporting race and ethnicity. The first major theme to emerge was whether or not school districts had specific written procedures for administrators and staff members to follow when collecting and reporting on race and ethnicity, especially when a student or students' parent or guardian did not report the race and/or ethnicity of the student (see Table 9). Responses varied from highly

Table 8

Summary Table of Themes That Emerged from Interviews

School District	Written Process	Observer ID (OI) – No self-report	Initial Training of Staff	Ongoing Training of Staff	Education of Parents & Students	Reclassified All Students	Yearly Registration-reclassification Opportunity	Black-White Students Racially Identified
Southern (SH)	No	Yes	Low	Yes	Yes	No	No	Unclear
Eastern (BL)	No	Yes	Yes	No	Yes	Yes	No	Multiracial
Mid1 (SL)	Yes	No + Process	High	Yes	Yes	Yes	Yes	Multiracial
Coastal (SH)	No	Yes	Low	No	--	Yes	Yes	More than one race
Mid2 (BH)	Yes-High	No + Process	High	Yes	Yes	Yes	No	Multiracial
Urban (SH)	No	Yes	No	No	Yes	Yes	No	Multiracial
Mid3 (BH)	No	No + Process	Mid	No	Yes	Yes	No	Mostly Multiracial

--Superintendent interviewed was not in district when implemented, couldn't answer question.

specific and written policies regarding this issue to a complete absence of written or verbal policy. The seven school districts were asked if they had written documentation outlining their districts collection and reporting procedures for students who do not self-report race and/or ethnicity. Five of the seven school districts reported that they do not have a written procedure for this. Out of those five, two stated that they "must" report this information and it is not an option. Three of the five who had no written process explained that an unwritten procedure does exist. For example, the respondent from Eastern district discussed a three-step process that is used in that district: The first step is an opportunity for the student to report this information on the enrollment form; the second step, if the race/ethnicity information is not completed, is a call home; and the third step is observer identification by the building principal.

Out of the seven school districts, two districts said that they do have a written procedure for those students who do not self-report their race and/or ethnicity. Mid1 district explained a written six-step process that they created and utilized. The second district, Mid2, which has a written procedure, has an explicit six-step process that is to be followed in the case of non-reporting and staff is not allowed to use Observer Identification (see Appendix E). The size of the school district did not seem to effect whether or not districts utilized a written process. Three small districts did not have written procedures (75%) while one did (25%), and one large district did (33.3%) while the two others did not (66.6%). The diversity of the school demonstrated some differences. One school with low diversity had written procedures (50%), while the other low diversity district did not (50%). Meanwhile, four high diversity schools (80%) had written procedures while one did not (20%).

Table 9

Written Process in Place for District Staff and Administrators to Follow when Students and Families Do Not Self-Identify Race and/or Ethnicity.

School District	Written Process	The Written or Nonwritten Process
Southern (SH)	No	Utilized State and Federal Documents. "Students must report race and ethnicity."
Eastern (BL)	No	1st step on student enrollment form, 2nd step call home, 3rd step final decision based on principal observation. On registration form "If parent/guardian/student decline to identify ethnicity and Race, (Eastern) school's staff by law will complete the information & registration process based on observation."
Mid1 (SL)	Yes	Explicit six-step or more process (did not receive copy).
Coastal (SH)	No	First try to gather data from the families, and then Administrators use their training to "guess."
Mid2 (BH)	Yes-High	Explicit six-step process in place (see Appendix E).
Urban (SH)	No	No district policy or procedures documents for non-self-reporters. "They have to fill everything out on the enrollment form."
Mid3 (BH)	No	"Principals instructed when new students decline marking, have secretaries take (incomplete) document to records clerk, they talk to families about why we need info."

Observer identification. The second major theme to appear in the interviews was the means in which *Observer Identification* (OI) was used in each of the seven school districts. Under the *Final Guidance* of the Department of Education (2007), districts are required to conduct Observer Identification when students or students' parent or guardian do not self-identify. *Observer Identification* is recommended to be utilized as "last

resort", and "self-identification is preferable" according to the NFES *Forum Guide* (p. 28). The Forum Guide also provides suggestions for procedures to be followed prior to Observer Identification such as following up with parents by phone or email. School districts implemented this mandate in different ways (see Table 10). The degree to which districts conducting Observer Identification utilized this mandate, as well as additional comments and perspectives, are discussed in this theme. Additionally, several of the districts commented on how this information is displayed in their reporting systems.

Out of the seven school districts interviewed, five districts utilized the procedure of Observer Identification. Two of these districts reported that Observer Identification was ultimately the responsibility of the building principal. The other three districts were not as specific as to who is assigned the role to conduct the Observer Identification. One district said that it is done "when needed", according to Southern district, or as in Mid1 district, "*Administrators* can go back and see what families have picked in the past." All four small districts utilized Observer identification (100%), while only one big district did (33.3%), the other two big districts did not (66.6%). Both low diversity districts (100%) utilized Observer Identification, while only three out of the five high diversity districts did, 60% and 40%.

Two districts chose not to utilize Observer Identification. One of these districts, Mid2, reported that "nobody in (the) building is allowed to identify." The second of the districts, Mid3, had a specific procedure to avoid the use of Observer Identification, "all students become non-Hispanic or Latino…will check all boxes." The student who did not self-report would automatically become *multiracial* as all the race option boxes were checked.

Table 10

Use of Observer Identification in the School Districts

School District	Observer Identification	Responses When Not Self-identified
Southern (SH)	Yes	"When needed."
Eastern (BL)	Yes	"Final decision based on principal observation." "Schools did have the authority to identify students if the individual did not self-identify." "There is an Observer ID check box."
Mid1 (SL)	Yes	"Administrators can go back and see what families have picked in the past. … In past records" or "Kids get checked for every single one."
Coastal (SH)	Yes	"I am not happy with the system. … There is a strong feeling that how we are doing it is the way the State wants it to be done."
Mid2 (BH)	No	"Nobody in building is allowed to identify."
Urban (SH)	Yes	"It is not the school secretaries' responsibility. … It is actually the building principals' responsibility."
Mid3 (BH)	No	"All students become non-Hispanic or Latino. … Will check all boxes."

Training. The third major theme to develop concerned district training on the revised policies and procedures for reporting on race and ethnicity. Responses to this topic included initial training as well as continual training and evaluation of the new policies. Participation of districts with training and differences in training were markedly varied. In addition, variance existed in key participants' training. Furthermore, the degree to which districts emphasized or practiced continual training and evaluation of the use of the new collecting and reporting policies is explored.

Initial training. Initial training of staff and administration varied. Training ranged

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from little or unclear training, such as distribution of State documents and verbal explanations from school secretaries, to a high degree of initial training including workshops that had the new implementation policies as a key component of the discussions (see Table 11). The NFES *Forum Guide* (2008) states that "training and communication, available to state-, district-, and building-level staff, are essential to successful implementation of the new race and ethnicity standards" (p. 15). Six districts reported compliance with some level of training, while a seventh district, Urban, did not confirm compliance. Of the six compliant districts Eastern, Mid1, Mid2, and Mid3 reported compliance of moderate to high degree, specifying multiple groups involved in the training, or frequent trainings and/or workshops. Two of the districts reported more minimal training; Southern reported unspecified participants in their school district watching a video training, and Coastal reported that the training administrators received in that district was insufficient.

Three of the four small districts (75%) completed initial training while one (25%) did not. Both of the big districts (100%) reported initial training. The two low diversity districts reported initial training (100%) while four of the high diversity districts (80%) reported this as well, and one high diversity did not (20%).

Initial training of the staff and administration occurred in six of the seven school districts. Southern district reported that their training consisted of watching a State of Oregon WebEx video. I was unable to obtain a copy or find an online link to this resource. Other districts, such as Eastern were more elaborate and consisted of end-of-year and start-of-year workshops for their registrars and "key folks" involved in the data

Table 11

Extent of Initial Training in the School District

School District	Did Initial Training Occur?	What Did This Look Like
Southern (SH)	Yes (minimal)	"We watched their (the State of Oregon) WebEx training"
Eastern (BL)	Yes	End-of-year workshops and back-to-school workshops with registrars and key folks with student information system concerning procedural and legal changes in system. "That would have been one of the big ones we talked about back then."
Mid1 (SL)	Yes	With building principals and secretaries. "Those were the two that had the most hands on involvement with this process." "With the principals it was training them on the steps and processes."
Coastal (SH)	Yes (minimal)	"Prior to my arrival all administrators received the training required by the State. … I did not receive it, but am told it is insufficient."
Mid2 (BH)	Yes	Training occurred with teachers, data teams, counselors.
Urban (SH)	No	"It depends on what you define as training, in that I probably took 10 minutes to kinda explain it to them. … Sure."
Mid3 (BH)	Yes	Monthly secretary meetings to "get instruction on how to ask for the information."

Note: According to the Federal Registers Final Guidance and the National Forum on Educational Statistics (NFES) Forum Guide there is no "required training" by the state. The NFES does provide a "broad framework for training and communication" on the state level (p. 15) and the Final Guidance in the Federal Register explains procedures; however, it does not outline "required" training procedures.

management systems in which this training component was a key part. Mid2 school

district had specific trainings with teachers, counselors, and data team members, while

Mid1 had trainings with the building principals and secretaries, stating that "those were

the two that had the most hands on involvement with this process." The other two schools

that acknowledged initial training were Mid3 which integrated this into their monthly secretary meetings and Coastal district which reported an undefined training that occurred before the interviewee joined the school district. The one school that did not positively affirm the existence of a purposeful training was Urban district in which the interviewee stated, "It depends on what you define as training, in that I probably took 10 minutes to kinda explain it to them…sure."

Continued training and evaluation. Some of the districts emphasized the importance of continual training as well as reevaluation of their recent adoption of the collection and reporting of race and ethnicity. Out of the seven school districts, two stated that there was an ongoing training and evaluation; four districts claimed there was no ongoing training; and one district did not explicitly state the existence of ongoing training.

The two districts that used continued training and evaluation of these procedures were Mid1 and Mid2 school districts. Mid1 district shared that they integrated this into their monthly administrative council meetings as well as a long-term process of integrating the training and evaluation over a two-year period. On the other hand, Mid2 discussed a process of working with school counselors and data team members on a regular basis, stating: "We are not there yet…some buildings have taken it up…need to evaluate how process is working." Table 12 describes in simplified form the findings of this theme. Southern was not explicit in their explanation of whether that had continual training, saying they hold "monthly meetings with registrars and office managers" and at some point made use of ODE and Federal Government materials as well as local

registration forms in staff training. It was not apparent if this specific training suggested in this interview question was ongoing or occurred in the past.

Out of the four small districts, two (50%) reported no continual training, while one reported continued training (25%). The response for the fourth small district was unclear (25%). On big district (33.3%) had continued training and two did not (66.6%). The two low diversity schools were divided; one reported continual training (50%) while the other did not (50%). Three of the high diversity schools did not have continual training (60%), while one did (20%). The fifth high diversity response was unclear (20%)

Education and communication with students and families. A fourth major theme focused on the education and communication of the revised policies to the students and their parents or guardians. Resulting responses from districts and methods of communication with families were explored.

Table 12

Extent of Continued Training and Evaluation in the School District

School District	Is Training Ongoing?	What Does This Look Like?
Southern (SH)	Maybe (not explicit)	"I meet monthly with our registrars and office managers. … We've utilized ODE and Federal government materials and our local registration forms to train staff."
Eastern (BL)	No	"Now there is no time for workshops. … Staff come back only 2 to 3 days before school starts."
Mid1 (SL)	Yes	Administrative Council once a month. Two years of training.
Coastal (SH)	No	"If there is a missing piece administrators will call."

Table 12

Continued

School District	Is Training Ongoing?	What Does This Look Like?
Mid2 (BH)	Yes	"(We are) working with counselors to understand cultural identity development" and "working with data teams…how this affects students." "We are not there yet…some buildings have taken it up." "Need to evaluate how process is working (selecting all for non-self-reporters). This is an evaluation year."
Urban (SH)	No	"No, I think that, well first of all I don't have a lot of secretarial turnover, but if someone new were to come in, they would be getting this whole big bunch of training anyway, but, I wouldn't probably think to include (this) as part of it."
Mid3 (BH)	No	"Not much on that, secretaries know the rules." "We don't really have any set training because we don't really have much turnover." "No ongoing. … And same with our principals. … Not much turnover. … Already understand what is going on."

Districts communicated the new Racial and Ethnicity categorization mandates to families in diverse ways. The Forum Guide (2008, NECS) recommended several options for communicating with parents and the public including in their publication examples of letters that could be sent out to families, as well as Frequently Asked Questions handouts. Many of the districts in this study utilized at least one these methods in their communications with students and their families. Several of these districts such as Eastern, Mid1, and Mid3 explicitly stated that they sent families information about these changes. Table 13 shows an overview of district responses to the question of communication with families.

Small districts and large districts alike implemented a range of resources to communicate with families. The high and low diversity schools did as well. Exact numbers for each group could not be calculated because Southern referred to "documents" from ODE, with no exact numbers. Eastern referred to a mailer, which may have been multiple documents and Coastal was not able to report on what communication and education to families looked like in their district.

Table 13

Communication and Education of Students and Families

School District	How were the New Policies Communicated to Students and Families?	Comments
Southern (SH)	Used documents from ODE	"We used documents from ODE when the changes were first implemented to explain the changes to parents. Generally, folks no longer question the issue."
Eastern (BL)	Initial mailer	"District paid for mailer sent home to families initially."
Mid1 (SL)	In the yearly enrollment packet: a letter from the superintendent explaining the Final Guidance, a FAQs sheet, a list of the new race and ethnicity options and procedures for completing, Web site, newsletter.	"A letter was sent home to all families, information was posted on the school Web site and in the newsletter home."
Coastal (SH)	Not explained; superintendent interviewed was not in district upon implementation.	None
Mid2 (BH)	Letter was sent to all families from school district prior to implementation. A new and separate race and ethnicity form was created and sent to families; this form is part of the enrollment packet now.	"Two years ago all (students) had to answer form."

Table 13

Continued

School District	How were the New Policies Communicated to Students and Families?	Comments
Urban (SH)	An overview of the race and ethnicity data collection in (Urban) school district. (Adopted from the U.S. Department of Education)	"When we did the conversion from the 5 to the 7 the year before last, we had sent those out to everyone."
Mid3 (BH)	Identification form, FAQs sheet, website	"A one-time identification form sent home to all families, all students plus a FAQ sheet and it is on Web site… secretaries can (also) hand (this) out."

Reclassification of all students. The fifth theme describes the procedures of

reclassifying or reidentifying the race and ethnicity of the student population upon

adoption of the revised guidelines. An additional component that some districts

implemented was a yearly re-enrollment process that allowed students and their families

to reidentify their race and/or ethnicity if they desired.

Initial reclassification of all students. Upon adopting the revised race and

ethnicity category guidelines, school districts were encouraged, though not mandated, to

reclassify all of their existing as well as new students with these revised race and

ethnicity categories. "The Final Guidance encourages agencies to give all students (or

their parents/guardians) and staff members the opportunity to re-identify their race and

ethnicity according to the new categories" (2008, Forum Guide, p. 25). Even though

reidentification was not mandated by the Final Guidance due to potential high cost, it was

required for all existing records to be updated to reflect the 1997 OMB Standards (United States Department of Education, 2007).

Six of the seven districts interviewed chose to follow the recommendations of the Federal Final Guidance and provided opportunities for their entire student population to reidentify their race and ethnicity. Only one of the districts opted out of this recommendation (See Table 14). Three of the four small districts (75%) conducted initial reclassification while one (25%) did not. All three of the large districts (100%) implemented initial reclassification. Both of the low diversity schools (100%) reclassified all of their students, and four of five (80%) of the high diversity schools as well.

Table 14

Initial Racial and Ethnicity Reclassification of All Students

School District	Initial Reclassification of All Students	Comments
Southern (SH)	No	"Only those that needed to be reclassified."
Eastern (BL)	Yes	No additional comments.
Mid1 (SL)	Yes	Every year reenrollment.
Coastal (SH)	Yes	Every year reenrollment.
Mid2 (BH)	Yes	Two years ago all had to fill out new race/ethnicity form.
Urban (SH)	Yes	"When we did the conversion from the 5 to 7. … We sent those out to everyone."
Mid3 (BH)	Yes	"Reidentification of entire student population, all active students."

Yearly reclassification of all students. The State of Oregon and the Federal

Department of Education do not require race and ethnicity reclassifications each year.

However, some districts have chosen to reenroll or reregister all students in the district

yearly and provide the opportunity for students and families to reclassify the race and/or

ethnicity of their students through this yearly reenrollment process. Out of the seven

school districts in this study, only two have chosen this process of yearly reenrollment of

all students (see Table 15). Coastal district has selected this option, as has Mid1 which

said that "each student in every building reregisters each year." Eastern, Mid2, Urban,

and Mid3 have only initial enrollment for students in their school district. Urban district

stated that "it is just part of the registration form."

