



# Measuring Sex and Gender Identity in Department of Education Information Collections



U.S. Department of Education

JB Simpson, Deputy Chief Data Officer  
U.S. Department of Education

This presentation is intended to promote ideas.

The views expressed are part of ongoing deliberations and do not necessarily reflect the position of the U.S. Department of Education.

# Overview

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1. Scope and Background
2. ED Information Collections
3. Working Group Formation, Process, Inputs, and Results
4. Looking Ahead



# Scope and Background

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- The U.S. Department of Education (ED) has over 50 information collections that ask questions about sex or gender.
- Some of these information collections are surveys conducted by the National Center for Education Statistics. However, the majority of the collections are administrative forms, which will be the focus of this presentation.
- Until recently, most forms had the binary response options of male or female. As ED has received input from the public, changes have been made to some of these information collection instruments.
- Identifying a need to coordinate among different offices, the Department's Data Governance Board initiated the formation of a working group to evaluate ED's information collections and make recommendations.



# ED Information Collection: FAFSA

- The FAFSA Simplification Act passed in 2021 required that ED add additional demographic questions to the FAFSA.
- The 2023-2024 FAFSA that launched on October 1, 2022 now has these questions at the end of the form.
- Changes may be made to the questions for the 2024-2025 FAFSA.
- The data is being stored in a separate system and will not be shared with schools.

The screenshot shows the top portion of the 2023-24 FAFSA Form. At the top, the 'FederalStudentAid' logo is visible. Below it, the title '2023-24 FAFSA® Form' is displayed. A navigation bar contains links: 'FAFSA Home', 'Help', 'Save FAFSA Form', 'Review FAFSA Form', 'Reset FAFSA Form', and 'Exit FAFSA Form'. A progress bar below the navigation bar shows seven steps: 'Student Demographics' (checked), 'School Selection' (checked), 'Dependency Status' (checked), 'Parent Demographics' (4), 'Parent Financials' (5), 'Student Financials' (checked), and 'Sign & Submit' (7). Below the progress bar, the section 'SIGN AND SUBMIT' is titled, followed by the instruction: 'Before you sign and submit, please answer a few questions about the student.' A light blue information box states: 'These questions don't affect aid eligibility. Your answers to questions in this survey will not affect your eligibility for federal student aid and will not be used in any aid calculations.' Two questions are listed: 'What is your gender?' with options 'Male', 'Female', 'Nonbinary', and 'Decline to answer'; and 'Are you transgender?' with options 'Yes', 'No', and 'Decline to answer'.



# ED Information Collection: CRDC

- The Civil Rights Data Collection (CRDC) for 2021-22 plans to update the question on sex.
- The question will be revised from male and female to include a third category of nonbinary.
- During the public comment period for the proposed change, ED received 152 comments on this topic, with 136 of them expressing support.

## CIVIL RIGHTS Data Collection

The screenshot displays the CRDC website. On the left is a vertical navigation menu with links: Home, School & District Search, Detailed Data Tables, Data Analysis Tools, Special Reports, State and National Estimations, Data Reports and Presentations, Downloadable Data Files, Additional Resources, FAQ/Tutorial, Office for Civil Rights (OCR), and ED.gov. The main content area features a header with the CRDC logo and the text 'Wide-Ranging Education Data Collected from our Nation's Public Schools'. Below the header is a 'Quick Search' section with input fields for 'School Name' and 'State (Choose 1 or more)', and buttons for 'Find School(s)', 'Find District(s)', and a 'Search' button. Further down are three sections: 'School and District Search' with a house icon and a description; 'Detailed Data Tables' with a magnifying glass icon and a description; and 'Data Analysis Tools' with a bar chart icon and a list of two bullet points. At the bottom is a section for 'Special Reports for Schools and Districts' with a document icon and a list of three bullet points.

**Home**

- School & District Search
- Detailed Data Tables
- Data Analysis Tools
- Special Reports
- State and National Estimations
- Data Reports and Presentations
- Downloadable Data Files
- Additional Resources
- FAQ/Tutorial
- Office for Civil Rights (OCR)
- ED.gov

**CRDC** Civil Rights Data Collection

Wide-Ranging Education Data Collected from our Nation's Public Schools

**Quick Search**

Find School(s) Find District(s)

School Name State (Choose 1 or more) Search

**School and District Search**  
View a summary of selected facts about a school or district as well as tables and graphs of reported data

**Detailed Data Tables**  
Explore and analyze data across schools or districts

**Data Analysis Tools**

- Explore discipline data across schools, districts and/or states
- Analyze trends in students characteristic data for schools or districts

**Special Reports for Schools and Districts**

- English Learner (EL) Report
- Discipline Report
- Educational Equity Report

CRDC Website



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# Working Group Formation

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A working group focused on how ED measures sex and gender in information collections was initiated by ED's Data Governance Board and formed with representation from each office.

