



# HALF

# MEASURES

**California's journey toward counting  
multiracial people by 2022**



**By Multiracial Americans of Southern California**

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# **HALF MEASURES**

## **California's journey toward counting multiracial people by 2022**

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## TABLE OF CONTENTS

	<b>Executive Summary</b>	<b>6</b>
	<b>About MASC</b>	<b>6</b>
	<b>Terminology</b>	<b>7</b>
	<b>Introduction</b>	<b>8</b>
	<b>Current vs. Future Standards</b>	<b>12</b>
	<b>Future Data Collection Compliance</b>	<b>13</b>
	<b>Future Data Presentation Compliance</b>	<b>13</b>
	<b>Methodology</b>	<b>14</b>
	<b>Results</b>	<b>16</b>
	<b>Data Collection</b>	<b>16</b>
	<b>Data Presentation</b>	<b>18</b>
	<b>Discussion &amp; Recommendations</b>	<b>22</b>
	<b>About the Authors</b>	<b>25</b>
	<b>Works Cited</b>	<b>25</b>
	<b>Appendix A: Assembly Bill 532</b>	<b>27</b>
	<b>Appendix B: Supporting Data</b>	

## EXECUTIVE SUMMARY

Racial and ethnic data is collected by the government to enable the enforcement of civil rights laws, ensure equitable distribution of resources, and measure inequality. In 2016, the State of California released new policy standards for the collection and public reporting of racial/ethnic demographic data. All State agencies, boards, and commissions that collect this data must comply by January 1, 2022, allowing respondents to select multiple racial/ethnic categories. They must also disseminate this information in such a way as to not obscure mixed-race individuals. Potentially the most significant change to the standards would be the counting of people with mixed Latina/o and non-Latina/o identity. California will be the first state in the nation to do this.

This study's aim is to determine whether these agencies are in compliance or whether there are still changes to be made. After reviewing organizations and aims from four sectors (education, business, health, and criminal justice), it was found that only one system is in compliance with the data collection, and none have followed the standards for race/ethnic data presentation. The counting of mixed Latina/o identified people is the most conspicuous gap in both the data collection and reporting methods. With less than two years to make the required changes, agencies must ensure that they are beginning the process now due to the time and resources required.

## ABOUT MASC

This study was a project of Multiracial Americans of Southern California (MASC).

MASC is a non-profit corporation that works to foster multiracial identity and community. The multiracial community includes mixed-race individuals, interracial couples, and transracially adoptive families. MASC has been meeting since 1986 founded by Nancy Brown, a German Jewish mother of multiracial daughters, and Levonne Gaddy, a biracial woman of Southern heritage. Today MASC achieves this goal through speaking engagements, organizing seminars and workshops, hosting social gatherings, media appearances and public advocacy. For more information about MASC visit [multiracialamericans.org](http://multiracialamericans.org).



## **TERMINOLOGY**

### **Multiracial and Mixed-Race**

Multiracial is defined as persons that identify with two or more racial groups. The terms multiracial and mixed-race are used interchangeably in this report and are meant to be considered synonymous. It is understood that neither of these terms are used as Federally recognized terms. In some research, persons with recent and distant mixed-race ancestry may be considered mixed-race. However, government forms generally operate with self-reporting and if an individual selects one race they cannot be recognize as having mixed-race ancestry. Thus, to maintain consistency with government standards mixed-race people in this report refers to self-identified mixed-race people and not people with mixed ancestry that choose to identify with only one race.

### **Latina/o and Hispanic**

The preferred term in this report is Latina/o and refers to people residing in the United States with origin from Mexico, the former territories of Mexico in the American Southwest, Central America, South America, and Spanish speaking parts of the Caribbean. The term Hispanic's precise definition is similar to Latina/o as described in the preceding sentence with the addition of Spain and omission of Brazil. However, since Hispanic is used synonymously with Latina/o by the Federal government it shall be treated the same in this report for consistency.

## INTRODUCTION

Beginning in the early 1980's, multiracial people along with interracial couples and transracially adoptive families began organizing together into non-profit groups for mutual support, education, and advocacy (Williams, 2006; Daniel, 2002). Multiracial Americans of Southern California (MASC) began meeting as early as 1986 ("About Us," n.d.). Central to their ethos for forming was the difficulty completing forms and surveys requesting racial or ethnic identification. Federal standards during this time required persons only identify with a single race (Williams, 2006; Daniel, 2002). This was problematic for persons of mixed-race identity since many identified with multiple racial groups. Forcing multiracial individuals to choose only one was essentially an impossible choice.