Two small districts conducted yearly race and ethnicity reclassification of their

entire student population (50%), one did not (25%), and the fourth was unclear (25%).

None of three big districts conducted yearly reclassification (100%). Low diversity

schools were divided, one conducted reclassification (50%) while the other did not

(50%). Three of the high diversity school did not reclassify (60%), one did (20%), and

the fifth was unclear (20%).

The reporting of Black-White multiracial students. The sixth and final theme

that is described in the results is how districts report the race of students who identify as

both Black and White. All of the school districts are required to collect data on the

multiple race groups in which students identify (United States Department of Education,

2007). For example, in all of the data collection systems students who report as Black and

White have both boxes marked and the data is sent to the State of Oregon with the

Table 15

Yearly Enrollment and Reclassification Opportunity for All Students

School District	Yearly Enrollment and Reclassification Opportunity for All Students	Comments from District
Southern (SH)	NA	Not specified.
Eastern (BL)	No	Just upon initial enrollment in district.
Mid1 (SL)	Yes	"Each student in every building reregisters each year."
Coastal (SH)	Yes	Registration for enrollment every year.
Mid2 (BH)	No	No additional comments.
Urban (SH)	No	"It is just part of the registration form."
Mid3 (BH)	No	No additional comments.

multiple races specified. The state then codes and publicly reports these students as

multiracial regardless of the specific racial groups that were identified.

So, even though all of the districts are gathering data on the multitude of racial

groups that students identify with, these data is not explicitly being utilized by the state.

It states in the Federal Register (United States Department of Education, 2007) that

"when the student has one African American parents and one Hispanic parent, the school

may continue to identify the student as African American for AYP (Annual Yearly

Progress) determinations" (p. 59272). It is not stated in the Federal Register whether or

not students who identified as African American and one or more other races could also

be accounted for in Annual Yearly Progress (AYP) reporting. However, in the school districts for this study, it was indicated that once multiple races were selected, the students then became part of the single category *multiracial*.

When I asked the question to the districts about how their reports reflect the population of students who identify racially as Black and White, the responses were diverse (See Table 16). Five of the seven districts reported that Black and White students were usually reported as *multiracial*. Out of these five, several shared that they send the complete data sets to the State of Oregon, including the multiple responses as they are entered into their databases, yet when the State reports the collected data the Black and White student is reported at the state level as *multiracial* (Eastern and Mid1). The response for Southern district was unclear, stating: "Any State or Federal data; Post-secondary data sets, some Legacy reports have a category for multiple race. Most, including State reports and assessments, have been upgraded to allow and reflect multiple responses." This answer was not specific enough to provide a definitive response in the reporting table. A second district, Coastal, had an unclear response as well, describing more of what seemed like the collection procedures rather than the reporting procedure, saying: "They can select more than one race/ethnicity or use the other line and write in their race/ethnicity." Mid3 reported that in some cases for reports such as grants, they do provide disaggregated data displaying all races that were identified.

Small districts reported Black and White students as *multiracial* in two districts (50%), while the other two districts reported using *more than one race* (25%) and *multiple race* (25%). All three big districts reported using the category *multiracial*

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Table 16

Reporting of Black and White Multiracial Students

School District	How Do your Reports reflect Students who Report as Black and White?	Comments
Southern (SH)	Unclear – Perhaps "Multiple Race"	"Any State or Federal data; Post-secondary data sets, some Legacy reports have a category for multiple race. Most, including State reports and assessments, have been upgraded to allow and reflect multiple responses."
Eastern (BL)	Multiracial	"So much data sent to state that isn't used."
Mid1 (SL)	Multiracial	"Flagged multiracial. … More than one box checked (they) become multiracial." "When reporting to (the) State they get all the information, the State is coding as multiracial."
Coastal (SH)	More than one race*	"They can select more than one race/ethnicity or use the other line and write in their race/ethnicity."
Mid2 (BH)	"Multiracial"	"For me that is a problem (kids lose their specific multiracial characteristics, grouped into a single category.)"
Urban (SH)	Reported as multiracial, Black and White "reported as multi." when we switched to the seven."	"We will have stopped looking." "Having to tease out, if a kid is listed as multi, having to tease out which columns he or she is checking to make him or her multi could be a pain in the butt."
Mid3 (BH)	Mostly as multiracial	"Provide reports for grants that disaggregate racial subgroups."

* Note: This district did not provide documents and it was unclear if filling in their own race/ethnicity was in addition to the seven required options according to the Final Guidance.

(100%). Both low diversity schools used the term *multiracial* (100%), and three of the

five high diversity schools used *multiracial* (60%). One high diversity school reported

Black-White students as *more than one race* (20%) and the other stated they use *multiple*

race (20%).

Results of Analysis B: Document Analysis

Documents presented to the researcher as well as documents acquired by the

researcher to address this question are displayed in Table 17. When districts did not

provide documents, the researcher searched the district website for relevant document

associated with registration, FAQs on race and ethnicity, policies and procedures for

collecting race and ethnicity information, and any other relevant data related to Question

1 of the interview protocol.

Several of the districts provided specific and personal forms and documents.

Mid1, Mid2, and Mid3 all provided at least three documents: letters or information sheets

for families, race and ethnicity form or student enrollment form, data form, and Mid2

even included their six-step process for collecting data on students who do not self-

identify. For those districts which did not provide documents (Southern, Coastal, and

Urban), the researcher spent one hour following each completed interview and conducted

a search of the districts website and located no documentation relevant to interview

Question 1.

Table 17

List of Documents and General Descriptions

School District	Documents Provided	Comments
Southern (SH)	Did not provide.	Researcher completed a search on district website and found no relevant documentation.
Eastern (BL)	1. Current enrollment form; 2. Final Guidance Short Version (see comments).	*Final Guidance Short Version* can be acquired on ODE website using 'ethnic' as search term.
Mid1 (SL)	1.Letter to Family from Superintendent; 2. Race and Ethnicity Form sent to parents; 3. *School A* specific Student data sheet; 4. Enrollment Form; 5. *School B* specific student data sheet.	All materials provided to researcher as email attachments within a week of completing in person interview.
Coastal (SH)	Did not provide.	Researcher completed a search on district website and found no relevant documentation.
Mid2 (BH)	1. Six-Step Process (see comments); 2. How to complete the Race & Ethnicity Form for families; 3. Race and Ethnicity Information Form.	Included date specific timeline as well as schematic diagram, two pages.
Urban (SH)	Did not provide.	"No documentation about how to make that guess".
Mid3 (BH)	1. ESIS printout of Blank screenshot of data entry form (see comments); 2. FAQs sheet for Families and Students; 3. Student Information form.	The ESIS

CHAPTER IV

CONCLUSION

Racial categorization policies and procedures for multiracial students in the public school system introduce opportunities and challenges. Whereas the new policies were designed to better account for the identities of multiracial students, responses from the school districts in Oregon indicate that even with the new policies and procedures, the unique identities of multiracial students become invisible in a single category termed *multiracial*. Findings further indicate that consistency and depth of policy implementation varied substantially across the seven Oregon school districts.

Overall, racial categorization policies, mandated by the U.S. Department of Education, are embedded within the exosystem of the ecological framework discussed in Chapter I. In the sections below, the discussion for each research question examines how Federal policy from the *exosystem* interacts with the schools and communities within the mesosystem as mandates are implemented and modified. As part of this discussion, summary tables are provided here aggregating into new displays the disaggregated results information previously provided in Chapter III. The implementation of these policies and procedures impacts the *microsystem* as districts and schools communicate with students and parents or guardians regarding these policies. Influences flow back through the system as well. The summary tables are intended to show and discuss this exosystem viewpoint in this chapter.

Research Question 1: What Are the collection and Reporting Procedures for Students That Do Not Self-identify Their Race and/or Ethnicity?

When inquiring about the collection and reporting procedures of the sampled Oregon school districts, several results emerged. The first of these was the varied ways in which school districts incorporated written documentation to explain the new policies and procedures to their employees and staff within the school district. Some districts had very specific written document that explained the stages and steps that were to be taken when a student or a student's parent or guardian did not specify the race and/or ethnicity of the student, whereas others did not. The best example of this was the six-step process from Mid2; each of the six steps included the roles of which office or person was responsible for the action, the second part was a full explicit description of the action to take, and the third part was the time frame in which the action was to occur.. The final step of this six-step process also included the last resort procedures to be followed if parents still to not identify the race or ethnicity of their child. An exosystem summary of responses from the districts relevant to Research Question 1 is displayed in Table 18.

The themes of written procedures as well as communication and education of family are displayed in this table. I have included both of these themes because they most accurately address Research Question 1.

The Final Guidance (United States Department of Education, 2007) recommends that students have "adequate opportunity" to report their own race and ethnicity. It goes on to say that this opportunity can be validated by providing a thorough and explicit written process (p. 59276):

Table 18

Research Question 1: What Are the Collection and Reporting Procedures for Students That Do Not Self-identify Their Race and/or Ethnicity?

| School District | Collection and Reporting Procedures | | | Family Communication | | | | | |
	Written	Oral	Only State or Federal Documents	Letter or Mailer Home	FAQ's	Newsletter	New Race & Ethnicity Form	Web-site	State or Federal Documents
Southern (SH)	No	.No	**Yes**	No	No	No	No	No	**Yes**
Eastern (BL)	No	**Yes**	No	**Yes**	No	No	No	No	No
Mid1 (SL)	**Yes**	No	No	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**
Coastal (SH)	No	No	No	--	--	--	--	--	--
Mid2 (BH)	**Yes**	No	No	**Yes**	No	No	**Yes**	No	**Yes**
Urban (SH)	No	No	No	No	No	No	No	No	**Yes**
Mid3 (BH)	No	**Yes**	No	No	**Yes**	No	**Yes**	**Yes**	No

If all individuals are not provided the opportunity to identify their race and ethnicity in a manner that is consistent with the 1997 Standards, data within schools, school districts, and States will not accurately reflect the diversity of the population

Mid2 school district explicitly stated at the heading of their six-step process: "(Mid2 school district) has developed the following six-step process to inform, facilitate, support and validate families in the racial and ethnic identification of their students"

Even with a defined process of collecting race and ethnicity data on students, it is important to note that "individuals are not required to self-identify their race or ethnicity" (Final Guidance, p. 59268). One school district, Southern, did not have an explicit written process and stated in the interview process that it was not an option for their students to decline to report their race and ethnicity: "students must report race and ethnicity." Urban school district had a similar response and no written process as well, stating "they have to fill everything out on the enrollment form." These examples illustrate that over interpretation of demands for identification can also be a form of non-compliance.

Several of the districts that had explicit written procedures and those that had procedures in place but not written, such as Eastern, acknowledged that it was not required of students to identify. Eastern, for instance, engaged in a form of informed consent by explicitly stating on its enrollment form that "if parent/guardian/student decline to identify ethnicity and Race (the) schools staff by law will complete the information & registration process based on observation."

Overall, the school districts that implemented a written procedure, and even an unwritten but explicit process of steps, seemed to have developed a greater understanding of the Final Guidance regarding policies for students and parents who choose not to

identify their race and ethnicity. This can be seen by the six-step process of Mid2 as well with Mid1. Mid 1 has demonstrated in Table 18 that they not only had a written process for implementing procedures to follow when a student does not self-identify, but they also utilized many forms of communication to families that were suggested. These districts transformed the policies and procedures created within the exosystem of state and Federal policies into a practical format and explicit design that directly impacted the interactions within the microsystem. One concern that lingered was the absence of the rights of a family to choose not to identify by race or ethnicity, instead, a forced identification by self or others is imminent according to this system.

Based on these results, the recommendation from the Final Guidance for school districts to develop an explicit written process seems well warranted to increase the opportunity for greater validity and accountability in collecting and reporting, as well as to provide opportunity for internal conversations and processing of the policies. Having a written process that includes informed consent practices regarding Observer Identification can also provide evidence that adequate opportunity was provided to students to self-report their race and ethnicity. Furthermore, consideration should be given to students and families who do not want to be identified by race or ethnicity whether by self or Observer Identification.

As part of this written process, communication with parents and children was a significant component as "identification of a student's race and ethnicity is to be primarily made by the parents or guardians of the student" (Final Guidance, p. 59267). This communication is discussed further in the next section; however, it was included in some of the written procedures as well.

Education and communication with parents and tudents. The Education

Enterprise Steering Committee (EESC) recommends "significant outreach to families,

staff and communities about the changes must be undertaken for best results. Best results

= accurate data, least question/concerns, least changes to demographic data, relational

trust built" (EESC, p. 10). This manual was developed as a school resource

collaboratively by Lane ESD, Oregon Department of Education, Coalition of Oregon

School Administrators, and the Oregon School Employees Association. It also provides

schools and school districts with Letter to Parent templates to explain the new policies

and procedures. This manual was also a means by which policies and guidelines

established within the exosystem were paraphrased and restructured to be more

accessible to transmit the information through the mesosystem and microsystem.

In interview Question 2, I asked how the school districts requested ethnic and

racial data from their families, a summary of responses is displayed in Table 18. Most of

the districts sent out some kind of mailer or letter to notify families of the changes. Many

also specifically stated that they utilized documents provided by the Oregon Department

of Education and the U.S. Department of Education such as the FAQs sheet, a list of the

new race and ethnicity options, a personal letter from the school district or

superintendent, and the overview of the new race and ethnicity data collection

requirements. Mid1 and Mid2 stated that they posted the information on their Web site.

Mid1 was the most thorough in its communication with families as they included in their

communications a letter from the superintendent, FAQs sheet, newsletter, Web site, and a

list of the new race and ethnicity options. Much of this information continues to be sent

out in the yearly enrollment packet. Most of the districts provided this information only prior to implementation or in the initial stages.

Communicating with families with personal letters, FAQs, and specifics of the new mandates may aid in providing the opportunity for multiracial students and families to feel more visible in the educational and ecological system. This is an explicit recognition that students are coming from diverse backgrounds and may have multiple heritages with which to identify. Milan & Keiley (2000) state:

> The failure of societal institutions to acknowledge biracial children has profound implications for the individual and family: If one does not exist in language, how important can one be to others? If language does not validate all elements of one's family, how valid can the family be? (p. 310).

Research Question 2: How Is Observer Identification Used to Racially/Ethnically Categorize?

Observer Identification is required if the students and parents do not self-identify the race and ethnicity of the child. The *Forum Guide* states that self-identification "is found to be the most consistent and accurate mode of racial and ethnic data collection" (National Forum on Educational Statistics, 2008, p. 28). However, as last resort when self-report does not occur, Observer Identification is preferable to no data at all according to *USED Final Guidance*. The *Forum Guide* and *USED Final Guidance* also specifically state that school districts should have a policy that indicates the steps taken prior to having an observer complete this selection process. Furthermore, the *Forum Guide* recommends designating an administrator to conduct Observer Identification on the students' behalf.

Out of the districts interviewed, I explored the ways in which they were following the recommendations outlined in the NFES *Forum Guide* as well as the suggestions

directly from the U.S. Department of Education Final Guidance (see Table 19). Some of the results in this area were contradictory or unclear. For example, Southern stated: "Students must report on race and ethnicity." Yet, when responding to whether or not they utilized Observer Identification, they acknowledged using it "when needed." This district did not have a written process for ensuring students have adequate opportunity to self-report. Urban district had a similar response, stating: "They have to fill everything out on the enrollment form" and even made specific suggestions to Hispanic and Latino families to select certain racial groups if they were having difficulty deciding:

> When someone was in need of guidance we said most likely you are some combination of White and Native American, because if you are in the (Urban) school district and you are Hispanic, you are probably Central American and you are probably some mixture of Spanish and Native American. So, feel free to mark White and Native American.

According to the Final Guidance, representatives from an educational institution are not permitted "to tell an individual how that individual should classify himself or herself." (p.59269). Even though suggesting a classification is not necessarily an order, when it comes from a person of authority within a school or school district, a parent who is not familiar with the subject matter may feel it is appropriate to comply with the suggestion. Urban district did affirm that they complied with using Observer Identification as well and that the responsibility was with the building principal.

On the other hand, Eastern district established that they implement Observer Identification and the final decision is made by the building principal. Furthermore, they had a specific three-step process to ensure *adequate opportunity* for self-identification. This district took an additional recommendation to make the Observer Identification component visible in their data sets. A separate box was checked when student data was

Table 19

Research Question 2: How is Observer Identification Used to Racially/Ethnically Categorize?

