



CALIFORNIA  
DEPARTMENT OF  
EDUCATION

1430 N STREET  
SACRAMENTO, CA  
95814-5901

**JACK O'CONNELL**

State Superintendent of  
Public Instruction

PHONE: 916-319-0800

February 5, 2008

Dear County and District Superintendents and Charter School Administrators:

I am writing to you to notify you that the U.S. Department of Education (ED) has issued final guidance on collecting student and staff race and ethnicity data. The final guidance was published in the Federal Register, Vol. 72, No. 202, on Friday, October 19, 2007, (59265-59279), and can be accessed electronically at <http://www.ed.gov/legislation/FedRegister/other/2007-4/101907c.html> (Outside Source).

Changes in how race and ethnicity data are collected and maintained will affect schools and districts. Beginning in the fall of 2010, schools and districts must begin collecting and reporting race and ethnicity data according to the following federal requirements:

- A two-part question will be required to collect race and ethnicity information from students **and** staff. The first question asks whether or not the respondent is *Hispanic or Latino*. The second question asks the respondent to select **one or more** races from the following five groups:
  1. *American Indian or Alaska Native*
  2. *Asian*
  3. *Black or African American*
  4. *Native Hawaiian or Other Pacific Islander*
  5. *White*

Respondents may select more than one race from the above five groups. There will be no group for "Race and/or ethnicity unknown" or "Decline to state." If a respondent does not self-identify, the ED guidance states that third party observers must identify the race/ethnicity of the respondent. The California Department of Education (CDE) does not advocate third-party identification of race/ethnicity; therefore, it is important to encourage respondents to identify themselves. The CDE race/ethnicity categories will continue to include the detailed Asian sub-categories as required by California *Government Code* Section 8310.5.

- For purposes of federal reporting, race and ethnicity data will be aggregated and reported using the following seven groups:

1. *Hispanic or Latino of any race*

For individuals who are non-Hispanic or 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*

- Re-identification of race/ethnicity using the final guidance is not mandatory, but is “encouraged” by the ED. However, educational institutions are required to provide students and staff who enter an educational institution or program on or after the implementation deadline the opportunity to re-identify.
- Original individual documents supporting the reporting of the race/ ethnicity data should be retained for a minimum of three years.

The CDE is proposing to incorporate these changes into the California Pupil Achievement Longitudinal Data System (CALPADS) when it is implemented in the 2009-2010 school year.

The Paperwork Reduction Act of 1995 requires that the Office of Management and Budget provide the public and others an opportunity to comment on the paperwork burden. Specifically, local education agencies are invited to comment on the burden and collection activities (not on the substance of the final guidance). The notice of Proposed Information Collection Requests was published in the Federal Register, Vol. 72, No. 248 (73789-73790) on December 28, 2007, and can be accessed at <http://www.ed.gov/legislation/FedRegister/other/2007-4/122807a.html> (Outside Source).

The comment deadline is **February 26, 2008**. Comments can be submitted electronically to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) (Outside Source). The CDE also will be estimating the data collection and reporting burden associated with the final guidance at the state level and responding as the State Education Agency.

If you have any questions regarding this subject, please contact Marsha Devine, Consultant, Education Data Office, at 916-319-0260 or by e-mail at [mdevine@cde.ca.gov](mailto:mdevine@cde.ca.gov).

Sincerely,

/s/

William L. Padia, Deputy Superintendent  
Assessment and Accountability Branch

WP:md