The Census has asked for racial identification in some manner in every census from the beginning of the United States (Nobles, 2000). The racial categories have changed over the years and at one point presented multiracial categories that captured mixed Black identity such as mulatto or quadroon (Nobles, 2000). In these instances, any amount of Black racial ancestry could be used to justify enslavement or deny equal rights under Jim Crow segregation, colloquially known as the "one drop rule." The term suggests that the unscientific notion of "one drop" of Black blood made one inferior. Today racial data from the Census continues to be collected to help enforce provisions of civil rights legislation such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 (Nobles, 2000). The reasons for asking about race have varied over the years and would present too long a history to cover here. However, in all cases only one category was allowed to be selected at a time.



MASC held an annual conference through the late 1980's and 1990's to keep the public informed of the status changing Federal standards.

To learn more about MASC's history see the video [SEEING CHANGE](#) at MASC's YouTube channel.

Eventually the multiracial groups banded together and found common cause to revise standards to allow some form of recognition of mixed-race identity. The movement saw this as an identity issue and regarded Federal recognition as a major step toward social acceptance. It was also suggested that there may be medical consequences linked to lack of full identification (Rubin, Ngo, Ross, Butler, & Balaram, 2018, p. 22). Any agency that reports racial data to the Federal Government must provide that data in a method consistent with Federal standards. Thus, multiracial groups' sights were set quickly on Federal standards. A change at the Federal level would have trickle down effects to all levels of government. To lead the effort to affect change, many organizations joined in coalition to create the Association of Multi-Ethnic Americans (AMEA) (DaCosta, 2007; Daniel, 2002).



The full history of the movement from the early 1980's to the present to change Federal standards has been documented in numerous other works and will not be repeated in full detail here. In brief, initial success was found at the State level with the creation of a multiracial category on many State forms. However, State level categorization is mostly symbolic since the strongest civil rights laws are at the Federal level and trump local and State legislation (Williams, 2006; Daniel, 2002). These early successes did have the effect of raising awareness of the issue. Eventually the multiracial movement would succeed in its efforts, when in 1997 the Office of Management and Budget (OMB) issued Statistical Directive 15 that mandated allowing "mark one or more" when collecting racial data (The White House, 1997).

"Multiracial" as a category was proposed but then abandoned under pressure from civil rights groups advocating for singular racial groups. It was feared that a multiracial category would aggregate too many diverse racial groups, thereby reducing representation and inhibiting the ability to enforce civil rights laws (Root, 1996; Daniel, 2002). Mixed identification could be recognized by rolling up multiple responses into a category dubbed "Two Or More Races."

Part of the Mark One Or More policy included the ability to collapse multiple responses to a single category if it benefited a group seeking civil rights protection (The White House, 1997). Data would be tabulated by the Census Bureau as singular races, singular races in combination, and Two or More races with various mixed combination sub-groups (The White House, 1997). AMEA agreed to this methodology as a reasonable compromise as opposed to the likely alternative of nothing at all. Today, the Two Or More races category is readily described as "multiracial" but still does not capture the myriad ways of identification within the multiracial community.

Two censuses have come and gone since the update to Federal standards and a third is underway. In 2000, the Two or More races population was 2.4% of the total population, or 6.8 million people (Grieco & Cassidy, 2001). In 2010, that number increased to 2.9%, or 9 million people (Humes, Jones, & Ramirez, 2011). That is a 32% increase in ten years, making the multiracial population one of the fastest growing in the country. It should be noted that almost half of this population is under the age of eighteen, meaning it is the parents making the identification choices for their children (Parker, Horowitz, Morin, & Lopez, 2015). It is uncertain how this population will continue to identify as they grow older. Still, a whole new window has been opened into society with this data. But as impressive and welcome the change was, it was still only a partial victory.

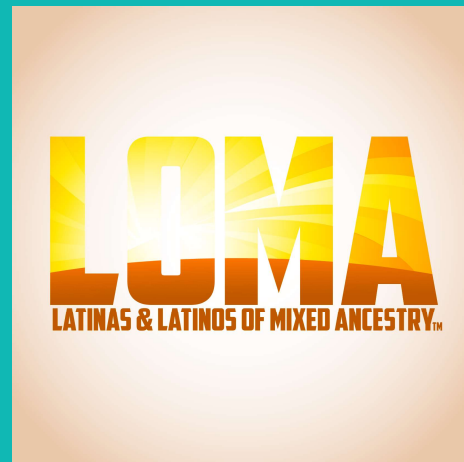
Unfortunately, the update to race data collections was not ubiquitous even at the Federal level. The U.S. Department of Education (USED) asked for a waiver to continue to enforce marking only one race that lasted until 2010, thirteen years after the initial standards were set by the OMB (U.S. Department of Education, 2007). Eventually the USED and other agencies such as the Equal Employment Opportunity Commission (EEOC) would introduce a Two or More race category. However, it was implemented as a distinct category meaning multiple respondents would not be counted as members of their singular constituent groups (The U.S. Equal

Employment Opportunity Commission, 2006). All mixed combinations are essentially treated the same statistically speaking, obscuring valuable insights on how people are mixing and how those mixed people are performing in society. For example, people who check Black and American Indian identity are counted the same as persons who indicate they are mixed White and Asian identity. However, in a Pew Research Center study, persons of mixed White and Asian identity were twice as likely as persons of Black and American Indian identity to state they were “very satisfied” with the quality of life in their community (Parker, Morin, Horowitz, Lopez, & Rohal, 2015). Black and American Indians had the lowest reported number of only 23%. Aggregating this sort of data masks the detail.