School District	Observer Identification			
	Building Principal	Check All	Other Admin or Staff	Not Explicit or Don't Use
Southern (SH)	No	No	No	**Yes***
Eastern (BL)	**Yes**	No	No	No
Mid1 (SL)	No	**Yes**	**Yes**	No
Coastal (SH)	**Yes**	No	No	No
Mid2 (BH)	No	**Yes**	No	No
Urban (SH)	**Yes**	No	No	No
Mid3 (BH)	No	**Yes**	No	No

Note: Southern stated that students 'must' report race and ethnicity; however, they also stated that Observer Identification is used 'when needed'. Therefore their answer was not explicit, and did not describe who is assigned as Observer Identifier.
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entered to indicate that Observer Identification was used to complete the race or ethnicity

data. This was an additional recommendation by the U.S. Department of Education's

Final Guidance.

Several districts stated that they did not use Observer Identification within the

buildings, but had created another process to complete the racial and ethnicity data. Mid1

stated that they will use what students have reported in the past as a fifth step, or in the

case of no previous records, these students get checks in every race category as a sixth

step. Before Observer Identification occurs in Mid1, the first four steps of the written

process must be followed: (1) Registration forms sent home (include race and ethnicity categories); (2) Secretary or Principal will call home and ask for identification; (3) Principals send a letter home; and (4) follow-up phone call from building principal. Mid2 follows a similar policy but does not allow administrators in the school to conduct Observer Identification; Mid3 will check all the boxes as well after they have selected non-Hispanic or Latino.

Based on my results, when districts had an explicit written procedure in place, such as Mid1 and Mid2, they were less likely to report using Observer Identification. And in the case of Mid3, they used a families previous self-report rather than an actual observation or assumption about the students race or ethnicity. Instead, they created multi-step systems to gather self-identification from students and families. So, even though these districts demonstrated greater compliance with creating a written process and communicating with families, they implemented a system to avoid using Observer Identification. Mid1 stated that they created their system because they "wanted to know who these families were…a bit of relationship building and outreach". Furthermore, prior to implementing their six-step process, when building principals first heard of the recommendation that they should be the Observer Identifiers, "it freaked a few of them out." As mentioned previously in this chapter, it is necessary to consider permitting families the opt out opportunity to not have the race or ethnicity of their child collected or reported.

When districts had the multi-step process for students and their families to self-report race and ethnicity, students were more likely to have an *adequate opportunity* to self-report within the microsystem. Errors, such as making recommendations to families

on what boxes to check (Urban) and the assumptions that all families are required to report race and ethnicity (Southern) did not exist in the four districts that had explicit procedures on collecting and reporting race and ethnicity (Mid1, Mid2, Mid3, and Eastern).

Research Question 3: Is There Initial and Continuous Training?

The U.S. Department of Education, the Oregon Schools Employees Association, the Coalition of Oregon School Administrators, ESDs statewide (exemplified here by Lane), and the Oregon Department of Education all help communicate the importance of training of school staff and administers in the area of implementing the Federal race and reporting guidelines. These organizations, as part of the exosystem, collaboratively have agreed that an administrator in each building is designated and trained as the Observer Identifier. This administrator is within the mesosystem of the school and has opportunities for direct interactions with the microsystem of the child. These groups also agree that all staff should be provided thorough guidelines and training on race and reporting guidelines (Education Enterprise Steering Committee, 2010). This collaborative assistance manual further states:

> All staff should be prepared and encouraged to help students, families and individuals understand the guidelines including the choices and their outcomes in reporting. Staff should be prepared to explain that Observer Identification is required in the event that self-identification is withheld, and to refer further concerns to the designated Observer Identifier in their building. Staff should receive training appropriate to their level of contact and responsibility. (p. 10)

The districts in this study reported that initial training occurred in varying degree, and an exosystem summary of findings of initial and continued training can be seen in Table 20. Southern, Coastal, and Urban were found to have very minimal training that

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likely would not cover the recommendations found in the EESC *Assistance Manual*

because it consisted of a single WebEx video for Southern, undefined "required" training

for administrators at Coastal, and a brief explanation to staff at Urban. In alignment with

this trend on Research Question 3, these were the same districts that did not have explicit

written or verbal processes in place on the prior research questions for administrators and

staff to follow when collecting data on race and ethnicity.

Those districts with more training specifically commented on the involvement of key

personnel in their district and buildings. Eastern emphasized the multiple workshops that

covered procedural and legal changes, and the participation by key personnel and

registrars. Mid3 had monthly secretary meetings and Mid2 had significant training with

their relevant staff as well. Mid1 specifically mentioned the trainings on steps and

processes with the building principals. All of these districts had explicit written or verbal

processes.

Most of the districts reported that they were not involved in continuous training or

evaluation of the newly implemented policy of reporting on race and ethnicity. Some

stated that the existing staff was already trained, that there was not enough time, or that

they will be contacted if questions arise. Others stated that training to some extent

continues in monthly registrar, council, data team, office manager, or counselor meetings.

One school district in particular, Mid2, stood out as being invested in continual training,

in addition to continual evaluation of how its policies and procedures for implementing

this process were working.

Continuous training, and evaluation of the implementation of the race and

reporting guidelines, allows the opportunity for greater transparency and visibility

Table 20

Research Question 3: Is There Initial and Continuous Training?

School District	Initial Training				Continual Training			
	More Wide-spread	Minimal	Unsure or None		Monthly	One or More Times a Year	Formal Evaluation	Unsure or None
Southern (SH)	No	.**Yes**	No		No*	No*	No	**Yes***
Eastern (BL)	**Yes**	No	No		No	No	No	No
Mid1 (SL)	**Yes**	No	No		**Yes**	**Yes**	No	No
Coastal (SH)	No	**Yes**	**Yes**		No	No	No	No
Mid2 (BH)	**Yes**	No	No		**Yes**	**Yes**	**Yes**	No
Urban (SH)	No	**Yes**	**Yes**		No	No	No	No
Mid3 (BH)	No	**Yes**	No		No	No	No	No

Note:* Southern stated they meet monthly with registrars and office managers and that they have used ODE and Federal materials to train staff. This respondent was unable to explicitly state the purposeful and ongoing nature of training.

throughout the ecological systems. Multiracial students and families may have more voice through the types of feedback cycles often in place in continuous improvement approaches, and more opportunity to receive reliable and consistent information regarding the policies due to responsive processes. This could support feeling more empowered and recognized.

Research Question 4: How Are Black and White Multiracial Students Reported?

One of the purposes, as indicated in the *Final Guidance*, of implementing the new guidelines on reporting on race and ethnicity was "to obtain more accurate information about the increasing number of students who identify with more than one race" (U. S. Department of Education, p. 59267). Therefore, these new policies would seem to assist in allowing students with multiple racial heritages an opportunity to become more visible and acknowledged in the school systems and in the data sets.

When I inquired as to how multiracial students, more specifically Black-White students, were reported and reflected in the school districts, it became apparent that the invisibility of the multiracial child continued. An exosystem summary of these results is seen in Table 21 on the next page, along with the summary of reclassification opportunities. I have chosen to display these two themes together because I am looking at whether or not multiracial students are having the opportunity to self-report their multiple heritages. Providing students multiple opportunities to report supports this. Most districts reported that even though their students checked multiple boxes to self-identify race, once they marked more than one box they become collected into a single category called *multiracial*. Most of the districts had an understanding that Black-White multiracial students would become categorized as *multiracial*. Mid2 interviewee expressed concern

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that those students lose their unique characteristics stating: "For me that is a problem."

Several schools noted that in certain instances such as grant reports, disaggregated racial

subgroups are part of their data sets. One district, Urban, felt it would be a burden to

consider the multiple racial sub-groups within their district.

If indeed the disaggregated subgroups are now combined and represented as a

single classified group called *multiracial*, what is the purpose of having more accurate

representation of the student population being met? The policy question becomes whether

we have just replaced one flawed system with another one differently flawed. The point

is that children who identify with more than one racial group have relationships with not

only one, but multiple heritage groups. Disconnecting them from not only part of their

heritage relationships as was done in the past is now replaced by disconnecting them

from *all* of their heritage relationships. This would seem to exacerbate the problem rather

than remedying it.

The multiracial population, and in particular the Black-White multiracial

population, continues to grow quickly. This paper has already discussed how academic

indicators of the performance of Black-White multiracial students often lag behind that of

other majority racial groups such as White and Asian, and probably other multiracial

subgroups according to Kao (1999). When all the racial subgroups are placed in a single

category, not only are heritage relationships disregarded but disaggregated academic

progress becomes impossible to track and support if a need arises. Lee and Orfield (2006)

shared this concern as the reporting of these students in a single category is contrary to

the U.S. Census policy of reporting the racial combinations. They state: "It will be

Table 21

Research Question 4: How are Black and White Multiracial Students Reported?

School District	How Black-White are Reported				Reclassification		
	Multiracial or Multiple Race	Some Reports Include Both Races	Other		Initial	Yearly	Other
Southern (SH)	**Yes**	**Yes**	No		No	No	Not specified
Eastern (BL)	**Yes**	No	No		**Yes**	No	
Mid1 (SL)	**Yes**	No	No		**Yes**	**Yes**	
Coastal (SH)	No	No	**Yes***		**Yes**	**Yes**	
Mid2 (BH)	**Yes**	No	No		**Yes**	No	
Urban (SH)	**Yes**	No	No		**Yes**	No	
Mid3 (BH)	**Yes**	**Yes**	No		**Yes**	No	

impossible to interpret statistics that will combine unknown groups of students from extremely different backgrounds" (p. 4).

     Reclassification of all Students. In order to gather student racial and ethnic data using the current system, the USED recommended that all school districts provide to their entire student population the opportunity to re-identify their race and ethnicity according to the new policies and racial categories. Out of all the school districts, only one, Southern, chose not to comply with this recommendation. Southern did not offer the opportunity for all students to reclassify, instead offering this for "only those that needed to be reclassified." The respondent did not expand on what was meant by 'need' nor how this decision was made.

     This procedure of only selectively offering opportunity to reclassify is problematic in several areas. First, the district made assumptions that students who identified one way in the previous system would not choose to identify differently now that they have new options. For example, in the previous system a Black-White student may have chosen to identify as Black rather than White. And with the new system, they may want to identify with both of their heritages. If a district does not allow for this opportunity, their own perceptions and assumptions are what guide the identification process, and students are not provided the *adequate opportunity* to self-identify according to the Final Guidance (United States Department of Education, 2007). Zach (1995) asked this question: "How should anyone determine the 'race' of another person?" (p.125). Expanding on this question, how should anyone determine what individuals are in need or do not need to be reclassified?

Secondly, how students and students' parents or guardians choose to identify racially can fluctuate (Rockquemore & Brunsma, 2002). This is especially true in the middle school and high school years, which is a time of rapid development of identify formation. When conflict arises between what the student selects and what the parent or guardian selects, districts are to consider the latter's selection, according to EESC recommendations. In the case where the parent does not identify, but the student does, it is usually best to use the self-identification of the student before Observer Identification. The EESC New Federal Race and Ethnicity Reporting Assistance Manual (2012) states: "If a parent refuses to identify the race or ethnicity of a student, but the student later volunteers to self-identify him- or herself, the data should be used" (Appendix E-2).If the parent or guardian does not make the selection; the student's self-identification supersedes any Observer Identification.

Some districts offered that they choose to reenroll or reregister students every year. This provides the students and parents or guardians the opportunity to make amendments, to alter how they may have identified in the past, or correct any mistakes that had been made.

Implications for School Districts, Policy Makers, and the Public

School districts and states are required to report the aggregate data of the student population. This means that if families mark *yes* for Hispanic or Latino, that will be their one data point required to report at the state level, even though they are required to mark their racial designation as well. If they mark *no* for Hispanic or Latino, then they will be reported as one of the five racial groups or if two or more racial designations are marked,

they become part of a sixth racial category called *two or more races* or *multiracial* . The

National Forum on Educational Statistics (2008, p.2) explains this clearly:

> Regardless of the race combinations of individuals, each individual must be counted in exactly one of the following race and ethnicity combinations when being reported to ED or other federal agencies:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or more races
- Hispanic of any race.

This new categorization system does allow for multiracial students to have a

different classification beyond a primary race group; for example previous reporting

allowed a Black-White multiracial student to be reported as Black. However, it does not

necessarily represent the unique and multiple racial identities of the student. Simply

based on the numbers, as Black-White multiracial students are placed in the multiracial

category, the minority population of previous "major racial groups" declines (U.S.

Department of Education, p. 59272). This has large implications across the levels of the

ecosystem.

Previously, Black-White multiracial children and young adults were most often

considered as their minority race "Black" for purposes of civil rights identification (see

Chapter I) as well as accountability in the areas of the Individuals with Disabilities Act

(IDEA), the No Child Left Behind Act (NCLB), TITLE 1, and Annual Yearly Progress

(AYP). School districts and states are now given the option to allocate "multiple race

responses that combine one minority race and White" as their minority race utilizing

previous response categories. In the interviews with the seven school districts in Oregon,

none of them acknowledged utilizing this system. Most of the school districts explicitly stated that their Black-White multiracial students were reported as *multiracial* on most reports.

There is no consistency or regulation that tracks which school districts and states are disaggregating their multiracial populations to ensure civil rights compliance as well as to secure funding, obtain the intended resources for students with need, and provide accountability such as in special education, Title 1 programs, AYP and other services. Furthermore, the No Child Left Behind Act has a crucial requirement of tracing data trends over time in order to comply with civil rights and IDEA (Lee & Orfield, 2007) but such trends are obscured when data are collected in such a way as cannot be meaningfully disaggregated for the intended purposes.

Thus, the *multiracial* category lacks transparency and visibility for understanding whether Black-White students are being placed in special education at higher rates, whether their graduation rates are on par, whether their dropout rates are higher, or whether their academic performance is lagging behind other students. Nor does this *multiracial* category provide the additional funding for states and school districts to support these students that may be available to them by law.

Since districts are required to collect the subgroup data of the multiracial population, districts and states should also be recommended or required to analyze this subgroup data, especially for groups of students that have traditionally been marginalized and that have demonstrated lower achievement and graduation rates that qualify for support services.

Lee and Orfield (2006) state that the "most appropriate method of implementing an accounting solution that would reflect the growth of multiracial families would be to use the procedures for data collection and reporting adopted by the U.S. Census" (p. 5). States and the Federal agencies should request disaggregated categories of multiracial students, instead of the single category of two or more races or multiracial as is currently required. This type of accounting system within the exosystem would prevent data from subgroups of multiracial students from being considered as a single racial group. Treating multiracial students as a single category in the exosystem is from this perspective not an improvement, especially when policies were meant to address such inequities as using a monoracial categorization scheme in which the "ghost-like assumption of racial purity, with its implicit biases against non-White individuals, is still reflected in the categories of race established by the federal government and used by school administrators to report student racial data today" (Reid & Henry, 2, pp. 564-565).

Trends by size, diversity, and geography. For the most part in this study there were not obvious trends in the results of research questions one through four by the sampling characteristic of size of school district. However, one trend I noted was all the small school districts implemented Observer Identification while this was not consistent across the large schools. Nonetheless, the large school districts all conducted initial reclassification of their students while none of these large school districts implemented a yearly reclassification. No obvious trends were noted with the diversity dimension among the sampled sites, with the two districts serving less diverse populations showing a similar range in different aspects of implementation and process as did the districts serving the more diverse populations. Regarding the geographical sampling, the one trend

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noted was that school districts in the Mid region had utilized and implemented their written policies and procedures in a similar way, probably due at least in part to the shared training from an expert in the local service district office.

Inconsistencies in written procedures and training. The results show that implementation of a written procedure and formal training of district staff and key personnel involved in the collection and reporting on race and ethnicity could be strengthened. Training is important because it ensures that data is being collected and reported in a consistent manner and that the mandated and recommended procedures are communicated. Additionally, when incorporating a written procedure, staffs have a template to follow to ensure that appropriate and adequate steps are followed. This template also can be used to train and educate new staff members in the district. Another advantage to having written procedures and training is the opportunity to evaluate the procedures, provide accountability, and make adjustments and accommodations for improvements. Without an explicit process and training, evaluation of the implementation of this process is very difficult.

Recommendation Regarding Policies and Procedures of Racial Categorization

First and foremost regarding recommendations from these results, schools and school systems need to provide an appropriate classification category for Black-White and other multiracial students in all forms, assessments, and data gathering. This would allow for a deeper understanding of our school populations and more specifically the academic achievement of Black-White biracial children. Such improvements are necessary for data to be disaggregated for policy and school considerations, and the new recommendations have not sufficiently addressed the need; indeed, may have exacerbated the problem.

Limitations

Limitations that may have affected the results in this study include the diverse perspectives of the school district representatives interviewed. The roles the individuals fulfilled in their district and their responsibilities varied. Interviewees ranged from Superintendent to Data specialist, Community and Diversity Coordinator, and Multicultural Coordinator, and others. The professional position and responsibilities of the district representative may have influenced the motivation of implementation as well. Additionally, it may have been beneficial to interview several individuals with different positions in the district. This could provide a more robust description of how the district is implementing the race and ethnicity guidelines.

