CLOSING THE OPPORTUNITY GAP IN WASHINGTON'S PUBLIC EDUCATION SYSTEM

FEBRUARY 2024

BY THE EDUCATIONAL OPPORTUNITY GAP OVERSIGHT AND ACCOUNTABILITY COMMITTEE (EOGOAC)

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Executive Summary

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) is a bicameral, bipartisan legislative and community workgroup committed to closing racial opportunity gaps in Washington's K-12 public education system. The term "opportunity gap" refers to systemic inequity in education that structurally disadvantages certain demographics of students (e.g., students of color, low-income students, and students with disabilities). The EOGOAC's 2024 report provides policy and strategy recommendations for decreasing pervasive racial disparities in education.

The order in which the recommendations are presented in this report do not imply a hierarchy of priority or a sequence of steps. Since its creation in 2009, the EOGOAC has made recommendations representing a holistic approach toward closing the opportunity gap. The recommendations in this report follow in that tradition and are interdependent and mutually reinforcing.

Table of Recommendations

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
1. Mastery-Based Learning				
1A. The EOGOAC recommends that the Professional Educator Standards Board (PESB), and educator and administrator preparation programs that serve students in Washington, update programs and standards as necessary to include the skills needed to deliver mastery-based learning in classrooms and schools.				✓
1B. The EOGOAC recommends that the State Board of Education analyze fully disaggregated student data from the Mastery-Based Learning Collaborative Grant Project in order to review participation rates and impact for students of color.				✓
1C. The EOGOAC recommends that the State Board of Education and the Office of Superintendent work together to ensure that communication to districts on implementation of Mastery-Based Learning is proactive, consistent, and effective and that educators, administrators, families and communities have opportunities to give feedback.	✓			✓
2. Education Technology				
2A. The EOGOAC recommends that the Legislature define and codify in statute the role of internet access in the delivery of basic education services and the corresponding obligations of the state to students and families.			✓	

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
3. Student Presence and Authentic Engagement				
3A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) add a measure of school climate to the Washington School Improvement Framework.	✓			
3B. The EOGOAC recommends that the Legislature provide funding to the Office of Superintendent of Public Instruction (OSPI) to implement a process for all school district with a Community Engagement Board (CEB) to report to OSPI the annual disaggregated demographics of CEB members, genuine involvement of community and families, actions taken, results, financial costs, as well as a plan to evaluate this data, and to monitor for disproportionality.	✓	✓	✓	
3C. The EOGOAC recommends that the Washington State School Directors' Association (WSSDA) and Association of Washington School Principals (AWSP) lead a process of school district engagement with communities, families, and students of color to determine how and why truancy functions as an indicator of student engagement, with a focus on identifying culturally responsive solutions.		✓		✓
4. Disaggregated Data				
4A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) reconvene the Race and Ethnicity Student Data Task Force to review the initial reported data, make recommendations on updates to the data collection and to guide reporting.	✓			
4B. The EOGOAC recommends that schools and school districts provide all publicly reported data fully disaggregated by sub-racial and sub-ethnic category, as described in RCW 28A.300.042, with an "n-size" of 10.		✓		
4C. The EOGOAC recommends that the Healthy Youth Survey, collaboratively administered by the Health Care Authority - Division of Behavioral Health and Recovery (DBHR), the Department of Health (DOH), the Office of Superintendent of Public Instruction (OSPI), the Liquor and Cannabis Board (LCB), and Looking Glass Analytics, collect and report fully disaggregated student race/ethnicity.		✓		✓

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
4D. The EOGOAC recommends that the Legislature fund and direct the development and implementation of a common student identification number system be developed for use in data systems in K-12, early learning, and higher education for the purpose of providing fully disaggregated data on system inputs and outputs across the student experience.			✓	
4E. The EOGOAC recommends that training be provided to educators, districts, and community-based organizations on the use of disaggregated student data to impact student growth and eliminate gaps.		✓		✓
4F. The EOGOAC recommends that the Legislature require all agencies who work with students and families to collect and report disaggregated student race and ethnicity categories and subcategories as described in RCW 28A.300.042.			✓	
5. Special Education **5A The EOGOAC recommends that the Special Education Advisory Committee (SEAC) and the EOGOAC meet jointly once per year to share information, including disaggregated data, and align priorities regarding the opportunity gap for students of color receiving special education services. The EOGOAC and SEAC will create joint goals for addressing the needs of students of color with disabilities, including addressing the requirement under IDEA for identifying "significant disproportionality" and creating a plan to address the over and under representation of students of color in certain categories of qualifying disability.**				✓
5B The EOGOAC recommends the passage of Senate Bill 5883- An act relating to the burden of proof for special education due process hearings (companion House Bill 2121) that requires that the burden of proof provision in special education due process hearings is changed from being a requirement of the parent/guardian of the disabled student to being the requirement of the school district. Parents or guardians of a disabled student can request a due process hearing for issues related to the "identification, evaluation, reevaluation, classification, educational placement, disciplinary action, or provision of a free appropriate public education for a student with a disability."			✓	