Furthermore, there was a whole category of people that were completely unaffected by these updates: Latina/os. The Federal government began collecting data on Latina/o identity on all Census Bureau forms with the Census in 1980 (Ennis, Rios-Vargas, & Albert, 2011). Latina/o (or Hispanic) was declared as an ethnicity by the Federal government with data collected from a question separate from the racial identity question. Moreover, the wording of the question was slightly different. While the race question was asked in an open-ended fashion, the Latina/o identity question is asked as a “yes” or “no” question. Respondents must answer “no, not Hispanic or Latina/o” or answer “yes” with a short list of Latina/o sub-groups common to the United States (Ennis et al., 2011).

No separate instruction is provided to “mark one or more” categories. Even if there were instructions, there would be an inherent contradiction to mark both “yes” and “no” simultaneously. If multiple responses are made in the Latina/o identity question, then there are two algorithms used. Mixed Latina/o and non-Latina/o responses will be counted as Latina/o only. If multiple Latina/o identities are selected, then one Latina/o identity will be randomly selected from the responses (Ramirez & Ennis, n.d.). Thus, there is no official government accounting of persons of mixed Latina/o and non-Latina/o identity. Recent research has revealed that this community has much in common with other multiracial sub-groups in experiences and identity development. This further supports the need for accounting of persons who are both Latina/o and non-Latina/o (Jiménez, 2004, Vasquez, 2010, Romo, 2011).

This is not to say this has not been considered by the Federal government. The October 1997 Federal Register that announced the update to Statistical Directive 15 goes into detail of the



The Latinas/os of Mixed Ancestry (LOMA) program was created to give a voice and build community among the mixed Latino community.

Under the LOMA umbrella programming has been created featuring artists and poets and a regular caucus meeting at the Critical Mixed-Race Studies conference.

consideration to allow mixed Latina/o responses (The White House, 1997). In brief, there were two main reasons. First, it was never tested, and they were not going to implement a change without a test. Second, when the comment period was open to receive input on the possibility of a mixed Latina/o option, they did not receive enough comments to take it seriously. (Of course, this begs the question, how does the public know there is a comment period open in the first place?) It probably did not help that Latina/o civil rights organizations at the time sided with other singular racial civil rights organizations to oppose multiple responses (Nobles, 2000). As for the multiracial movement, they were focused on changing the race question. This single act alone was a major effort for the movement and no attention could be diverted to the ethnicity question.

Still not all agencies treat Latina/o ethnicity the same way. While the OMB recommendation is for a separate question format for race and ethnicity, some agencies, such as the EEOC, use a single question format where Latina/o is presented as a category along with the racial categories (The U.S. Equal Employment Opportunity Commission, 2006). However, in this format, Latina/o is still not allowed to be counted in combination with any other category including the Two Or More category. Essentially, the Latina/o category is considered a racial group while simultaneously being exclusive from all other racial groups. In November 2017, the Census Bureau proposed collapsing the two questions into one, and thus treating Latina/o as a racial group, but after several months the OMB ignored the recommendations and the Census Bureau was forced to maintain its current methodology (Wang, 2017). While this recommendation was a waste of years of research and millions of dollars, it was successful in shining light on mixed Latina/o identity. By treating Latina/o as an equal racial category to the other existing races in the 2010 Alternative Questionnaire Experiment, respondents inherited the ability to mark Latina/o in combination with other racial groups. The result was that between 20% and 25% of Latinas/os identified with “Two Or More” races (Compton, Bentley, Ennis, & Rastogi, 2013). While this data is not official to be accepted for the purposes of making policy or enforcing legislation it is certainly very compelling evidence of the need to amend current standards.

In 2015, California took the bold step of adopting Assembly Bill 532, eventually becoming California Government Code 8310.9 (see Appendix A), the most comprehensive data collection requirements in the country. This law mandates new regulations for “any state agency, board, or commission that directly or by contract collects demographic data on the ethnic origin, ethnicity, or race of Californians” and must be implemented by January 1, 2022. It makes no distinction in the mandate to collect multiple responses whether for race or ethnicity. Once implemented, California will be the first state in the nation to collect official data on people of mixed Latina/o identity. This survey of government agencies and corporations seeks to document their readiness for compliance with the new regulations.