A further limitation of this study was its small size, a purposive sample of seven school districts in Oregon. Although I sampled districts from varying regions, different population sizes, and varying racial and ethnic diversity of students according to systematic variation over two dimensions of school size and diversity as well as geographic location, Oregon has over 200 school districts, and a larger sample could yield greater generalizability.

An additional limitation of the study was the lack of depth and breadth in some responses. For example, one of the interviews was completed through emails. This did not allow me as much flexibility in follow-up prompts although the exchange of emails did provide follow-up opportunities to expand on responses.

Several factors could have improved the reliability of this study. First, it would have increased reliability of this study to have a second coder for the interview transcripts. Another way to improve the reliability would have been to have each of the

respondents review a copy of their transcripts for accuracy; this linkage check could have been built into the study as a follow up protocol.

Implications for Further Research

This study shows considerable difference in how the policies and procedures for the collecting and reporting of race information are followed in the sampled districts in the State of Oregon. Several implications for further research are indicated by this study. First, a full program evaluation examining the level of implementation of policies and procedures utilized in school districts across the state would be helpful. Evaluation questions should inform on the key personnel involved, communication and satisfaction within the community (families and staff), allocation of funding for multiracial population subgroups, and ways in which the district utilizes its racial data for multiracial subgroups, including how data are aggregated and analyzed.

Secondly, I recommend further study of teacher perceptions and expectations of Black-White multiracial students within the microsystem, and how this affects the academic achievement of these students. It has been confirmed in a study by Tenebaum & Ruck (2007) that "teachers held lower expectations for African American Students … than for European American students" (p. 253). Do teachers additionally have lower academic expectations for those with Black and White heritage, continuing the historical trend of recognizing individuals based on their marginalized race? What are the implications for Black-White multiracial students? Without disaggregated data from the Oregon Department of Education within the exosystem, it will be difficult to know whether this group is achieving below their potential. Therefore, this microsystem study

would allow for a greater understanding of a more directly influential component, the teacher, on the development of the student.

As the interviews proceeded, I began to build an understanding that the depth of the policy implementation might be somewhat related to whether the district was motivated internally by the student population and school climate or motivated by the Federal and State regulations and policies. A third future research question could consider this topic.

Such research might inform us on whether more internally motivated districts were perhaps more likely to implement more of the recommendations proposed in the Final Guidance. These recommendations included those that were discussed in the research questions such as written procedures, conducting OI, and training. I did note some trends. For example, Southern District had no written process, used State and Federal documents, claimed students "must" report/ethnicity, used OI "when needed," trained with only a WebEx video, was unclear about continued training, and used ODE documents for communication with families. In future work this might be considered a Weakly Implemented profile (WI) as compared to others that might show a more Strongly Implemented profile (WI). This is beyond the scope of this data collection and study, but is generative research suggested by this study.

Finally, it could be important to institute an accountability study in the state. This should examine how the newly recommended reporting practices may be impacting student identification for programs and services for which they qualify. Refinement may be in order to the school implementations of the federal recommendations, in order to avoid detrimental effects and unintended consequences. The reporting changes were

intended to be in the best interests of students and parents, and to support voice, visibility and respect for the growing numbers of students with multiple racial heritages. Unintended consequences could derail the effort if students are simply aggregated into new groups of limited meaningfulness.

Summary

The primary purpose of this study was to explore the ways in which the sampled school districts in Oregon understood and implemented policies and procedures for the collection and reporting of race and ethnicity, especially as related to multiracial students. A motivating factor was that as Black-White multiracial children become a more visible part of our communities, it is important that policies mandated by the Federal government move through the ecosystems and provide the opportunity for multiracial students to self-identify their multiple heritages. The multiple ways in which students identify can then be collected and reported back through the layers of the ecosystem. Therefore, those within the *microsystem* become more empowered and visible at the *macrosystem* level.

Findings revealed that policies and procedures are mandated or recommended at the *macrosystem* level, claiming to allow a more accurate representation of the multiracial population. Yet, even though this data is reported out at *microsystem* by the student and students' parent or guardian, it halts at the *mesosystem* level, not permitting the representation of multiracial subgroups to become visible or recognized within the *exosystem*.

if information often so carefully collected is tossed aside it can seem deprecating and pointless to the multiracial student and families, and does not create a better or more accurate system for collecting data on the multiracial population. The revised

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categorization system was "designed to obtain more accurate information about the increasing number of students who identify with more than one race" (Final Guidance, p. 59267). Based on the results of this study, this purpose is not being met in Oregon.

Racial categorization continues to be a social construct within the macrosystem of the United States, and some have theorized that 'race' has "evolved out of a historical need to create a hierarchy that would maintain the status quo of White supremacy and privilege in the United States" (Gillem, et al., 2001, p. 183). As the racial categorization systems continue, and attempts are made to make this system a more accurate representation of our population, there continues to be discontent. Caballero et al (2007) further explains this saying "there is a tension between wishing to avoid reproduction of essentialist categories and wanting to reflect and analyze lived experiences of those who identify – or are identified – as inhabiting these categories" (p. 357). With this in mind, it is important to realize that the population is not made up of monoracial individuals and those who can readily be classified together into a single category.

In order to confront inequities in the school system it is necessary to examine all subgroups of the multiracial population, especially Black-White multiracial students who have historically been considered and often self-identified as Black based upon the 'one drop rule' or norms of hypodescent (Brunsma, 2006). Multiracial youth represent an increasingly growing population and should be visibly and formally recognized for all parts of their heritage. Gillem et al (2001) states: "biracial people demonstrate internalized oppression if they reject either part of their heritage" (p. 183). It is even more important that students and their families are not only provided this opportunity, but that

this disaggregated data is utilized and made visible to researchers, families, institutions,

educators, and society as a whole that function within this exosystem.

APPENDIX A

NAEP GRANT PROPOSAL

NAEP GRANT PROPOSAL for 1995

Name of Institution:	James Madison University
Principal Investigator:	Joseph P. Meyer
RFA Goal:	Measurement
Title:	A Comparison of Bridging Methods in the Analysis of NAEP Trends with New Race and Ethnicity Subgroup Definitions

Purpose: The new federally mandated race and ethnicity categories may affect the composition of all race and ethnicity subgroups in future national assessments. This project will evaluate the extent to which the new multiracial reporting format may impact NAEP long-term trends and test four bridging methods that may help preserve existing NAEP subgroup trends.

Data: 1990–1999 NAEP nine-year-old reading trend data and simulated data sets projecting NAEP trend data for five assessment cycles.

Population(s): U.S. nine-year-old public and private school students in the 1990–1999 assessment years.

Key Measures: Five standard NAEP trend categories for student race and ethnicity; new mandated race/ethnicity categories allowing for multiracial and ethnic affiliation; other background variables from NAEP will be identified during the study which support the classification of students into "parent" categories which facilitate linking assessments across years.

Data Analytic Strategy: This project consists of two studies. Study one is an exploratory analysis of the NAEP long-term trend data for nine-year-olds in reading from 1990–1999. This study is identifying the relationships among background items, race/ethnicity subgroup membership and plausible values and tracking how these relationships have changed over time. Study two is creating simulated NAEP data sets for five future years which include the multiracial and ethnicity categories and applying four possible bridging methods to link the simulated long-term trend data back to the NAEP trend data. Bridging methods are being used to classify simulated students who selected the multiracial and ethnic categories into "parent" categories that can be linked to past NAEP trend data. Four bridging methods will be compared in study two: two non-background information methods, one background information method, and one "two or more races" method. The efficacy of each bridging method can be determined by comparing its classification of simulated students to the known parent groups used to create the simulated data. The best of the four bridging methods will be determined by a fully crossed factorial ANOVA of their classification accuracy.

http://nces.ed.gov/nationsreportcard/researchcenter/naepgrants2005onward.asp

APPENDIX B

DEPARTMENT OF EDUCATION FINAL GUIDANCE

information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: October 10, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Written Application for the Independent Living Services for Older Individuals Who are Blind Formula Grant.

Frequency: Every 3 years.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 9.

Abstract: This document is used by States to request funds to administer the Independent Living Services for Older Individuals Who are Blind (IL–OIB) program. The IL–OIB program is provided for under Title VII, Chapter 2 of the Rehabilitation Act of 1973, as amended to assist individuals who are age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain, but for whom independent living goals are feasible.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the "Browse Pending Collections" link and by clicking on link number 3425. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–

245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–20427 Filed 10–18–07; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.
ACTION: Correction notice.

SUMMARY: On October 12, 2007, the Department of Education published a comment period notice in the **Federal Register** (Page 58063, Column 2) for the information collection, "U.S. Department of Education Grant Performance Report Form and Instructions (ED 524B)". The abstract has been corrected to state a 3-year clearance instead of a 2-year clearance.

The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: October 16, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.
[FR Doc. E7–20673 Filed 10–18–07; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education

AGENCY: U.S. Department of Education.
ACTION: Final guidance.

SUMMARY: The Secretary is issuing final guidance to modify the standards for racial and ethnic data used by the Department of Education (Department). This guidance provides educational institutions and other recipients of grants and contracts from the Department with clear and straightforward instructions for their collection and reporting of racial and ethnic data.
DATES: This guidance is effective December 3, 2007.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, U.S. Department of Education, 400 Maryland Avenue, SW., room 6C103, Washington, DC 20202–0600, telephone: (202) 708–8196 or Edith K. McArthur, U.S. Department of Education, National Center for Education Statistics, 1990 K Street, NW., room 9115, Washington, DC 20006, telephone: (202) 502–7393.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to one of the contact persons listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: On August 7, 2006, the Secretary published a Notice of Proposed Guidance on Maintaining, Collecting, and Reporting Data on Race and Ethnicity to the U.S. Department of Education in the **Federal Register** (71 FR 44866).

In the proposed guidance, the Secretary discussed on pages 44866 through 44868 the major elements of how the Department proposed to modify standards and aggregation categories for collecting racial and ethnic data. As explained in the proposed guidance, these 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).[1] The 1997 Standards instituted a number of changes for how Federal agencies should collect racial and ethnic data.

This guidance directly addresses three sets of issues:

(1) How educational institutions and other recipients will collect and maintain racial and ethnic data from students and staff;

(2) How educational institutions and other recipients will aggregate racial and ethnic data when reporting those data to the Department; 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 final guidance provides information regarding the implementation schedule for these changes.

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[1] *See* OMB, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 FR 58782–58790 (October 30, 1997); *http://www.whitehouse.gov/omb/fedreg/1997standards.html.*

Substantive Changes From the Proposed to the Final Guidance

The following is a summary of the substantive changes in this final guidance from the proposed guidance.

We have clarified that when collecting racial and ethnic data at the elementary and secondary school level, the identification of a student's race and ethnicity is to be primarily made by the parents or guardians of the student rather than the student.

In the proposed guidance, we stated that educational institutions and other recipients could use a combined one question format when Hispanic ethnicity is included in the list of options with the racial categories if observer-collected data was used. In the final guidance, we are removing this exception to the general requirement that educational institutions and other recipients use the two-part question (*i.e.*, a question on Hispanic/non-Hispanic ethnicity and a question on race) [2] for collecting racial and ethnic data.

We are extending the final implementation date for reporting school year data under the final guidance from the 2009–2010 school year to the 2010–2011 school year.

Analysis of Comments and Changes

In response to the invitation in the proposed guidance, more than 150 parties submitted comments on the proposed guidance. An analysis of the comments and of the changes in the final guidance since publication of the proposed guidance follows. The analysis generally does not address (a) minor changes, including technical changes, made to the language published in the proposed guidance, and (b) comments that express concerns of a general nature about the Department or other matters that are not directly relevant to this guidance.

I. Background

A. Why publish the guidance?

Comment: Many commenters supported the proposed guidance while others expressed opposition to it. Generally the commenters opposed to the proposed guidance asserted that the changes would undermine the Department's collection of reliable statistical data, have a detrimental impact on statistical trend data, and make it more difficult for the Department to carry out enforcement and oversight efforts. Other commenters objected to collecting any individual

racial and ethnic data because they viewed the collection of racial and ethnic data as being contrary to the principle of racial equality.

Discussion: The Department's final guidance satisfies OMB's requirement to establish consistent government-wide guidance at the Federal level for collecting and reporting racial and ethnic data. In particular, it is designed to obtain more accurate information about the increasing number of students who identify with more than one race—a key reason OMB initiated the review and modification of the government-wide standards. The racial and ethnic categories set forth in this final guidance are designed to measure more accurately the race and ethnicity for the general population of students, including the population of students identifying themselves as being members of more than one racial or ethnic group. A part of the Department's mission is "ensuring equal access" to education for all students. This includes collecting racial and ethnic data about the educational progress of students from various racial and ethnic groups in our nation's schools.

Changes: None.

B. What is the difference between collecting data and reporting data?

Comment: Some commenters expressed confusion about the requirement to collect data from individuals using the two-part question and the requirement to report data using seven aggregate reporting categories including the "two or more races" category.

Discussion: The collection of data requires the gathering of information from individuals by educational institutions and other recipients, whereas the reporting of data requires the provision of aggregate information to the Department by educational institutions and other recipients based on the information that has been collected from individuals.

Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question. 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 "two or more races" category.

The process for reporting the data collected to the Department is different than the process for the collection of

data from individuals. When reporting data to the Department, educational institutions and other recipients will report aggregated racial and ethnic data in the following seven categories:

(1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,

(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.

The following examples may be helpful in understanding how the reporting will work.

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. Similarly, while educational institutions and other recipients will collect both racial and ethnic data using the two-part question for collecting data, they will report only ethnic data for individuals who self-identify as being Hispanic/Latino, 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 have self-identified as having Hispanic/Latino ethnicity and who also have provided racial information in response to the second question about race. Additionally, these reporting categories will minimize paperwork burden because they are the same reporting categories used by other Federal agencies to which educational institutions and other recipients report aggregate data, such as the Equal Employment Opportunity Commission (EEOC).

Changes: None.

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[2] The two part question is sometimes refereed to as the "two-question format."

II. Collecting Data

A. Should We Add New Racial and Ethnic Categories or Clarify the Proposed Categories?

Comment: Many of the commenters recommended one or more changes to the proposed racial and ethnic categories. Some commenters suggested adding categories such as Middle Eastern, Southeast Asian, African (as a different category from African American), Indian/Pakistani (as a different category from Asian), Filipino, and Cape Verdean (as a different category from African American). Other commenters suggested adding a multiracial category. Some commenters suggested that the categories generally are not clear. For example, a commenter asked whether people from Spain or other Spanish cultures should identify as Hispanic/Latino or White.

Discussion: We do not think it would be appropriate to make the changes suggested by the commenters. This final guidance conforms the Department's data collection and aggregate reporting categories to those used by other Federal agencies that require educational institutions and other recipients to collect and report data. At the same time, it imposes the least possible data collection and reporting burden on the education community. The issues raised by these commenters concerning additional categories or clarifications of existing categories were previously addressed by OMB when it announced its "Revisions to the 1977 Standards for the Classification of Federal Data on Race and Ethnicity" in its notice in the **Federal Register**, published on October 30, 1997 (62 FR 58782–58790). The history of the research, meetings, and reasoning that produced OMB's Federal guidance on this issue is available electronically at *http://www.whitehouse.gov/omb/fedreg/1997standards.*

In response to the commenter's question, OMB's guidance provides that individuals from Spain may select "Hispanic/Latino" because of their Spanish cultural heritage. When selecting a race they may select "White" for their European origin or any other race with which they identify.

Changes: None.

B. Should the Two-Part Question Be Required or Made Optional?

Comment: Some commenters supported and some opposed using the two-part question. One commenter argued that it is difficult and confusing to implement use of the two-part question. Some commenters suggested that the Department change the guidance to only recommend use of the two-part question rather than require its use. Others requested instructions for using the collection form that would encourage individuals to answer both questions in the two-part question.

Discussion: The Department will require educational institutions and other recipients to use the two-part question when collecting racial and ethnic data from individuals. This approach will ensure consistency in the categories of data reported to the Department and also assist the Department in carrying out its mission to collect, analyze, and report educational information and statistics that are relevant and useful to practitioners, researchers, policy makers, and the public.[3]

We also note that the Department routinely uses the two-part question when collecting racial and ethnic data from individuals directly and the two-part question is routinely used by a number of Federal agencies, including the EEOC, when collecting data from individuals.

The Department will provide instructions that educational institutions and other recipients can include on their data collection forms in the future. These instructions will be designed to eliminate any confusion when using the form and to encourage individuals to answer both questions.

Additionally, the final guidance permits each educational institution and other recipient to create sub-categories of these seven categories if it desires additional information for its own purposes.

In our review of the proposed guidance, we determined that providing an exception to the use of the two-part question for collecting racial and ethnic data for observer-collected data using a combined one-question format could be confusing for educational institutions and other recipients. Accordingly, we are eliminating that exception and requiring the consistent use of the two-part question for self-identification and (as a last resort) observer-collected data. We hope that this change will help to minimize confusion for educational institutions and other recipients when collecting racial and ethnic data.