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
5C The EOGOAC recommends that paraeducators who support students with disabilities are paid a living wage and receive ample training in cultural competency and support for multilingual students. The EOGOAC supports OSPI's-Advancing a Living Wage for Washington's Paraeducators 2024 Supplemental Operating Budget Decision Package and recommends passage of SB 6083- Increasing compensation for Washington paraeducators.			✓	
6. Students in Foster Care, Homeless, and Incarcerated Youth				
6A. The EOGOAC recommends that training on culturally competent and culturally responsive practices for support be provided to all staff who support these special populations of highly-mobile students.		✓		✓
6B. The EOGOAC recommends that all entities at the state-level responsible for serving students who are incarcerated, homeless or in foster/kinship care, develop an organized structure of connected data systems and records transfers that includes collecting and reporting disaggregated student race and ethnicity categories and subcategories as described in RCW 28A.300.042.				✓
6C. The EOGOAC recommends that school districts develop local-level plans for implementation of policies for support of students who are highly-mobile, including those who are homeless, incarcerated and in foster/kinship care, in collaboration with community-based organizations (CBOs), with government-to-government tribal consultation, and family and community engagement. These plans should address academic, mental health and social emotional learning supports, alignment of resources and disaggregated data sharing.		✓		✓
6D. The EOGOAC recommends that all entities at the state-level responsible for serving students who are incarcerated, homeless or in foster/kinship care review local plans and develop a state-level plan addressing how they are going to address siloes, increase cultural competency, and eliminate disparities for students of color including collaboration and alignment with tribal child welfare systems.	✓			✓
6E. The EOGOAC recommends to the Governor that, because educational equity is a social determinant of health, the Governor's Interagency Council on Health Disparities be charged with co-responsibility, with the EOGOAC, for monitoring implementation of the state-level plan (see Recommendation 6D of the plan and making recommendations for implementation.				✓

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
6F. The EOGOAC recommends that mastery-based learning and transferable school credits between school districts are widely available and known to staff and organizations that work with students who are incarcerated, homeless, or in foster/kinship care, in order to help those students maintain and progress in their education.		✓		
7. Social Emotional Learning **7A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) collect at the state-level information on district implementation of SEL, including policies, frameworks, tools, training, and assessments.**	✓			
7B. The EOGOAC recommends that the Legislature commission independent evaluation of the effectiveness of SEL implementation in Washington schools, specifically in creating positive outcomes for students of color.			✓	
7C. The EOGOAC recommends that the Legislature support development and implementation of ongoing professional development for educators, administrators, and paraprofessionals on culturally responsive implementation of SEL that is aligned to the Social Emotional Learning Standards, Benchmarks and Indicators and Cultural Competency, Diversity, Equity, & Inclusion (CCDEI) Standards for Educators.			✓	
7D. The EOGOAC recommends that the chairs of the Social Emotional Learning Advisory Committee (SELAC) be members of the committee and work jointly with the EOGOAC co-chairs, and staff of the EOGOAC and SELAC, to plan and develop a joint workplan for the annual meeting and ongoing collaborative work.				✓
8. Educators **8A. The EOGOAC recommends that the Office of Superintendent work with the Washington Education Association (WEA), the Professional Educator Standards Board (PESB), educator preparation programs, and other stakeholders to collect and analyze fully disaggregated educator data. The data should be used to support districts in recruiting, hiring, and retaining educators of color in a culturally competent manner.**	✓			✓

Recommendations	Audience			
	OSPI	School Districts	Legislature	Others
8B. The EOGOAC recommends that the Professional Educator Standards Board (PESB) develop and implement requirements for educators who received educator certification outside the state of Washington, to meet in-state Cultural Competency, Diversity, Equity, and Inclusion (CCDEI) standards and the training necessary to implement Since Time Immemorial (STI) curriculum.				✓
8C. The EOGOAC recommends that the Legislature make continued investments in mentorship programs for educators and principals of color.			✓	

Background on Committee

Unique in structure and purpose, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) was established in 2009 by Second Substitute Senate Bill 5973[2] and is charged by RCW 28A.300.136[3] to:

"*synthesize the findings and recommendations from the five 2008 Achievement Gap Studies into an implementation plan, and to recommend policies and strategies to the Superintendent of Public Instruction, the Professional Educator Standards Board, and the State Board of Education.*" [4]

Recommendations by the EOGOAC must, at a minimum, encompass the following areas:

- Supporting and facilitating the engagement of and outreach to parents and communities of color.
- Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction.
- Expanding pathways and strategies to prepare, recruit, hire, and retain diverse teachers and administrators.
- Recommending current programs and resources that should be redirected to narrow the opportunity gap.
- Identifying data elements and systems needed to monitor progress in closing the gap.
- Making closing the opportunity gap part of the school and school district improvement process.
- Exploring innovative school models that have shown success in closing the opportunity gap.

