

Department of Education’s Office for Civil Rights Responses to OMB Comments Received on Information Collection Request 1870-0504 on September 13, 2017

1. *OMB*: Please remove the ‘Privileged/Deliberative/Confidential’ footer from Attachment B: Response to 60 Day Public Comment. All materials submitted to the docket are public domain.

OCR’s Response:

OCR inadvertently left the footer in the “Attachment B: Response to 60 Day Public Comment” document that was submitted to the docket. OCR has now removed the footer (by striking out the text) from Attachment B, and has noted the technical edit in the document. Please see the revised “Attachment B: Response to 60 Day Public Comment.PC30” document.

2. *OMB*: Race/Ethnicity (Attachment A-3, pg. 32): Two or more races is not an OMB minimum reporting category. Instead, OCR should encourage respondents to mark all that apply.

OCR’s Response:

For the Civil Rights Data Collection (CRDC) and other Department of Education (Department) data collections, such as *EDFacts*, respondents are required to follow OMB’s 1997 standards for maintaining, collecting, and presenting federal data on race and ethnicity (https://www.whitehouse.gov/omb/fedreg_1997standards), and the Department’s 2007 final guidance on the collection and reporting of racial and ethnic data by educational institutions and other grantees (<http://nces.ed.gov/pubs2008/rediguide/pdf/appendixA.pdf>).

The 2007 final guidance allows individuals to self-identify their ethnicity and race, and permits individuals to select more than one race and/or ethnicity. The guidance outlines a procedure for both collecting racial and ethnic data and a procedure for reporting racial and ethnic data. Per the guidance, the collection of data requires the gathering of information from individuals by educational institutions, whereas the reporting of data requires the provision of aggregate information to the Department by educational institutions based on the information that has been collected from individuals. Specifically, educational institutions are required to (1) collect racial and ethnic data using a two-part question, and (2) report aggregated racial and ethnic data in seven specific categories.

Below is a brief summary of the collection and reporting procedures described in the guidance:

Data Collection

To collect the data, the educational institution asks a two part question:

- 1) Are you Hispanic/Latino (Yes/No)
- 2) Select one or more races from the following five racial groups:
 - a) American Indian or Alaska Native

- b) Asian
- c) Black or African American
- d) Native Hawaiian or Other Pacific Islander
- e) White

Data Reporting

Once the data are collected, the educational institution tabulates and reports the data using seven categories:

- 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
- 7) Two or more races

For the CRDC, OCR communicates these collection and reporting procedures to the CRDC respondents so they are in compliance with the Department's guidance.