Changes: We have revised the guidance in Part IV.A.2 to delete the provision that would have allowed possible use of a combined one-question format when observer identification is used as a last resort.

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[3] 20 U.S.C. 9541.

C. Identification of Racial and Ethnic Categories and Missing Data

Comment: Some commenters objected to the Department's decision to continue its current requirement for "observer identification" of the race and ethnicity of elementary and secondary school students when self-identification or identification by the parents does not occur. Some commenters suggested that elementary and secondary school students should be treated like postsecondary students and that observer identification should not be used under any circumstances. Others suggested that observer identification for elementary and secondary school students only be used as a last resort and requested additional guidance about steps to be taken before observer identification is used. Commenters also emphasized that student self-identification is inaccurate at the elementary and secondary school level.

Finally, several commenters suggested that parents, students, and other individuals should be informed about how aggregate data will be reported before completing the two-part question.

Discussion: The Department will continue to require 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 by the students —typically the students' parents or guardians.

As a general matter, while educational institutions and other recipients are required to comply with this guidance, individuals are not required to self-identify their race or ethnicity. If respondents do not provide information about their race or ethnicity, educational institutions and other recipients should ensure that respondents have refused to self-identify rather than simply overlooked the questions. If adequate opportunity has been provided for respondents to self-identify and respondents still do not answer the questions, observer identification should be used.

While the Department recognizes that obtaining data by observer identification is not as accurate as obtaining data through a self-identification process, places some burden on school district staff, and may be contrary to the wishes of those refusing to self-identify, it is better than the alternative of having no information. Additionally, this approach should assist in discouraging refusals to self-identify because respondents are informed that if they fail to provide the racial and ethnic information someone from the school district will provide it on their behalf. In some instances, this may result in

self-identification. This approach should also provide useful data for carrying out Department monitoring and enforcement responsibilities, and enable the Department to continue "trend" analysis of data. The Department emphasizes that observer identification should only be used as a last resort when a respondent does not self-identify race and ethnicity. It does not permit any representative of an educational institution or other recipient to tell an individual how that individual should classify himself or herself.

In a subsequent document, the Department will provide examples and suggested steps that may be taken before observer identification is used at the elementary and secondary school levels as a last resort and provide examples of statements that educational institutions and other recipients may use with individuals when collecting racial and ethnic data.

The Department agrees that the self-identification by students at the elementary and secondary school level may not reflect what their parents or guardians might have selected, and has changed this final guidance to state that at the elementary and secondary school level, the identification of a student's racial and ethnic categories is to be made primarily by parents or guardians.

Educational institutions and other recipients are free to inform the public about how the aggregate data will be reported to the Department before the respondents complete the two-part question and we encourage educational institutions and other recipients to disseminate this information. We do not believe it is necessary to require dissemination of this information because of the additional burden that it would add for educational institutions and other recipients.

Unlike elementary and secondary institutions, generally, postsecondary institutions and Rehabilitation Services Administration (RSA) grantees use self-identification only and do not use observer identification. As discussed elsewhere in this notice, postsecondary institutions and RSA grantees will also be permitted to continue to include a "race and ethnicity unknown" category when reporting data to the Department. This category is being continued in the Integrated Postsecondary Education Data System (IPEDS) because the National Center for Education Statistics' experience has shown that (1) a substantial number of college students have refused to identify a race and (2) there is often not a convenient mechanism for college administrators to use observer identification. RSA

grantees have had similar experiences with RSA program beneficiaries.

Changes: We have revised the guidance to clarify that at the elementary and secondary school level, parents or guardians typically identify the racial and ethnic categories of students.

D. Can States Use Their Own System for Collecting State Level Data Solely for State—not Federal—Reporting Requirements?

Comment: Some commenters questioned whether States can request that individuals provide racial and ethnic data that are not included in the two-part question, if the additional data are used solely for State level reporting requirements.

Discussion: Nothing prohibits States (or other entities collecting data from individuals) from requesting more racial and ethnic information solely for State level purposes than is collected using the minimum Federal categories in the two-part question. While educational institutions and other recipients may collect additional information for their own purposes, they must collect the data for the Department using the two-part question and must use the seven categories required by this final guidance when reporting aggregate racial and ethnic data to the Department. Thus, for example, a State could choose to collect information using racial subcategories such as Japanese, Chinese, or Korean for State purposes, but would have to report such students to the Department using only the Asian racial category. Similarly, if a State wanted to collect information on subcategories of the Hispanic/Latino ethnic category, such as Puerto Rican and Mexican, it could do so, but would need to report each of the students in the subcategories as Hispanic/Latino to the Department. When collecting data solely for the educational institution's or other recipient's purposes, the accuracy of the Federal data collection cannot be compromised.

Changes: None.

E. Recordkeeping—Length of Time for Maintaining Original Responses

Comment: Some commenters expressed concern about our proposal that States and school districts be required to maintain data collected on the two-part question for the period of time specified in the instructions to the information collection rather than a longer time period. The commenters were concerned that the data will not be available if needed for the resolution of issues that arise in the future. Other commenters suggested that the original

responses should be made available electronically for longer than a three-year period and suggested that the Department ask Congress for money to do so.

Discussion: When the Department requests racial and ethnic data from educational institutions and other recipients, the Department indicates in the instructions for the collection how long the original individual responses must be kept. Under 34 CFR 74.53 and 80.42, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or Department regulations applicable to the grant, or that are otherwise reasonably considered as pertinent to the grant agreement or Department regulations. These records include the individual responses to the two-part question. 5 CFR 1320.4(c). One exception to the general three-year period is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action.

In addition to the record keeping requirement discussed above, we also note that if further racial or ethnic information about a respondent is needed for the Department to perform its functions fully and effectively, the Department will request this information directly from educational institutions and other recipients, such as when the Department's Office for Civil Rights (OCR) requests information to investigate a complaint or undertake a compliance review under 20 U.S.C. 3413(c)(1) and 34 CFR 100.6(b).

The three-year requirement generally used by the Department allows the government to verify information whenever a question about accuracy is brought up. Nothing in this guidance precludes educational institutions and other recipients from maintaining records for longer periods of time than required by the Department. However, we do not believe it is appropriate to require retention of records for longer periods of time because the burden, i.e., costs of record keeping, would exceed the expected benefits from having the records.

Changes: None.

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III. Reporting Aggregate Data Using Seven Categories

A. Hispanic/Latino Reporting

Comment: Some commenters opposed counting any individual as Hispanic/ Latino who selected the Hispanic/Latino category and one or more of the race categories, suggesting that this approach will result in over-counting individuals who are Hispanic/Latino. Other commenters stated that they do not have enough information to understand whether the proposed process allows for more accurate reporting of individuals who are Hispanic/Latino. Some commenters suggested that individuals who are Hispanic/Latino should also be reported by race and others suggested that individuals who are mixed race Hispanic/Latino should be counted twice.

Discussion: We do not agree that use of the two-part question in collecting racial and ethnic data will result in over-counting of individuals who have responded affirmatively to the question about Hispanic/Latino ethnicity and also have provided racial information when responding to the two-part question. When educational institutions report data to the Department using the seven reporting categories, they will only report ethnic data from individuals who report being Hispanic/Latino. Institutions will not report any information on the race of those individuals to the Department, if the Hispanic/Latino individuals have identified a race as well.

The approach we are adopting also is very likely to result in more accurate reporting of data on individuals who are Hispanic/Latino. The most frequent cases of an individual not reporting race occur for individuals who identify themselves as Hispanic/Latino. Research conducted by Federal agencies has shown that a two-part question typically results in more complete reporting of Hispanic/Latino ethnicity, provides flexibility, and helps to ensure data quality. Under this approach, individuals who are Hispanic/Latino are asked to identify a race too.

This approach is also part of a longstanding Federal effort to obtain accurate ethnic data. In 1976, in response to an apparent under-count of Americans of Spanish origin or descent in the 1970 Census, Congress passed Public Law 94–311 calling for the collection, analysis, and publication of Federal statistics on persons of Spanish origin or decent. In 1977, OMB issued the "Race and Ethnic Standards for Federal Statistics and Administrative Reporting," adding Hispanic ethnicity to Federal reports. (Subsequently

reissued as Statistical Policy Directive No. 15, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." 43 FR 19269 (May 6, 1978). In a further effort to enhance accuracy, OMB's 1997 Revised Standards recommended that Federal forms ask two questions: The first about ethnicity, and the second about race. This decision stemmed, in part, from research sponsored by the Bureau of Labor Statistics showing that significantly more people appropriately identified as Hispanic/Latino or Latino when they were asked separately about Hispanic or Latino origin. (*See* Recommendations from the Interagency Committee for the Review of the Race and Ethnic Standards to the Office of Management and Budget Concerning Changes to the Standards for Ethnicity, 62 FR 36874 (July 9, 1997) (Recommendations from the Interagency Committee) Appendix 2, Chapter 4.7). The Department's decision to adopt a two-part question is part of this ongoing effort to design Federal reports that yield more accurate counts of individuals who are Hispanic/Latino. *See* Standards for Classification of Federal Data on Race and Ethnicity, 60 FR 44674, 44678–44679 (August 28, 1995); *See also* Recommendations from the Interagency Committee, Appendix 2, Chapter 4 (detailing various effects and data quality concerns stemming from the use of combined and/or separate questions on race and Hispanic/Latino origin.)

With respect to the commenters' suggestions that individuals who are Hispanic/Latino should also be reported by race and that individuals who are of more than one race and Hispanic/Latino should be counted twice, the Department has determined that the best approach for racial and ethnic information to be reported by educational institutions and other recipients is to include individuals who are Hispanic/Latino of any race only in the ethnic category. The Department wants to minimize the reporting burdens for educational institutions and other recipients. We recognize that in most instances the Department will not need to know the race identified by individuals who are Hispanic/Latino. However, in some instances in the exercise of the Department's monitoring and enforcement responsibilities, it may become necessary for the Department to know the race identified by individuals who are Hispanic/Latino. Therefore, it is necessary for educational institutions and other recipients to collect these data from individuals and maintain the records for the timeframe announced by

the Department in each information collection.[4]

Changes: None.

B. Two or More Races Category Reporting

1. *Addition of the two or more races category will change population counts in single race categories.*

Comment: A number of commenters suggested that using the two or more races category will result in longitudinal data falsely showing declining minority populations in current single race categories. Some commenters suggested that this approach will reflect a significant reduction in Black and White student populations at State and Federal levels, changes in the reported populations of Asians and American Indians in certain States, and significantly reduced counts of Native Hawaiians and Other Pacific Islanders. Some commenters suggested that this category be changed to report more information about the multiple races identified by individuals.

Discussion: In most instances, the Department anticipates that the size of the two or more races category will not be large enough to cause significant shifts in student demographics. Clearly, there will be changes causing reductions in the numbers of students reported in some categories when aggregate reporting shifts from using five categories to using seven. However, the change in categories will result in more accurate data. We also note that the former "Asian/Pacific Islander" category will now be divided into two different categories—Asian and Native Hawaiian or Other Pacific Islander. The Department plans to monitor the data trends reported. If necessary, we will request access to the specific racial and ethnic data provided in response to the two-part question by individual respondents.

We also note that OMB's bridging guidance [5] describes methods to accurately report trend data over a time

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[4] The Department also notes that the increase in the number of minority students enrolled in our nation's schools largely reflects the growth in the proportion of students who are identified as Hispanic/Latino—from six percent in 1972 to 20 percent in 2005. During the same period, White enrollment declined to 58 percent of the school population in 2005, from 78 percent in 1972. African American enrollment changed little: Blacks were 14.8 percent of all students in 1972 and 15.6 percent of all students in 2005. (*The Condition of Education* http://nces.ed.gov/programs/coe/2007/ section/indicator05.asp)

[5] OMB, Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, December 15, 2000, available on the Internet at: *http:// www.whitehouse.gov/omb/inforeg/ re_appctables.pdf*

span that encompasses this change. We encourage educational institutions and other recipients to refer to the bridging guidance when preparing multi-year reports utilizing education data before and after implementing the changes required in the final guidance. (*See* discussion in III.D. in this notice regarding bridging.)

Changes: None.

2. *Two or more races category's implication for civil rights enforcement and research purposes.*

Comment: Some commenters suggested that reporting two or more races will have a detrimental impact on compliance with, and enforcement of, civil rights laws; ignores OMB guidance for aggregation and allocation of multiple race responses for purposes of civil rights reporting; and limits public access to important information by civil rights advocates, parents, and others. Some commenters suggested that this approach will preclude full disclosure of information relating to government programs. Other commenters also suggested that subgroup data will be difficult to request from the State, and that it will be difficult to bridge longitudinal data.

Discussion: The Department's final guidance, which is consistent with OMB guidance, is designed to ensure that OCR and other offices in the Department have access to all necessary racial and ethnic information about all individuals participating in federally-funded programs for monitoring, enforcement, and research purposes. If any Department office needs additional racial and ethnic information about individuals, the final guidance requires educational institutions and other recipients to maintain the original responses from staff and students for a specific length of time announced at the time of the data collection. In addition to being required to maintain this detailed information for the Department, States, educational institutions and other recipients are encouraged to continue to make such data and information available to the public, civil rights advocates, parents, and other members of the public, within the constraints permitted under applicable privacy and other laws. When reporting racial and ethnic data, these entities are also encouraged to make public their methods used to bridge or allocate the data longitudinally. Accordingly, we do not believe any modification or change with respect to the two or more races category is necessary.

Changes: None.

3. *Alternatives proposed for reporting data.*

Comment: Some commenters suggested reporting the number of individuals selecting each racial category plus an unduplicated total. Others suggested that every category selected by a respondent in the two-part question should be reported. Some commenters suggested that students who selected more than one race should be put in the minority category identified, rather than in the two or more races category. Other commenters questioned why the Department's reporting differs from the reporting of the Census Bureau and suggested that the final guidance highlight for States the differences between Department and Census collections so that States can collect their data in a way that allows them to generate reports that allow comparisons with Census data.

Discussion: Reporting racial and ethnic data using the seven aggregate categories provides the Department with more accurate information reflecting the growing diversity of our nation while minimizing the implementation burden placed on educational institutions and other recipients. Under this approach individuals are given the opportunity to select more than one race and ethnicity. If they desire to do so, educational institutions and other recipients remain free to determine when and how they might use and report these data not reported in the aggregate to the Department in other contexts. Reporting of the data in the manner suggested by the commenters, however, would create additional burden on education institutions and other recipients and would not be necessary for Department purposes.

We recognize that there may be differences in how different Federal agencies collect racial and ethnic data. The Department will continue to study the similarities and differences between the data received by the Department and data received by other Federal agencies and will consider providing any appropriate guidance to the public on this matter, in the future.

Changes: None.

C. Reporting Additional Racial or Ethnic Data

Comment: Several commenters suggested that the proposed guidance limits publicly available racial and ethnic data and should be expanded to report additional categories of racial and ethnic data. Another commenter suggested that the Department should not follow the same approach as the Equal Employment Opportunity Commission (EEOC) because the objectives of the Department in collecting data are different from those of the EEOC.

Discussion: Under the Paperwork Reduction Act, the Department is required to weigh the costs of collecting any additional data against the benefits expected from having that data. The Department has determined that the expected costs to those educational institutions and other recipients of collecting and reporting additional data outweigh the informational and other benefits. Under the final guidance, the public continues to be permitted to request access to publicly available racial and ethnic data from educational institutions and other recipients.

The Department, like all other Federal agencies, including the EEOC, is similarly situated when collecting data needed to carry out each agency's mission. In accordance with the high standards established by OMB, respect for individual dignity has guided the process and methods for collecting racial and ethnic data at the same time that an effort has been made to minimize the burden placed on those entities providing the data. To do this, the Department must weigh the costs imposed on those who must provide the data with the benefits to those who could use more extensive information. For example, in addition to serving students, educational institutions and other recipients are also employers required to report racial and ethnic data to the EEOC. The Department repeatedly has heard from educational institutions and other recipients that they would prefer that the various Federal agencies involved in data collection all use the same aggregate categories so that the burden of implementing changes is minimized and they are not forced to provide different or inconsistent racial and ethnic data to Federal agencies. Our adoption of this final guidance reflects our efforts and other agencies' efforts to alleviate these concerns and help to achieve consistency across different agencies' data collections.

Changes: None.

D. Bridging and Other Allocation Methods

Comment: Some commenters suggested that more guidance is needed about bridging and allocation measures and suggested that the Department encourage States to share bridging information when final guidance is published. Some commenters viewed bridging as impossible. Other commenters agreed that specific bridging should not be required for NCLB.

Discussion: The Department does not agree that bridging is impossible or that

bridging should not be required under NCLB. Further guidance on bridging the data collected before and after these changes take effect can be found in OMB's December 15, 2000 Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, available at the following Internet address: *http:// www.whitehouse.gov/omb/inforeg/ re_app-ctables.pdf.* The OMB Guidance discusses eight techniques that can be used for bridging data in the two or more races category back to the five single-race groups.