Data collection forms, such as the Census, represent the confluence of politics and identity. The counting of people by race or ethnicity while seeming to be a straightforward act has historically always been a political act. Examples range from the earliest days of the country when slaves were counted as three-fifths of a person for allocating political representation to today when racial counts are needed to guard against racial gerrymandering. As the nation evolved and our

understanding of race combined with our need to account for a changing population, the racial and ethnic categories have evolved along with it. However, while racial counting may be a political matter for some it is also a matter of identity for many others. There are familial and emotional attachments that drive racial identification as much as politics.

Attempts to manipulate the count to both minimize and maximize representation of people of color never end. But regardless of the politics, the focus should be to reflect as truthfully as possible one's identity by offering the greatest flexibility of identification. This includes allowing to mark one or more and tabulating accordingly. To not allow this not only is an affront to personal identification, but also distorts the count which will lead to bad policy. Policy must be able to speak to the population it seeks to serve. For example, a health and wellness campaign tailored to improve the health of a certain minority community may be missed if their numbers are subsumed into a larger group. Disaggregated multiple-response data may always be reconstituted into another group as necessary given the appropriate policy. The OMB's policy is that multiple responses may be collapsed into a singular category to support claims of civil rights discrimination. For example, if Black people are underrepresented in a district that is gerrymandered, mixed-race people may be counted as Black to support claims. However, the reverse (disaggregating aggregated data) is not true. Multiple-response data cannot be culled from singular responses and thus singular responses should be avoided.

## **CURRENT VS. FUTURE STANDARDS**

The current standards follow the US Office of Management and Budget Statistical Directive 15. This recommends asking race and ethnicity as separate questions although there is an allowance and recommendations for a single question format. Latina/o identity is considered an ethnicity and not a race and its question is generally presented first. A typical question asks if a person is Latina/o or non-Latina/o. Other terms such as Hispanic are also allowed. No provision is given or allowed for marking Latina/o in combination with a non-Latina/o category. Thus, every person who marks Latina/o and another race is considered monoracial Latina/o and is not added to a "two or more races" category.

The race question typically follows and while multiple categories may be presented for selection, they must be aggregated into one of the following five categories: White, Black, Asian, Native Hawaiian or Other Pacific Islander, and American Indian or Alaskan Native. The Census Bureau received permission to add an "Other" category in 1910 and "Some Other Race" in 2000. Instruction must be provided to either "mark one or more" or "select one or more" racial categories.

A combined question is allowed for observer-collected forms (i.e., not for self-identification). In this instance Hispanic or Latina/o is treated as a racial category and multiple racial identification is not required. When data is presented, reporting of detailed racial combinations should be made; however, simply reporting "more than one race" is allowed. A "multiracial" category is not allowed for selection or reporting.

## **Future Data Collection Compliance**

To be considered fully compliant with California Government Code 8310.9, the data collection method must provide forms that offer respondents the option of selecting one or more ethnic or racial designations. The recommended instructions accompanying a multiple response question are “mark one or more” or “select one or more” but are not required to be considered compliant.

A question asking for racial identification that allows multiple identification, but in a separate question does not allow multiple ethnic identification (i.e., mixed Latina/o and non-Latina/o identification), is considered partially compliant.

A combined question asking for both racial identification and ethnic identification within the same list of categories, and allows for multiple race identification but not multiple ethnic identification is considered partially compliant.

Asking for racial or ethnic identification without any option for multiple identification is considered non-compliant. It is still non-compliant even if it includes offering “multiracial” or “two or more races” but there is no multiple-choice allowance.

## **Future Data Presentation Compliance**

To be considered fully compliant with California Government Code 8310.9, the data presentation method must include all of the following:

- The number or percentage of respondents who identify with each ethnic or racial designation alone and not in combination with any other ethnic or racial designation.
- The number or percentage of respondents who identify with each ethnic or racial designation, whether alone or in combination with other ethnic or racial designations.
- The number or percentage of respondents who identify with multiple ethnic or racial designations.

Data presentation with two of the above items is considered partially compliant. Data presentation without any of the above items is considered non-compliant.

For example, the Census question as presented in 2010 read: “Is this person of Hispanic, Latina/o, or Spanish origin?” This would be a non-compliant question by California standards because it does not allow for multiple responses. Had multiple response data been collected but not reported, that would also be considered non-compliant.

The new California standards must be implemented by January 1, 2022.