## Purpose

- Discuss the potential of a consistent approach while carefully considering inclusivity, privacy, utility, clarity, and interoperability

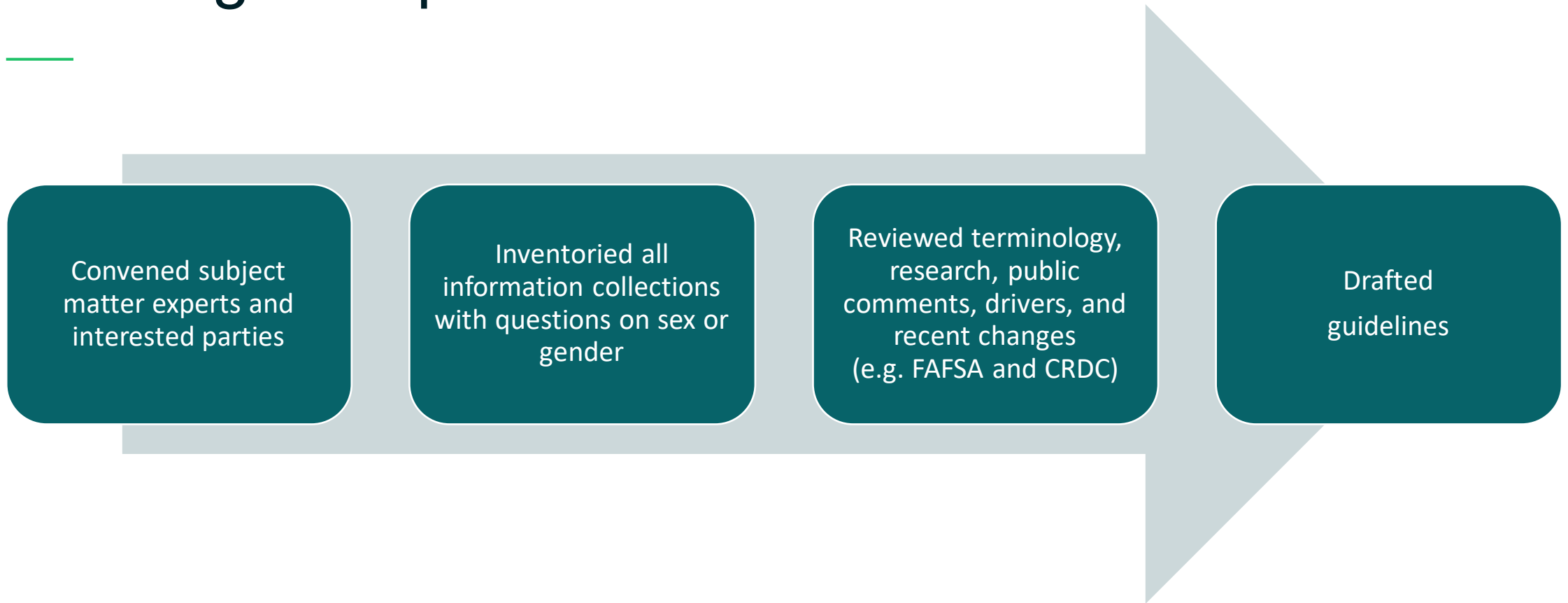
## Intended Outcomes

- A shared understanding of terms, goals, and the current state of the ED's information collections
- The identification of the pros and cons, as well as expected costs and benefits, of potential changes
- The development of guidelines that could would be broadly applicable



# Working Group Process

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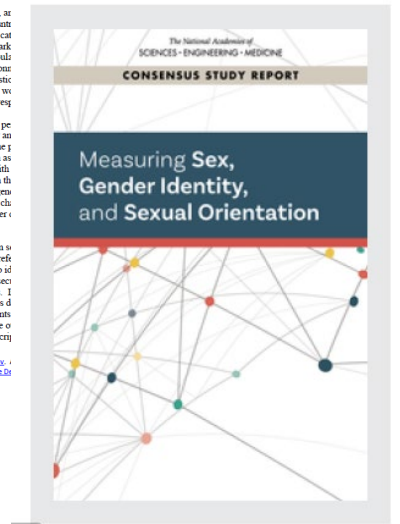




# Working Group Inputs

In addition to public comments and our own internal subject matter experts, the following were important inputs for the working group:

1. FCSM Measuring SOGI Research Group
2. State Department Research on X Gender Marker Definitions
3. National Academies report on Measuring Sex, Gender Identity, and Sexual Orientation



# Working Group Results

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The group is reviewing and revising draft guidelines that summarize what we have learned and our areas of agreement. For example:

- ✓ Questions about sex and gender should only be asked if legally required or if there are clear plans to use the data.
- ✓ Sex and gender identity are not interchangeable terms. Sex is biological and is assigned at birth. *Gender identity* is how a person identifies themselves. Questions should be clear about whether they are asking about sex or gender identity.
- ✓ Questions about gender identity should not be binary. Questions about gender identity should have at least one third option such as “another gender identity” or “nonbinary.” Being *nonbinary* means identifying as a gender other than exclusively male or female.
- ✓ It should be clear to respondents how the data on gender identity will be used and protected.



# Looking Ahead

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- Potential approval and implementation of internal guidelines
- Public comment process
- Testing
- Interagency Working Group on SOGI Data required by Executive Order 14075





# Thank You



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