Additionally, guidance on how to allocate multiple race responses to a single race response category are found in OMB's March 9, 2000, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement available at the following Internet address: *http:// www.whitehouse.gov/omb/bulletins/ b00–02.html.* For example, multiple race responses that combine one minority race and White could be allocated to the minority race.

Changes: None.

IV. No Child Left Behind (NCLB) Reporting

Comment: Some commenters suggested that counting all individuals identifying themselves as being Hispanic/Latino and another race only as Hispanic/Latino without identifying any race and using the two or more races category to report all individuals identifying as non-Hispanic/Latino and two racial groups will result in longitudinal data falsely showing declining minority populations in current "major racial groups" used by States when making NCLB adequate yearly progress (AYP) determinations.

Discussion: Under NCLB, States will continue to have discretion in determining which racial groups are "major" for the purposes of fulfilling NCLB accountability requirements for making AYP determinations and issuing State and local report cards. Using data collected at the school level, States will continue to be able to count individual students as a part of the same "major" racial groups for AYP purposes in the same manner that they do currently. States implementing this final guidance are not required to change the racial and ethnic categories used for AYP determinations. Nor are they required to change the manner in which individual students are identified at the school level for the purposes of making AYP determinations. For example, if a State currently uses the Asian/Pacific Islander group for AYP determinations it can continue to use this category as a

"major" racial group rather than using the two new categories of (1) Asian, and (2) Native Hawaiian or Other Pacific Islander.[6] Additionally, if a student is currently identified as African American for AYP purposes at the school level when the student has one African American parent and one Hispanic parent, the school may continue to identify the student as African American for AYP determinations. For all other aggregate Federal data collections, however, the school and State will be required to identify this student as Hispanic under this final guidance.

States will also have the discretion to change the "major" racial groups used to make AYP determinations. For example, a State may change the "major" racial groups used to aggregate students for AYP purposes to the same seven categories required by this final guidance for all other aggregate reporting to the Department.

If a State chooses to make changes to the racial and ethnic data categories it will use under NCLB, the State will be required to submit an amendment to its Consolidated State Accountability Workbook to the Department. If the manner in which students are aggregated into major racial and ethnic groups is changed for AYP purposes, then States may want to use bridging and allocation methods to ensure that accountability determinations accurately account for possible shifts in demographics and are not due to the change in the manner in which students are included in the major racial and ethnic groups.

During the Department's routine monitoring of Title I programs, we expect to ask States among other things about performance or accountability trends and the extent to which they may relate to any changes in the demographic measurements that may have been brought about by the changes in the final guidance.

Changes: None.

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[6] However, if a State does not change its "major" racial and ethnic groups for AYP determinations, it is possible that the racial and ethnic categories it is required to collect using the two-part question may be different from the racial and ethnic categories previously used by States and districts to collect data for AYP determinations. Therefore, it may be necessary for States or districts to ensure that once the data are collected, students continue to be identified using the same criteria used in the past. For example, if a State or school district continues to use "Asian/Pacific Islander" as a "major" racial group for AYP determinations, it will be necessary for the State or district to add the numbers of students collected using the two-part question for the "Asian" and "Native Hawaiian and Other Pacific Islander" categories together in order to continue to identify all "Asian/Pacific Islander" students.

V. Individuals With Disabilities Education Act (IDEA)

Comment: Some commenters suggested that like NCLB accountability determinations, determinations about disproportional representation by minorities in special education required under the IDEA will be seriously undermined by the proposed reporting categories.

Discussion: Among other required data, IDEA requires that States report data to the Secretary on the number and percentage of children by race, ethnicity, and disability category, who are receiving special education and related services under the IDEA. IDEA also requires that States report these data disaggregated for children being served in particular types of educational settings, and receiving certain types of discipline. 20 U.S.C. 1418(a)(1)(A). IDEA further requires that States examine data to determine if significant racial and ethnic disproportionality is occurring in the State and in local educational agencies (LEA) of the State with respect to the identification of children as children with disabilities, including the identification of children in specific disability categories; the placement of children in particular educational settings; and the incidence, duration, and type of disciplinary actions, including suspensions and expulsions. 20 U.S.C. 1418(d); 34 CFR 300.646. As a part of their State Annual Performance Report under section 616 of the IDEA, 20 U.S.C. 1416, States also are required to determine whether disproportionate racial and ethnic representation in special education and related services is occurring in LEAs of the State, and whether that disproportionate racial and ethnic representation is the result of inappropriate identification.

There is no requirement in IDEA that States either report longitudinal data to the Department or conduct longitudinal analyses of the data. However, we encourage States to bridge and/or use one of the data allocation measures in their transition to the new racial and ethnic reporting categories, as appropriate. For example, States that are using a longitudinal analysis as a part of identifying LEAs with significant disproportionality or disproportionate representation that is the result of inappropriate identification will, if they continue to employ a longitudinal analysis in making one of these determinations, need to use one of these bridging and/or allocation methods as they transition to using new categories.

Changes: None.

VI. Postsecondary Data Collections

A. Postsecondary Institutions and RSA Grantee Handling of Missing Data

Comment: Some commenters asked how postsecondary institutions and RSA grantees should report missing data in the aggregate.

Discussion: The option to report a race/ethnicity unknown category will continue to be permitted for postsecondary institutions and RSA grantees. This category ("unknown") will not appear on the individual data collection forms provided to the individual students, staff, or RSA clients, but rather on the aggregate data reporting forms used for reporting the aggregate data to the Department. An RSA grantee or postsecondary education institution that does not use the race/ethnicity unknown category is required to report the racial and ethnic data about 100% of the participants in their program using seven categories.

Changes: None.

B. Can IPEDS data be reported before 2009?

Comment: Some commenters asked whether the data reported to the Department from institutions of higher education under the Integrated Postsecondary Education Data System (IPEDS) can be reported before 2009.

Discussion: Yes. Although not required to do so, educational institutions and other recipients, including institutions of higher education reporting IPEDS data that collect individual-level data using the two-part question are encouraged to immediately begin reporting aggregate data to the Department in accordance with this final guidance.

Changes: None.

VII. Guidance on Data Storage and Coding

Comment: A number of commenters asked for guidance concerning data storage and coding and additional clarification of definitions to promote data consistency across States on current State-defined voluntary questions. Others expressed concern that current education information systems are not designed to collect data with multiple self-selection options, as is required by the two-part question. Some commenters expressed concern that the Department was dictating the set of codes to be used in the databases containing this information which would require them to change their current codes and be unable to keep valuable information about their students.

Discussion: The final guidance does not dictate the methods for educational institutions and other recipients to use when developing "choice for codes" or "coding structure" for the data maintained by such entities. Educational institutions and other recipients are permitted to design their own coding structure, provided that they are able to report the racial and ethnic data using the seven aggregate categories set forth in this final guidance, and maintain the individual reports so that the data can be tabulated with more specificity, if needed. (*See* discussion elsewhere in this notice regarding use of the two-part question.)

The Department recognizes that there are numerous education information systems that will need to be adjusted to receive, store, and report the racial and ethnic data using the new categories. There are many strategies for making this system development transition simple and direct. The Department will separately provide information compiling many of these strategies.

Changes: None.

VIII. Implementation Timeline—Delay

Comment: A number of commenters expressed support of the proposed guidance and their desire to begin reporting using the proposed seven categories immediately. Some individuals and organizations responding to the proposed guidance recommended that the Department delay the issuance of any final guidance until uncertainties about the effects of the change could be resolved and further studies made. However, other commenters suggested that the three-year implementation timeline was sufficient.

Discussion: The Department will change the final implementation date of this final guidance from reporting data beginning with data from the 2009–2010 school year to reporting data beginning with data from the 2010–2011 school year. However, the Department will not delay issuing final guidance or commission additional research.

The Department believes that this extension of time of one year will give educational institutions and other recipients adequate time to make the changes required by this final guidance. Educational institutions and other recipients desiring to collect and report racial and ethnic data in accordance with this final guidance before the fall of 2010 may do so.

Changes: We have revised the final guidance to require educational institutions and other recipients to collect and report racial and ethnic data in accordance with this final guidance

with implementation required to be completed by the fall of 2010 for the 2010–2011 school year.

Final Guidance

I. Purpose

This final guidance is provided to the public on how the U.S. Department of Education (the Department) is modifying standards and aggregation categories for collecting and reporting racial and ethnic information. These changes are necessary in order to implement the Office of Management and Budget's (OMB) 1997 Standards for the Classification of Federal Data on Race and Ethnicity (1997 Standards).[7] The 1997 Standards instituted a number of changes for how Federal agencies should collect and report racial and ethnic data.

This final guidance is designed to be straightforward and easy to implement. Whenever possible, we have developed a Department-wide standard. However, in certain situations, we have tailored the standard to the different needs of the institutions collecting the data.[8] The Department recognizes that implementing changes to improve the quality of racial and ethnic data may result in an additional burden to educational institutions. In developing this final guidance, we have sought to minimize the burden of implementation on local and State educational agencies (LEAs and SEAs), schools, colleges, universities (hereinafter collectively referred to as "educational institutions"), and other recipients of grants and contracts from the Department (hereinafter referred to as "other recipients"), while developing guidance that would result in the collection of comprehensive and accurate racial and ethnic data that the Department needs to fulfill its responsibilities. We have done so by using the same reporting categories used

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[7] *See* OMB, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 FR 58781 (October 30, 1997); *http://www.whitehouse.gov/omb/fedreg/1997standards.html.*

[8] For example, for the purposes of determining adequate yearly progress under the No Child Left Behind Act of 2001, States are allowed to define major racial and ethnic groups using reporting categories that may be different than the seven categories announced in this guidance. These differences may reflect the State's use of more categories than the seven, fewer categories than the seven, or subsets of the seven categories announced in this guidance. Additionally, in the Integrated Postsecondary Education Data Systems and Rehabilitation Services Administration data collections, grantees are permitted to use a race unknown category when reporting data to the Department, although in elementary and secondary programs use of a race unknown category is not permitted. (*See* discussion elsewhere in this guidance.)

by the Equal Employment Opportunity Commission (EEOC), so that educational institutions and other recipients can use the same reporting requirements for students and staff.

This final guidance applies to the collection of individual-level data and to aggregate racial and ethnic data reported to the Department. Aggregate data are the total racial and ethnic data that are reported to the Department by educational institutions and other recipients. The data are collected by educational institutions and other recipients and reported by each recipient in the aggregate to the Department. This final guidance directly addresses three sets of issues:

(1) How educational institutions and other recipients will collect and maintain racial and ethnic data from students and staff;

(2) How educational institutions and other recipients will aggregate racial and ethnic data when reporting those data to the Department; 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 final guidance provides information regarding the implementation schedule for these changes.

II. Background

In October 1997, OMB issued revised standards for the collection and reporting of racial and ethnic data. A transition period was provided in order for agencies to review the results of Census 2000, the first national data collection that implemented the revised standards. (*See* the discussion in Part IV.) The Department will begin the process of implementing all necessary changes, with the implementation required to be completed by the fall of 2010 for the 2010–2011 school year.[9]

The 1997 Standards include several important changes:

A. OMB revised the minimum set of racial categories by separating the category "Asian or Pacific Islander" into two separate categories—one for "Asian" and one for "Native Hawaiian or Other Pacific Islander." Therefore, under the 1997 Standards, there are a minimum of five racial categories:

(1) American Indian or Alaska Native,
(2) Asian,

(3) Black or African American,
(4) Native Hawaiian or Other Pacific Islander, and
(5) White.

B. For the first time, individuals have the opportunity to identify themselves as being of or belonging to more than one race. In the 2000 Census, 2.4 percent of the total population (or 6.8 million people) identified themselves as belonging to two or more racial groups. For the population under 18 years old, 4.0 percent (or 2.8 million children) selected two or more races.[10]

C. In an effort to allow individuals—rather than a third party—to report their race and ethnicity, the 1997 Standards strongly encourage "self-identification" of race and ethnicity rather than third party "observer identification."

D. Under the 1997 Standards, OMB strongly encouraged the use of a two-part question when collecting racial and ethnic data; *i.e.*, individuals should first indicate whether or not they are of Hispanic/Latino ethnicity; then, individuals should select one or more races from the five racial categories.

III. Summary of Guidance

The Department is modifying its standards for the collection and reporting of racial and ethnic data in the following manner:

A. Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question on the educational institution's or other recipient's survey instrument. The first question would be whether or not the respondent is Hispanic/Latino.

Hispanic or Latino means 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/Latino or Latino."

The second question would ask the respondent to select one or more races from the following five racial groups:

(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. *See* 1997 Standards, 62 FR 58789 (October 30, 1997).

(*See* the discussion in Part IV.A.1 and 2 of this notice.)

B. Educational institutions and other recipients should allow students, parents, and staff to "self-identify" race and ethnicity unless self-identification is not practicable or feasible. (*See* the discussion in Part IV.A.3 of this notice.)

C. The Department encourages educational institutions and other recipients to allow all students and staff the opportunity to re-identify their race and ethnicity under the 1997 Standards. (*See* the discussion in Part IV.A.4 of this notice.)

D. Educational institutions and other recipients will be required to report aggregated racial and ethnic data in seven categories:

(1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,
(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. (*See* the discussion in Part IV.B.1 of this notice.)

E. The Department will continue its current practice for handling the reporting of individuals who do not self-identify a race and/or an ethnicity. Elementary and secondary educational institutions will continue to use observer identification when a respondent—typically a parent or guardian at the elementary and secondary school level—refuses to self-identify the student's race and/or ethnicity. The Department will not include a "race and/or ethnicity unknown" category for its aggregate elementary and secondary reporting of racial and ethnic data. The Integrated Postsecondary Education Data System (IPEDS) will continue to use the category of "nonresident alien" as an alternative to collecting race/ethnicity from nonresident aliens (information that is not needed for civil rights reporting purposes). IPEDS will also continue to include a "race and/or ethnicity unknown" category for reporting aggregate data from postsecondary institutions. Similarly,

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[9] Although not required to do so, educational institutions and other recipients already collecting individual-level data in the manner specified by this notice are encouraged to immediately begin reporting aggregate data to the Department in accordance with this notice.

[10] *See* United States Census Bureau, The Two or More Races Population: 2000, Census 2000 Brief, at p. 9 (November 2001) (hereinafter "The Two or More Races Population"); this information is on the Internet at the following address: *http://www.census.gov/prod/2001pubs/c2kbr01–6.pdf.*

the Rehabilitation Services Administration (RSA) grantees will continue to use a "race and/or ethnicity unknown" category for reporting aggregate data. The "race and/or ethnicity unknown" category should not appear on forms provided to postsecondary students and staff or to clients and staff of RSA recipients. (*See* the discussion in Part IV.B.2 of this notice.)

F. When the Department asks educational institutions and other recipients to report racial and ethnic data, the Department indicates in the instructions to the collection how long educational institutions and other recipients are required to keep the original individual responses from staff and students to requests for racial and ethnic data. In addition, at a minimum, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or the Department regulations applicable to the grant or that are otherwise reasonably considered as pertinent under the grant or Department regulations. One exception is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action. (*See* the discussion in Part IV.A.5 of this notice.)

G. States will continue to have discretion in determining which racial and ethnic groups will be used for accountability and reporting purposes under the ESEA. (*See* the discussion in Part IV.C of this notice.)

H. Educational institutions and other recipients will be required to implement this guidance no later than the fall of 2010 with data for the 2010–2011 school year, and are encouraged to do so before that date, if feasible. (*See* the discussion in Part VI. of this notice.)

IV. The Department's Implementation of OMB's 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity

The Department has carefully examined its options for implementing the 1997 Standards. Department staff met or spoke with a variety of individuals and organizations representing educational institutions to ascertain their needs and interests. The Department has heard consistently that major revisions to the collection of racial and ethnic data would impose a substantial burden on educational

institutions and other recipients as they adopt new data systems or modify existing systems, prepare new forms, and train staff at all levels to implement these changes. Furthermore, the Department's implementation plan had to be effective for the Department's diverse uses for racial and ethnic data, such as research and statistical analysis, measuring accountability and student achievement, civil rights enforcement, and monitoring of the identification and placement of students in special education.

Finally, the Department repeatedly heard from educational institutions that they would prefer that the various Federal agencies involved in data collection all use the same aggregate categories so that the burden of implementing changes is minimized and educational institutions are not forced to provide different and/or inconsistent racial and ethnic data to Federal agencies. In response to these repeated requests, the Department waited until after the EEOC announced its final implementation plan, which was published in November 2005, because the EEOC collects racial and ethnic data for staff in elementary and secondary schools and districts.[11]

A. *How Educational Institutions and Other Recipients Will Be Required To Collect Racial and Ethnic Data From Students and Staff.* This portion of the final guidance, Part A, explains how educational institutions and other recipients will *collect* racial and ethnic data; Part B, which follows, explains how racial and ethnic data will be *reported* to the Department.