## METHODOLOGY

We used a purposive sampling method to determine which agencies and organizations to survey in California. In order to evaluate whether agencies at various levels of government and sector type were compliant, we focused on four main categories: education, criminal justice, health/wellness, and business. Furthermore, we chose relatively large institutions since they tend to have more accessible public data, cover a larger portion of the population, and have more resources to achieve compliance. All of these have to report data to the State and represent a wide variety of agency groups, though we acknowledge that the surveyed institutions are not a comprehensive list of all agencies within the State. The majority of the reports and data collection forms were found online, although it was also necessary to email a few agencies to ask for either their forms or reports. Data was accessed from October to December of 2019.

With regards to education, we surveyed both the University of California system and the California State University system. We also analyzed nine elementary and secondary unified public-school districts (Fresno, Los Angeles, Oakland, Sacramento, San Bernardino, San Diego, San Francisco, San José, Santa Barbara), representing various regions of the State in the larger metropolitan areas. For all of the above, student admission applications were examined as well as the reports on the student enrollment numbers.



MASC President Sonia Smith-Kang presents at a seminar at UCLA.

MASC partners with UCLA's Mixed Student Union and Mixed Student Alumni Association to bring content to the UCLA student community.

For the criminal justice sector, we started with the California Department of Justice (DOJ) as one of the largest State agencies. However, "the DOJ does not provide instructions on how to fill out the race section of a disposition report. The determination is made by the individual arresting/detaining agencies" (Disposition Help Desk - CA DOJ, personal communication, August 23, 2019). We also examined the California Highway Patrol Manual to determine how officers are instructed to file their reports, as well as the report forms of several counties and cities around the State. The data reports we found were all published by the Office of the Attorney General in association with the California DOJ, California Justice Information Services Division, Bureau of Criminal Identification and Investigative Services, and Criminal Justice Statistics Center.

In the health/wellness sector, we surveyed racial demographic collection forms from the California Department of Public Health, the California Department of State Hospitals, and the application for Medi-Cal. Furthermore, we surveyed the published reports from California State hospitals, Medi-Cal, the California Department of Public Health, and Ambulatory services.

Finally, in regards to business, we looked at forms for California State employees (through the California Department of Human Resources), the Department of the California Fair Employment and Housing, and the California Employment Development Department. In addition to surveying the aforementioned reports, we also surveyed the reports from three large companies (Facebook, Google, and Apple), assuming that California companies would have to provide their data to the State and would thus also need to comply with California Government Code 8310.9.

## RESULTS

● indicates a definitive assessment. ○ indicates ambiguity in the assessment.

### Data Collection

Sector & Agency	Compliant	Partially Compliant	Non-Compliant
<b>Education</b>			
CA State University System <sup>1</sup>		●	
University of CA System <sup>2</sup>	●		
Fresno USD		●	
Los Angeles USD <sup>3</sup>			●
Oakland USD		●	
Sacramento USD <sup>4</sup>		●	
San Bernardino USD		●	
San Diego USD		●	
San Francisco USD		●	
San José USD <sup>5</sup>		●	
Santa Barbara USD <sup>6</sup>		●	

<sup>1</sup>Provides sub-categories for ethnicity and race but does not allow multiple responses among a sub-category. A third question is presented postulating a possible combined race and ethnicity question with a mandatory singular identification. The purpose of this question (i.e., for what agencies) is not mentioned.

<sup>2</sup>Two sections provided. First section is specifically for reporting to the U.S. Department of Education that is not compliant with California standards, but also provides a compliant section titled "Ethnicity/Ancestry."

<sup>3</sup>Requires students to choose a "primary race" without any explanation of purpose.

<sup>4</sup>Requires students to choose a "primary race" without any explanation of purpose.

<sup>5</sup>Allows multiple racial identification but limits it to five. We consider this to cover most people's needs and thus partially compliant.

<sup>6</sup>Allows multiple racial identification but limits it to five. We consider this to cover most people's needs and thus partially compliant.



Sector & Agency	Compliant	Partially Compliant	Non-Compliant
<b>Legal and Criminal Justice</b>			
CA Highway Patrol Manual			●
CA DOJ Arrest & Disposition Instruction Manual <sup>7</sup>			●
CA Traffic Collision Report			●
Los Angeles Police Suspicious Activity Report <sup>8</sup>			○
San Bernardino Suspected Child Abuse Form <sup>9</sup>	○		○
San Diego Police Financial Crimes Form <sup>10</sup>	○		○
San José Police Reporting Form <sup>11</sup>	○		○
<b>Health</b>			
CA Dept of Public Health <sup>12</sup>		●	
Medi-Cal Application <sup>13</sup>		●	

<sup>7</sup>The instructions make the reporting of race or ethnicity optional and thus non-compliant. It should also be noted that the recommendation for a single character be used to record race or ethnicity. It is not possible to adequately identify multiple races with a single character.