1. *Educational Institutions and Other Recipients Will Be Required To Allow Students and Staff To Select One or More Races From Five Racial Groups.* Educational institutions and other recipients will be required to allow students and staff to select one or more races from the following five racial groups:

(1) American Indian or Alaska Native;
(2) Asian;
(3) Black or African American;
(4) Native Hawaiian or Other Pacific Islander; and
(5) White.

This is the minimum number of categories that educational institutions and other recipients will be required to

[11] *See* EEOC, Agency Information Collection Activities: Notice of Submission for OMB Review; Final Comment Request (EEO–1), 70 FR 71294–71303 (November 28, 2005) (hereinafter "EEOC Notice"); this notice is on the Internet at the following address: *http://www.eeoc.gov/eeo1/See also* EEOC, Agency Information Collection Activities: Revision of the Employer Information Report (EEO–1) Comment Request, 68 FR 34965, 34967 (June 11, 2003).

use for purposes other than NCLB reporting. Any additional categories that educational institutions and other recipients choose to use to collect information must be subcategories of these categories (such as Japanese, Chinese, Korean, and Pakistani—subcategories of Asian). Students and staff will then be able to select one or more of these subcategories.

2. *Educational Institutions and Other Recipients Will Be Required To Use a Two-part Question When Collecting Racial and Ethnic Data.* Educational institutions and other recipients will be required to collect racial and ethnic data using a two-part question. Using the two-part question, the first question asks whether or not the respondent is Hispanic/Latino. The second question allows individuals to select one or more races from the five racial groups listed in paragraph 1 of this Part, and Hispanic/Latino is not included in the list of racial categories. A two-part question provides flexibility and ensures data quality. In particular, a two-part question typically results in more complete reporting of Hispanic/Latino ethnicity; however, the most frequent cases of an individual not reporting a race occur for individuals who identify themselves as Hispanic/Latino. Therefore, educational institutions and other recipients should include instructions that encourage students and staff to answer both questions.

3. *Educational Institutions and Other Recipients Should Allow Students and Staff To Self-Identify Their Race and Ethnicity Unless Self-Identification Is Not Practicable or Feasible.* Educational institutions and other recipients should allow students—at the elementary and secondary level, typically the students' parents or guardians, on behalf of the students—and staff to self-identify their race and ethnicity unless self-identification is not practicable or feasible. If a respondent does not provide his or her race and ethnicity, educational institutions and other recipients should ensure that the respondent is refusing to self-identify rather than simply overlooking the question.

At the elementary and secondary level, if the educational institution or other recipient has provided adequate opportunity for the respondent to self-identify and he or she still leaves the items blank or refuses to complete them, observer identification should be used. It will typically be more appropriate for students' parents or guardians to self-identify the student's race and ethnicity. In all other instances, it will be more

appropriate for the individuals to self-identify.

4. *The Department Encourages Educational Institutions and Other Recipients To Allow All Current Students and Staff to Re-Identify Their Race and Ethnicity Using the 1997 Standards.* Students are typically asked to provide racial and ethnic information upon entrance or application to an educational institution or other recipient's program. Staff members typically provide this information upon employment or application for employment. The Department encourages educational institutions and other recipients to allow all students and staff, and other individuals from whom data are collected, the opportunity to re-identify their race and ethnicity under the 1997 Standards.[12] Re-identification will provide all students, staff, and other individuals the opportunity to select more than one race and to report both their ethnicity and their race separately, and will allow all individuals who previously identified themselves as within the Asian or Pacific Islander category the opportunity to select either "Asian" or "Native Hawaiian or Other Pacific Islander," thereby conforming all racial and ethnic information to the 1997 Standards. If all individuals are not provided the opportunity to identify their race and ethnicity in a manner that is consistent with the 1997 Standards, data within schools, school districts, and States will not accurately reflect the diversity of the population; and data on those who were permitted to identify their race and ethnicity under the 1997 Standards will not be easily comparable with data on those who were not permitted to identify their race and ethnicity under the 1997 Standards.

The Department's final guidance does not mandate re-identification because we recognize the considerable one-time cost that re-identification would entail. Also, the 1997 Standards do not require existing records to be updated. However, the Department's final guidance reflects our expectation that most educational institutions and other recipients will provide all respondents the opportunity to re-identify their race and ethnicity under the 1997 Standards.

The final guidance requires educational institutions and other recipients to provide students and staff who enter an educational institution or other recipient program on or after the implementation deadline the opportunity to identify their race and ethnicity in a manner that is consistent with this final guidance. Thus, those educational institutions and other recipients that do not conduct a re-identification will transition to the new standards over time as new staff and students enter.

5. *Maintaining the Original Responses from Staff and Students to Support Requests for Racial and Ethnic Data.* When the Department requests racial and ethnic data from educational institutions and other recipients, the Department indicates in the instructions to the collection how long each office asks, or requires, educational institutions and other recipients to keep the original individual responses to the request.

At a minimum, under 34 CFR 74.53 and 80.42, generally, a Department grantee or sub-grantee must retain for three years all financial and programmatic records, supporting documents, statistical records, and other records that are required to be maintained by the grant agreement or the Department regulations applicable to the grant or that are otherwise reasonably considered as pertinent to the grant agreement or Department regulations. These would include records on racial and/or ethnic data and the individual responses. One exception is when there is litigation, a claim, an audit, or another action involving the records that has started before the three-year period ends; in these cases the records must be maintained until the completion of the action.

If additional information on the race or ethnicity of a respondent is needed for the Department to perform its functions fully and effectively, the Department will request this information from educational institutions and other recipients, such as when OCR requests information to investigate a complaint or undertake a compliance review under 20 U.S.C. 3413(c)(1) and 34 CFR 100.6(b).

B. *The Aggregate Categories Educational Institutions and Other Recipients Will Be Required To Use To Report Racial and Ethnic Data to the Department and How To Handle Missing Data.* In contrast to the discussion in Part IV.A of this notice, which addressed how educational institutions and other recipients will collect racial and ethnic data, this section will examine how educational

institutions and other recipients will report these racial and ethnic data to the Department.

1. *The Aggregate Categories Educational Institutions and Other Recipients Will Be Required To Use To Report Racial and Ethnic Data to the Department.* The Department will require educational institutions and other recipients to report aggregated racial and ethnic data in the following seven categories:

(1) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/Latino only,

(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.

The definitions in the 1997 Standards will be used for each category. (*See* the discussion in Part III.A of this notice.)

The Department requires aggregate reports to use these seven aggregate categories for several reasons. Reporting these seven aggregate categories allows an appropriate balance of racial and ethnic data reporting that reflects the growing diversity of our Nation while minimizing the implementation and reporting burden placed on educational institutions and other recipients. The growing diversity is illustrated by the fact that in the 2000 Census, children and youth reported being of more than one race at more than twice the rate of adults.[13]

Finally, this approach provides for reporting the race and ethnicity of individuals in a manner that permits effective analysis of data by agencies that are responsible for civil rights monitoring and enforcement. In those instances in which more detailed information is needed by civil rights monitoring and enforcement agencies or other offices in the Department about individuals in the "two or more races" category, educational institutions and other recipients will be contacted directly for more detailed information about the individuals.

The Department's aggregate reporting categories do not separately identify the race of Hispanic/Latino. The Department's final guidance reflects its assessment that the inclusion of individuals who are Hispanic/Latino of any race in one category is appropriate in light of both the implementation

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[12] This recommendation is consistent with the recommendations of the Education Information Advisory Committee of the Council of Chief State School Officers and the Policy Panel on Racial/Ethnic Data Collection, a panel sponsored by the National Postsecondary Education Cooperative of the National Center for Education Statistics and the National Science Foundation in April 1999. Both have recommended that all respondents be permitted to identify their race and ethnicity under the 1997 Standards.

[13] For individuals 18 and over, 1.9 percent (3,969,342 in the 2000 Census) of individuals reported more than one race; while 4 percent (2,856,886) of individuals under 18 reported more than one race. *See* The Two or More Races Population.

burden and cost that these changes will place on educational institutions and other recipients and the Department's need to adopt an approach that provides the Department sufficient information to fulfill its various functions. If the Department required the reporting of the same racial categories for individuals who are Hispanic/Latino as for individuals who are non-Hispanic/Latino, six additional aggregate categories would be reported to the Department.

The cost and burden of these six additional categories would be substantial because each racial and ethnic category is often cross tabulated with other relevant information, such as the individual's sex, disability category, or educational placement, thereby multiplying the number of categories in which information must be reported. The Department has determined that it can effectively fulfill its responsibilities that involve racial and ethnic information if individuals who are Hispanic/Latino of any race are reported in one category. The Department notes that its approach not to separately aggregate individuals who are Hispanic/Latino by race is consistent with the final implementation plan of the EEOC.

Finally, the Department's requirement for reporting individuals who are Hispanic/Latino as a single category without also disaggregating the Hispanic/Latino category by race is different from the Department's collection requirements discussed in Part IV.5 of this notice, which requires educational institutions and other recipients to maintain information on the racial identification of Hispanics/Latinos. As discussed above, the Department will require educational institutions and other recipients to keep the original individual responses using the two-part question from staff and students for the length of time indicated in the instructions to the collection. If the Department determines that additional information will be needed to perform its functions effectively in a specific instance, the Department will request this additional information from educational institutions and other recipients.

The EEOC published a notice in November 2005 that provided for the use of seven categories to collect racial and ethnic data from private employers. These seven categories are:

(1) Hispanic/Latino of any race; and, for individuals who are non-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.

It is the Department's understanding that EEOC uses these seven categories to collect racial and ethnic data from LEAs, SEAs, and other educational institutions and other recipients about their employees. The adoption of seven categories for the Department collections would mean that the Department and EEOC would collect the same categories of racial and ethnic data from educational institutions and other recipients.

2. *Reporting on Individuals Who Do Not Self-Identify a Race or Ethnicity.* Some individuals will refuse to self-identify their race and/or their ethnicity. The Department currently has a different approach for how educational institutions and other recipients may handle such respondents at the elementary and secondary level as compared with the postsecondary level and with adults served under the RSA programs. Currently, elementary and secondary institutions must use observer identification if a student (through his or her parents or guardians) does not self-identify a race, and postsecondary institutions also may use observer identification. In addition, since 1990, postsecondary institutions have been permitted to report aggregate information on students or staff members who do not identify a race for the IPEDS in a "race unknown" category. Similarly, RSA recipients have been permitted to report aggregate information on their clients and staff using a "race unknown" category when clients or staff do not identify a race.

The Department continues its current practice for handling missing data.[14] Elementary and secondary institutions and other recipients are required to use observer identification when a respondent, typically a student's parent or guardian, leaves blank or refuses to self-identify the student's race and/or ethnicity. The Department will not include a "race and/or ethnicity unknown" category in its aggregate elementary and secondary collections of racial and ethnic data. IPEDS will continue to include a "race and/or ethnicity unknown" category for reporting aggregate data from

postsecondary institutions. Similarly, RSA will continue to use a "race and/or ethnicity unknown" category for reporting aggregate data. The "race and/or ethnicity unknown" category will not appear on collection forms provided to postsecondary students and staff or RSA recipients' clients and staff.

C. *Multiple Race Responses under the No Child Left Behind Act of 2001.* The creation of a multiple race aggregation category has implications for several requirements under the ESEA as reauthorized by NCLB regarding race and ethnicity. First, States, school districts, and schools are held accountable for making AYP based, among other factors, on the percent of students proficient in reading/language arts and mathematics in each of the major racial and ethnic groups of students.[15] Neither ESEA nor the ESEA regulations define what a "major" racial or ethnic group is. States have this responsibility and the Department checks to ensure that States carry it out.

Second, each State and school district that receives ESEA Title I, Part A funds must issue a report card that includes information on student achievement at each proficiency level on the State assessment, disaggregated by race and ethnicity, among other factors, at the State, school district, and school levels.[16] The same racial and ethnic groups that are used to determine AYP are typically the groups reported in State report cards.[17]

Finally, the creation of a "two or more races" category will affect two provisions that require comparisons to prior years' data. State report cards must report the most recent two-year trend in student achievement by racial and ethnic group.[18] In addition, to take advantage of the "safe harbor" provision (where a school or school district can be considered to have made AYP if the percent of students who are not proficient decreased by at least 10 percent from the previous year), a State must compare a group's current assessment data to the prior year's data, and must examine the group's performance on the State's additional indicator.[19]

States will continue to have discretion in determining what racial and ethnic groups will be deemed "major" for purposes of fulfilling these ESEA requirements. States vary substantially in the number and distribution of

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[14] The Department continues to include a "race unknown" category in IPEDS because the experience of the National Center for Education Statistics has shown that (1) a substantial number of college students have refused to identify a race and (2) there is often not a convenient mechanism for college administrators to use observer identification. RSA grantees have had similar experiences.

[15] 20 U.S.C. 6311(b)(2)(B) and 6311(b)(2)(C)(v)(II)(bb); 34 CFR 200.13.
[16] 20 U.S.C. 6311(h)(1) and (2).
[17] 20 U.S.C. 6311(h)(1)(C)(i).
[18] 20 U.S.C. 6311(h)(1)(C)(iv).
[19] 20 U.S.C. 6311(b)(2)(I)(i); 34 CFR 200.20(b).

multiple race individuals and are in the best position to decide how these requirements should be applied to their populations. States implementing this new guidance will not necessarily be changing the racial and ethnic categories used for AYP purposes. If a State makes changes to the racial and ethnic categories it will use under the ESEA, the State must submit an amendment to its Consolidated State Accountability Workbook to the Department.

D. *Bridging Data to Prior Years' Data.* States, educational institutions, and other recipients also may propose to "bridge" the "two or more races" category into single race categories or the new single race categories into the previous single race categories. Bridging involves adopting a method for being able to link the new data collected using the two-part question with data collected before the publication of this guidance by the Department. If States, educational institutions, and other recipients do bridge data, the bridging method should be documented and available for the Department to review, if necessary.

One method is to redistribute the new data collected under this guidance using the new racial and ethnic categories and relate them back to the racial and ethnic categories used before the publication of this guidance. For example, if a State's new data collection results in 200 students falling in the "two or more races" category at the same time that there is a combined drop in the number in the two single race categories of Black or African American students and White students, the State can adopt a method to link the 200 students in the "two or more races" category to the previously used Black and White categories.

Another method is assigning a proportion of the "two or more races" respondents into the new five single-race categories. If educational institutions or other recipients choose to bridge, they may use one of several bridging techniques. For example, they may select one of the bridging techniques in OMB's Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity.[20] Educational institutions and other recipients also may choose to use the allocation rules developed by OMB in its Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring

and Enforcement.[21] If a bridging technique is adopted, the same bridging technique must be used when reporting data throughout the educational institution or other recipient. For example, the same bridging technique should be used by the entire State for the purposes of NCLB.

V. OMB Guidance on Aggregation and Allocation of Multiple Race Responses for Use in Civil Rights Monitoring and Enforcement

OMB issued guidance in March 2000 for how Federal agencies will aggregate and allocate multiple race data for civil rights monitoring and enforcement. The guidance was issued to ensure that, as the 1997 Standards are implemented, Federal agencies maintain their "ability to monitor compliance with laws that offer protections for those who historically have experienced discrimination." Furthermore, OMB sought to ensure consistency across Federal agencies and to minimize the reporting burden for institutions such as businesses and schools that report aggregate racial and ethnic data to Federal agencies.

This OMB guidance encourages Federal agencies to collect aggregated information on a given population using the five single race categories and the four most common double race combinations. These four double race combinations are: (1) American Indian or Alaska Native *and* White, (2) Asian and White, (3) Black or African American *and* White, and (4) American Indian or Alaska Native and Black or African American. In addition to these categories, the March 2000 OMB guidance also encourages the aggregation of data on any multiple race combinations that comprise more than one percent of the population of interest to the Federal agency. OMB's guidance also encourages the reporting of all remaining multiple race data by including a "balance" category so that all data sum to 100 percent.

The OMB guidance also addresses how Federal agencies, including the Department, should allocate multiple race responses for the purpose of assessing and taking action to ensure civil rights compliance. The Department

believes that requiring educational institutions and other recipients to report these four most common double race reporting combinations or information on multiple race individuals who represent more than one percent of the population on a state-by-state basis or other geographical basis would impose a substantial burden on educational institutions and other recipients without a corresponding benefit for recurring, aggregate data collections. However, in order to ensure that the Department has access to this information when needed for civil rights enforcement and other program purposes, the Department will require educational institutions and other recipients to keep the original individual responses using the two-part question for racial and ethnic data. This approach will provide the Department with access to this important information when needed. (*See* discussion in Part IV.A.5. of this notice.)

VI. The Implementation Schedule

Educational institutions and other recipients have consistently informed the Department that they will need three years from the time that the Department provided them final guidance to implement the new racial and ethnic standards.