<sup>8</sup>It is unclear whether police can indicate multiple race/ethnic responses because no options are provided. However, the space for the "description" is limited, indicating a singular response. This may or may not be compliant.

<sup>9</sup>The form provides a blank field and a series of codes to record a victim's "ethnicity" even though racial categories are presented. It is unclear how many codes can be included, although it does direct to enter the singular noun "ethnicity." This may or may not be compliant.

<sup>10</sup>The form provides a blank field and a series of codes to record a victim's "race." It is unclear how many codes can be included, although it does direct to enter the singular noun "race." This may or may not be compliant.

<sup>11</sup>The form provides a blank field and a series of codes to record a victim's "race/ethnicity." It is unclear how many codes can be included. This may or may not be compliant.

<sup>12</sup>Allows multiple racial identification but limits it to three. We consider this to cover most people's needs and thus partially compliant.

<sup>13</sup>The instructions make the reporting of race and ethnicity optional and thus partially compliant.

Sector & Agency	Compliant	Partially Compliant	Non-Compliant
<b>Business</b>			
CA Fair Housing and Employment			●
CA State Employee Census <sup>14</sup>			●
Equal Employment Opportunity Form			●

<sup>14</sup>MASC was notified by email on August 22, 2019 that an update is planned to be in compliance by the January 1, 2022 deadline.

## Data Presentation

Sector & Agency	Compliant	Partially Compliant			Non-Compliant
		Race/ethnicity alone not in combination	Race/ethnicity alone and in combination	Multiple race/ethnicity responses (e.g., “multiracial”)	
Education					
CA State University System		●		●	
University of CA System <sup>15</sup>					●
Fresno USD					●
Los Angeles USD					●
Oakland USD		●		●	
Sacramento USD		●		●	

Sector & Agency	Compliant	Partially Compliant			Non-Compliant
		Race/ethnicity alone not in combination	Race/ethnicity alone and in combination	Multiple race/ethnicity responses (e.g., “multiracial”)	
Education					
San Bernardino USD					●
San Diego USD					●
San Francisco USD		●		●	
San José USD					●
Santa Barbara USD		●		●	
Legal and Criminal Justice					
CA DOJ “Crime in CA” Report					●
CA DOJ “Hate Crime in CA” Report <sup>16</sup>		●		○	○
CA DOJ “Homicide in CA” Report					●

<sup>15</sup>Individual campuses may report their own demographics.

<sup>16</sup>Contains a category called “Multiple Races, Group” with the following definition: “Multiple Races, Group – A group of persons having origins from multiple racial categories.” It is unclear if this means that each individual in the group identifies as monoracial but from different groups or if each person identifies as mixed-race. It is most likely the former but we are marking this as partially compliant with ambiguity.

Sector & Agency	Compliant	Partially Compliant			Non-Compliant
		Race/ethnicity alone not in combination	Race/ethnicity alone and in combination	Multiple race/ethnicity responses (e.g., “multiracial)”)	
Legal and Criminal Justice					
CA DOJ “Juvenile Justice in CA” Report					●
CA DOJ “Use of Force” Report		●		●	
Health					
CA Dept of Health Care Services “Health Disparities Report”					●
Office of Statewide Health Planning and Development “Hospital Discharge Summary Report”					●
Ambulatory Surgery Statistics Report					●

Sector & Agency	Compliant	Partially Compliant			Non-Compliant
		Race/ethnicity alone not in combination	Race/ethnicity alone and in combination	Multiple race/ethnicity responses (e.g., “multiracial)	
Health					
CA State Hospital Patients					●
Dept of Health Care Services “Medi-Cal Report”					●
Business					
CA Dept of Human Services “Annual Census of Employees in State Civil Service Report to the Governor and Legislature”		●		○	
CA Dept of Fair Employment and Housing “Annual Report”					●
Apple “Employee Diversity Report”		●		●	

Sector & Agency	Compliant	Partially Compliant			Non-Compliant
		Race/ethnicity alone not in combination	Race/ethnicity alone and in combination	Multiple race/ethnicity responses (e.g., “multiracial”)	
Business					
Facebook “Employee Diversity Report”		●		●	
Google “Employee Diversity Report” <sup>17</sup>		●		●	

<sup>17</sup>Includes a “Two Or More Races” category but only in certain sections and not throughout the document.

## DISCUSSION & RECOMMENDATIONS

No forms, agencies, or businesses were found completely compliant with California’s pending standards for collecting or presenting racial and ethnic data. The University of California system was the only agency to correctly collect the data, but even they were not compliant in the presentation of the information. Moreover, no two agencies had the same methods of data collection or presentation, making it difficult to compare their statistics. For example, some agencies considered “Black” as an ethnicity while others called it a race. Still others considered “Chinese” an ethnicity while others stated it as a race. Furthermore, some school districts (e.g., San Francisco) call their mixed-race students “multi-racial” while others (e.g., Santa Barbara and Sacramento) use “Two or More races” and still others (e.g., Oakland) use “Multi-Ethnic.” Without exact definitions, these inconsistencies perpetuate the confusion over the differences between race, ethnicity, nationality, ancestry, and heritage and will persist without standardization.