Educational institutions and other recipients will be required to implement this guidance by the fall of 2010 in order to report data for the 2010–2011 school year. Although not required to do so, educational institutions and other recipients already collecting individual-level data in the manner specified by this notice are encouraged to immediately begin reporting aggregate data to the Department in accordance with this notice.

Many educational institutions and other recipients have already taken significant steps to develop and implement new data systems for collecting, aggregating, and reporting racial and ethnic data. Since the mid-1990s and certainly subsequent to the October 30, 1997, issuance of the 1997 Standards, the Department has been meeting with educational agencies and organizations regarding the need for changes to the collection of racial and ethnic data to be consistent with the 1997 Standards. The opportunity for students and parents on their behalf to report their multiple race identity is vitally important. Multiple race children and their families were one of the primary impetuses for initiating the review of and modifying the standards. Also, with increasing automation of educational data systems, the Department believes that less than three

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[20] *See* OMB, Provisional Guidance on the Implementation of the 1997 Standards for Federal Data on Race and Ethnicity, December 15, 2000; *http://www.whitehouse.gov/omb/inforeg/statpolicy.html#dr* (Appendix C).

[21] For civil rights monitoring and enforcement purposes, OMB issued guidance in March 2000 on how Federal agencies can allocate multiple race responses to a single race response category. Multiple race responses that combine one minority race and White, for example, are to be allocated to the minority race. OMB, Bulletin 00–02, Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement, (March 9, 2000); *http://www.whitehouse.gov/omb/bulletins/b00–02.html* (OMB 2000 Guidance). (See discussion in Part IV of this notice.)

years should be needed to implement data systems consistent with guidance in this area.

The Department recognizes that its delay in issuing final guidance, including its decision to delay issuing guidance until after EEOC issued its guidance in final form as discussed in Part IV of this notice, may result in implementation difficulties for some educational institutions and other recipients. The Department regrets any inconvenience that its delay in issuing guidance may cause. Nevertheless, given the vital importance of collecting racial and ethnic data under the 1997 Standards and the fact that educational institutions and other recipients are being provided a considerable amount of time to comply with the 1997 Standards, the Department expects that all educational institutions and other recipients will meet this deadline.

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: October 15, 2007.

Margaret Spellings,

Secretary of Education.

[FR Doc. E7–20613 Filed 10–19–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; National Coal Council

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Coal Council (NCC). Federal Advisory Committee Act (Pub. L. 92–463, 86 Stats.770) requires notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, November 14, 2007.

ADDRESSES: Hilton Washington Embassy Row, 2015 Massachusetts Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Kane, Phone: (202) 586–4753, U.S. Department of Energy, Office of Fossil Energy, Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the National Coal Council is to provide advice, information, and recommendation to the Secretary of Energy on matters related to coal and coal industry issues. The purpose of this meeting is to recognize the important contributions that the NCC has made to the Department and other Federal agencies over the past years.

Tentative Agenda:

• Call to order by Ms. Georgia Nelson, Chair.

• Remarks of Secretary of Energy, Samuel W. Bodman (invited).

• Remarks by Department of Commerce Representative.

• Presentation of guest speaker—Alex Fassbender, Chief Technology Officer & Executive Vice President, ThermoEnergy Coporation— Presentation on the development and commercial of the TIPS oxy-fuel process.

• Presentation of guest speaker—Mike DeLallo, Director/Business Development, WorleyParsons— Presentation on a sustainable model for construction and operation of coal-based electricity generation plant which will include financial, social and environmental planning.

• Council Business. Communication Committee Report. Finance Committee Report. Study Group Report.

• Other Business.

• Adjourn.

Public Participation: The meeting is open to the public. The Chairman of the NCC will conduct the meeting to facilitate the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Robert Kane at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting, and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Transcripts: The transcript will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on October 15, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7–20665 Filed 10–18–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Proposed Collection; Comment Request.

SUMMARY: The EIA is soliciting comments on proposed revisions to the Natural Gas Production Report, Form EIA–914.

DATES: Comments must be filed by December 18, 2007. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Ms. Rhonda Green at U.S. Department of Energy, Energy Information Administration, Reserves and Production Division, 1999 Bryan Street, Suite 1110, Dallas, Texas 75201–6801. To ensure receipt of the comments by the due date, submission by FAX 214–720–6155 or e-mail (*rhonda.green@eia.doe.gov*) is also recommended. Alternatively, Ms. Green may be contacted by telephone at 214–720–6161.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of any forms and instructions should be directed to Ms. Rhonda Green at the contact information listed above.

SUPPLEMENTARY INFORMATION:
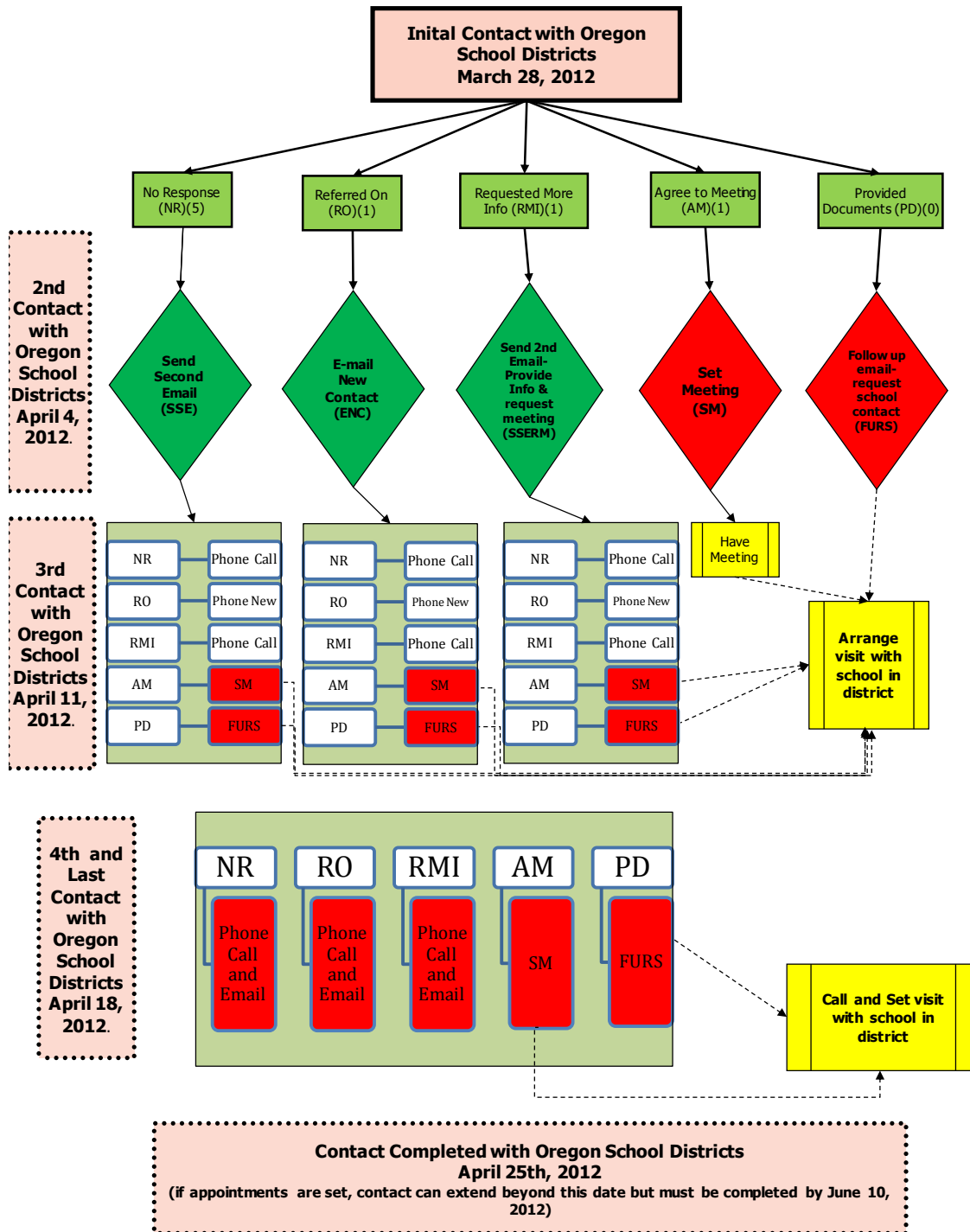
I. Background

II. Current Actions

III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101, *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles,

APPENDIX C
CONTACT PROTOCOL DIAGRAM

Inital Contact with Oregon School Districts March 28, 2012

No Response (NR)(5)

Referred On (RO)(1)

Requested More Info (RMI)(1)

Agree to Meeting (AM)(1)

Provided Documents (PD)(0)

2nd Contact with Oregon School Districts April 4, 2012.

Send Second Email (SSE)

E-mail New Contact (ENC)

Send 2nd Email- Provide Info & request meeting (SSERM)

Set Meeting (SM)

Follow up email- request school contact (FURS)

3rd Contact with Oregon School Districts April 11, 2012.

NR	Phone Call
RO	Phone New
RMI	Phone Call
AM	SM
PD	FURS

NR	Phone Call
RO	Phone New
RMI	Phone Call
AM	SM
PD	FURS

NR	Phone Call
RO	Phone New
RMI	Phone Call
AM	SM
PD	FURS

Have Meeting

Arrange visit with school in district

4th and Last Contact with Oregon School Districts April 18, 2012.

| NR | RO | RMI | AM | PD |
| Phone Call and Email | Phone Call and Email | Phone Call and Email | SM | FURS |

Call and Set visit with school in district

Contact Completed with Oregon School Districts April 25th, 2012 (if appointments are set, contact can extend beyond this date but must be completed by June 10, 2012)

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INTERVIEW PROTOCOL

Semi-Structured Interview for Race/Ethnicity Categorization Dissertation

Introduction

My name is Dena Luworo and I am a doctoral candidate in Educational Leadership at the University of Oregon. I am conducting a policy analysis and gathering documentation on policies and collection/reporting procedures on racial categorization in Oregon Public schools. I am most interested in the policies around self-reporting and reporting of students with two or more races, in particular those students who identify as Black and White. My research has been cleared by the U of O Internal Review Board (IRB) and my approved Human Subjects Protocol is on file and current (12172010.012). Please contact Office for Protection of Human Subjects at 541-346-2510 or my advisor Dr. Kathleen Scalise at kscalise@uoregon.edu **for further information. If you are unsure about any response or you choose not to answer any question, please let me know and we can skip the question. Please let me know if you have questions at any time. I will be recording our conversation so that I can take more accurate notes, no one else will have access to the recording or notes. Do you have any questions or concerns at this time?**

New Federal Requirements for reporting race and ethnicity were adopted by the US Department of Education and in October of 2007 these adoptions became part of the Federal Registry. In 2008, the National Forum on Educational Statistics Published "Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories". It is this document that the state of Oregon uses as a guide for their school districts and schools to collect and report on race and ethnicity for their student populations. These guidelines allow for students to report their multiple racial heritages when applicable, such as Asian and White or American Indian and Black.

Some school districts began to implement these changes almost immediately, while others allowed several years to adopt these revisions. The purpose of this policy analysis is to better understand how a sample of school districts and schools across Oregon have been implementing these policies, as well as how the collection and reporting procedures are implemented. The following questions will help me to get a general idea of how this data collection and reporting process work in your particular school district or school. Part of this includes what type of documents require reporting of race and ethnicity data, what type of training or literature is available to staff and administrators who are responsible for making sure race and ethnicity are reported (especially when selecting appropriate categories for students who are not self-reported), and what reporting of children who are identified multiple races (such as Black and Caucasian) looks like at school and district levels.

Question 1: COLLECTION AND REPORTING PROCEDURES

What are your districts collection and reporting procedures for students who don't self-report race and/or ethnicity?

Is there written documentation from your district regarding this?

Probes-"what you're saying is...", "anything else you can think of?", "MmmmHmm...", "Go on...", "Interesting, what else can you think of?", "tell me more about that", "thank you for that information, can I now ask you about-------"

Question 2: COMMUNICATION AND REQUESTS FOR SELF-REPORT

How do the school district's request ethnic/racial demographics from students and/or their families? (Letters, phone calls, emails, form sent home from school, a specific process of steps, etc..)

Probes-"what you're saying is...", "anything else you can think of?", "MmmmHmm...", "Go on...", "Interesting, what else can you think of?", "tell me more about that", "thank you for that information, can I now ask you about-------"

Question 3: TRAINING

Is training available for staff on reporting of race and ethnicity?
What does this look like?

Probes-"what you're saying is...", "anything else you can think of?", "MmmmHmm...", "Go on..", "Interesting, what else can you think of?", "tell me more about that", "thank you for that information, can I now ask you about-------"

Question 4: DOCUMENTS REQUIRING REPORTING ON RACE/ETHNICITY

 What documents/assessments/enrollment forms, etc. require the reporting of a student's race and ethnicity?

 How is this requested from the schools? (Email to secretary, built into the assessments, will call the school if data missing, etc.)

Probes-"what you're saying is...", "anything else you can think of?", "MmmmHmm...", "Go on...", "Interesting, what else can you think of?", "tell me more about that", "thank you for that information, can I now ask you about-------"

Question 5: MORE THAN ONE RACE

On documents requiring reporting of race/ethnicity, how do your reports reflect students who report as Black and White? (Example: Black, multiracial, other, etc...).

Does this look the same on assessments such as Oaks tests?

 How about enrollment forms?

 Reporting on Free and Reduced lunch?

 Can you think of any forms, documents, or tests/assessments that we haven't talked about which require reporting of race and ethnicity?

Probes-"what you're saying is...", "anything else you can think of?", "MmmmHmm...", "Go on.", "Interesting, what else can you think of?", "tell me more about that"

END OF INTERVIEW

Thank you for taking the time to meet with me and talk about these issues. **Would you be willing to have me contact you if there are follow up questions or to confirm information we talked about today?**

Yes   No

Would you like me to email you a copy of the notes from today?

Yes   No

Again thank you for your time and expertise, please feel free to contact me at dluworo@uoregon.edu or call/text me at 541-337-8917

APPENDIX E

SIX-STEP PROCESS

RACE & ETHNICITY - Six Step Process

                    has developed the following Six Step Process to inform, facilitate, support and validate families in the racial and ethnic identification of their students.
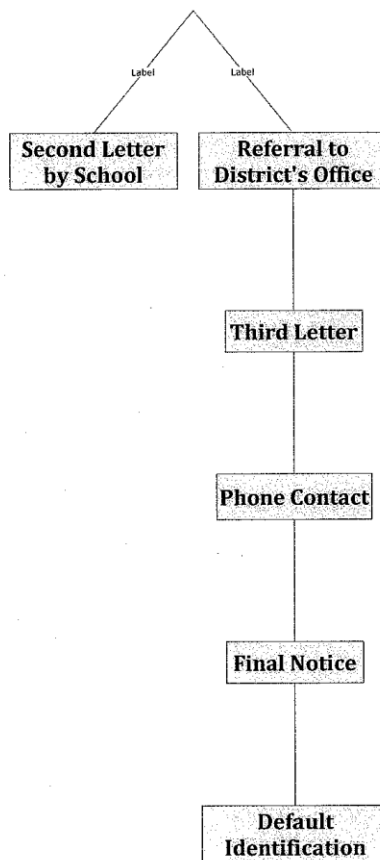
STEP	RESPONSABLE	DESCRIPTION	BY
I	District Office	Information Letters and the Race and Ethnicity Form will be mailed out to all students in , school district.	March 31, 2010
II	District Office	After ESIS system has been updated Central Office will determine how many students have not completed their forms. This process will trigger a Second Letter to the parents that have not returned their form or have incomplete records.	September, 2010
III	District Office and School	District Office and Schools will work together to determine what student records have not been completed. Phone Call will be made by someone in the school. Preferably someone with relational trust with the family.	End of September
IV	Determine Next Step- School	Re-Assessment to identify student records that have not been complete and school will determine if they will make a second phone call to the home or refer it to the Superintendent's office.	First Week in October
V.	Referral to the Superintendent's.	Schools will refer to Superintendent's Office - Parent, Community and Diversity Coordinator	Second Week in October
VI.	Final Process	1. Third Letter will go out to the parents explaining the process, letting them know that someone will be calling them within 48 hours and also (full transparency) advising them that if the form in not completed the District will use the Default Identification which means we will **MARK ALL and their student will be reported to ODE as multiracial.** 2. Phone Call will be made within 48 hours 3. Final Notice Letter: Will clearly state that the students will be reported as multiracial.	Third Week in October

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RACE & ETHNICITY - six step process

Step 1 District	Letter to Parents	By March 31, 2010
Step 2 District	Second Letter to Parents	By September 2010
Step 3 School	Contact by School	3rd Week of September
Step 4 School	Determine Next Step	

Step 5-School

Step 6-
Superintendent Office

Label   Label

Second Letter by School	Referral to District's Office

Third Letter

Phone Contact

Final Notice

Default Identification

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