Non-compliance by the Los Angeles Unified School District should be of special note. LAUSD is the second largest school district in the country in one of the most racially and ethnically diverse places in the world. Data collection forms are inconsistent depending on the source (on-line registration, hardcopy forms, etc.). As such, it is unknown how the data is processed when entered into their databases and thus makes their data presentation highly questionable. Being non-compliant to California standards becomes minor considering the quality of the underlying data is bad to begin with.

**MASC recommends consistent definitions and use of racial and ethnic categories among agencies and across segments.**

The sectors with the worst overall levels of non-compliance were Criminal Justice and Healthcare. While any amount of non-compliance is disappointing, it is actually quite understandable why this trend exists. The Criminal Justice and Healthcare sectors are the sectors where second party identification is most likely to be made. For example, it is difficult to imagine a law enforcement officer engaging in a thorough conversation about identity with a suspect. As another example, it may not be practical for a healthcare worker to ask for racial information from a patient in an emergency or potentially unresponsive. Of course, if a form does not permit multiple identification, then the conversation is rendered moot.

**MASC recommends forms and databases be updated to allow for multiple racial and ethnic identification.**

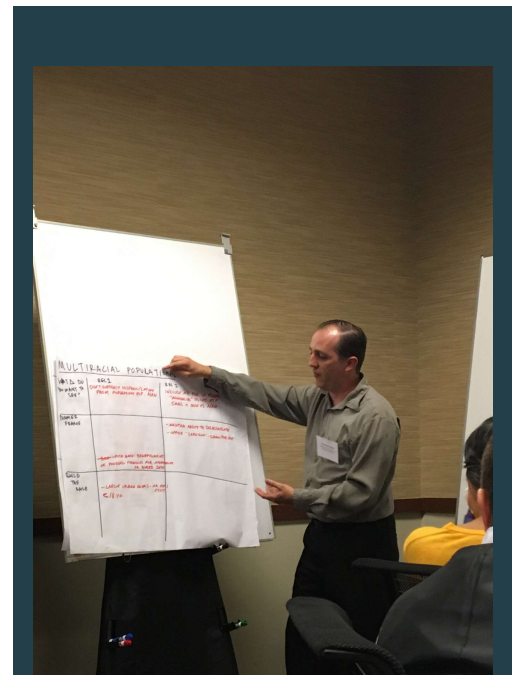
**MASC recommends healthcare and law enforcement staff be trained to recognize and consider multiple identification data entry.**

Inconsistencies between data collection and data presentation suggest that some manipulation of the data must be performed between the two processes. Data collection must comport with data presentation. Presenting data differently from how it is collected is a scientifically and statistically invalid practice.

It is also disingenuous to respondents. Respondents to data forms provide answers to their best ability given the premise of the forms. Manipulating the data for presentation essentially amounts to reinterpreting respondent's answers. While it is well established that racial and ethnic categories are social constructs and thus lacking in empirical truth, the personal identification with these categories by respondents is an example of their personal truth and thus manipulation of data after the fact is dishonest.

**MASC recommends that data presentation must comport with data collection methods.**

However, many forms, agencies, and businesses are in partial compliance, especially offering the opportunity to mark multiple racial categories and reporting the same. This is likely due to the requirement to comply with the US Office of Management and Budget's Statistical Directive 15 or the Equal Opportunity Employment Commissions survey form EEO-1. While this is encouraging that compliance to government standards may be achieved and the data produced is valuable, it should also be recalled that compliance took time and did not happen all at once, and



MASC Board Member Thomas Lopez presents a read-out of roundtable work at a convening held by the Robert Wood Johnson Foundation and PolicyLink.

MASC participated in developing policy recommendations regarding the benefit of racial data disaggregation to improve health outcomes.

the deadline is in less than two years, quickly becoming a significant challenge to meet. Forms (print and electronic) and databases must be updated and then disseminated to all points of use. This requires not only time, but funding to produce these forms and educate officials and the public on their use. There is also the potential conflict between State and Federal standards.

**MASC recommends the annual repeat of this study to track progress toward compliance to California standards and expand the scope to cover more local agencies.**

**MASC recommends state and local funding to agencies to assist in achieving compliance to California standards.**

In particular, disagreement between the counting of mixed Latina/o and non-Latina/o persons may prove a challenge. Federal standards explicitly forbid allowing people to mark one or more ethnicities, in contradiction with State standards. To reconcile these standards, policy decisions must be made that may require special legislation. One suggestion includes accepting multiple responses for State reporting, but defaulting to Latina/o-only reporting to Federal authorities. This would prevent the diminishment of the Latina/o population and be consistent with Statistical Directive 15's allowance of collapsing multiple responses to a singular category if it supports enforcement of civil rights protection.

**MASC recommends:**

- **The collection of mixed Latina/o and non-Latina/o identity data.**
- **Agencies develop policies to provide data that meets Federal and California standards. This may be two different datasets.**

Overall, the best solution would be harmonization between State and Federal standards, allowing respondents to select multiple categories and be reported as such.



## ABOUT THE AUTHORS

Thomas Lopez, Editor

Thomas has been a Board Member of MASC for twenty-five years and active in the Multiracial Movement for thirty years beginning as a student organizer. He has served as MASC's President, Vice-President, newsletter editor and current Treasurer. He has presented as a keynote speaker, panelist, workshop coordinator and filmmaker on multiracial issues in venues ranging from college campuses to community town halls. He created the Latinas/os of Mixed Ancestry program to advocate and organize the multiethnic Latina/o community. Thomas is an administrator for the Mixed Race Studies Facebook group with over 6,200 members. He works full-time as a mechanical engineer and manager in the medical device industry.

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## APPENDIX A

### Assembly Bill No. 532 CHAPTER 433

An act to add Section 8310.9 to the Government Code, relating to state agencies.

[Approved by Governor October 2, 2015. Filed with Secretary of State October 2, 2015.]

#### LEGISLATIVE'S COUNSEL DIGEST

AB 532, McCarty. State agencies: collection of data: race or ethnic origin.

Existing law requires state agencies, boards, or commissions that directly or by contract collect demographic data as to the ancestry or ethnic origin of Californians, and state agencies conducting surveys as to the ancestry or ethnic origin of state civil service employees, to use separate collection categories for each major Asian and Pacific Islander group.

This bill would require any state agency, board, or commission that directly or by contract collects demographic data, as soon as reasonably feasible and in no event later than January 1, 2022, to provide forms that offer respondents the option of selecting one more ethnic or racial designations.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8310.9 is added to the Government Code, to read:

8310.9. (a) The Legislature hereby finds and declares all of the following:

(1) The State of California currently has the largest population of people in the United States who identify with more than one ethnicity or race. This population of Californians who identify as multiracial is rapidly growing.

(2) Many state forms that currently require respondents to choose only a single ethnicity or race force multiracial Californians to deny a significant part of their heritage. Information collected in this manner often deprives the state of accurate data with which to meet the needs of its diverse communities.

(3) It is in the best interest of the State of California to respect, embrace, and understand the full diversity of its citizens.

(4) Since 1997, the federal Office of Management and Budget's "Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity" have required federal agencies to ensure that individuals have the option of selecting one or more ethnic or racial designations on federal government forms requesting this information.

(b) Any state agency, board, or commission that directly or by contract collects demographic data on the ethnic origin, ethnicity, or race of Californians shall do all of the following:

(1) Provide forms that offer respondents the option of selecting one or more ethnic or racial designations. Recommended forms for the instruction accompanying a multiple response question are "mark one or more" or "select one or more."

(2) Ensure in cases when data on respondents' ethnic origin, ethnicity, or race is reported to any other state agency, board, or commission that it is neither tabulated nor reported without all of the following:

(A) The number or percentage of respondents who identify with each ethnic or racial designation alone and not in combination with any other ethnic or racial designation.

(B) The number or percentage of respondents who identify with each ethnic or racial designation, whether alone or in combination with other ethnic or racial designations.

(C) The number or percentage of respondents who identify with multiple ethnic or racial designations.

(D) For civil rights monitoring and enforcement, complying with the rules for multiple race response allocation issued by the federal Office of Management and Budget Bulletin No. 00-02 in cases of state or federally mandated actions related to an ethnic or a racial community, or to assessing disparate impact or discriminatory patterns. In these cases, the requirement of subparagraph (C) shall not be considered satisfied without also complying with the requirements of subparagraphs (A), (B), and (D).

(c) Each state agency, board, or commission required to comply with subdivision (b) shall comply as early as reasonably feasible when updating forms, software, hardware, or information collection procedures, and in no event later than January 1, 2022.

(d) Notwithstanding any other provision of this section, any state agency, board, or commission that collects demographic data from a local agency may continue to collect and report that data to any other state agency, board, or commission in the form that the local agency submits it.

(e) Notwithstanding any other provision of this section, any state agency, board, or commission that collects ethnic or racial data solely to comply with federal requirements may continue to collect and report that data to any other state agency, board, or commission in the form required by the federal government.

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