In summary, the EOGOAC's explicit purpose is to monitor and make recommendations to close the opportunity gap for **students of color** in Washington, recognizing intersecting identities and experiences

[2] Washington State Legislature Second Substitute Senate Bill 5973, *Closing the achievement gap in order to provide all students an excellent and equitable education* (2009). Retrieved from: http://lawfilesext.leg.wa.gov/biennium/2009-10/Pdf/Bills/Senate%20Passed%20Legislature/5973-S2.PL.pdf

[3] Washington State Legislature RCW 28A.300.136, *Educational opportunity gap oversight and accountability committee-Policy and strategy recommendations* (2009). Retrieved from http://app.leg.wa.gov/rcw/default.aspx?cite=28A.300.136

[4] Ibid.

that add additional systemic challenges. The EOGOAC submits recommendations in the form of annual reports to the Legislature, the Governor, the House and Senate Education Committees, the Office of Superintendent of Public Instruction (OSPI), the Professional Educator Standards Board (PESB), and the State Board of Education (SBE).

Although the EOGOAC focuses specifically on the K-12 education system, committee members are unanimous in their belief that learning is a continuum. From early childhood to higher education, equitable opportunities for students of color must exist in all facets of the education system.

Governance and Structure

The EOGOAC Operating Protocols document, which outlines the policies and procedures of the committee related to membership, finances, decision making protocols, meeting conduct, and communications, can be found on their website.

Committee Membership

Section 4 of RCW 28A.300.136 states the EOGOAC shall be composed of the following members:

- The chairs and ranking minority members of the House and Senate Education Committees, or their designees.
- One additional member of the House of Representatives appointed by the Speaker of the House and one additional member of the Senate appointed by the President of the Senate.
- A representative of the Office of the Education Ombuds (OEO).
- A representative of the Center for the Improvement of Student Learning (CISL) in the Office of Superintendent of Public Instruction.
- A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington State, designated by the federally recognized tribes.
- Four members appointed by the Governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Latino/a Americans, Asian Americans, and Pacific Islander Americans.

Table I. Committee Members

Name	Representing
Dr. James Smith	Commission on African American Affairs
Frieda Takamura	Commission on Asian Pacific American Affairs (Asian American)
Fiasili Savusa	Commission on Asian Pacific American Affairs (Pacific Islander)
Dr. Randy Nuñez	Commission on Hispanic Affairs
Bill Kallappa	Governor's Office of Indian Affairs
Erin Okuno	Governor's Office of the Education Ombuds
Representative Lillian Ortiz-Self	House of Representatives
Representative Skyler Rude	House of Representatives
Representative Sharon Tomiko Santos	House of Representatives
Tennille Jefferies-Simmons	Office of Superintendent of Public Instruction
Senator Bob Hasegawa	Senate
Senator Lisa Wellman	Senate

Table II. Committee Member Alternates

Name	Representing
Dr. Tyson Marsh	Commission on African American Affairs

Name	Representing
Brianne Ramos	Commission on Asian Pacific American Affairs (Asian American)
Lydia Faitalia	Commission on Asian Pacific American Affairs (Pacific Islander)
Michael Peña	Commission on Hispanic Affairs
Yordanos Gebreamlak	Governor's Office of the Education Ombuds
Maria Flores	Office of Superintendent of Public Instruction

Committee Co-Chairs

Section 7 of RCW 28A.300.136 states the chair or co-chairs of the committee shall be selected by the members of the committee. The committee co-chairs for 2022 include:

- Representative Lillian Ortiz-Self
- Fiasili Savusa

Committee Staff

Section 7 of RCW 28A.300.136 also states staff support for the committee shall be provided by the Center for the Improvement of Student Learning (CISL) at the Office of Superintendent of Public Instruction. Committee staff include:

- Maria Flores, Executive Director, CISL
- Heather Rees, Research and Policy Program Manager, CISL

Additional support provided by:

- Andrew Nelson, Research Analyst, CISL
- Devin Noel-Harrison, Research Analyst, CISL
- Lauren Gilmore, Research Analyst, CISL

Introduction

During the height of the COVID-19 pandemic, when many expressed a desire to "return to normal", the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) and other voices reminded us that "normal" for our students was never good enough. As we begin to see academic performance, rates of absenteeism and other measures return to pre-pandemic levels, we emphasize once again that the status quo is marked by pervasive opportunity gaps faced by students of color. The purpose of the EOGOAC continues to be elimination of those opportunity gaps.

The EOGOAC is led by leaders of color, for students and families of color, focusing on the strengths and assets of our communities as the base from which to close gaps. We know that when our students thrive, our communities thrive, and when our communities thrive, our nation and world's future is brighter.

The recommendations in this report are focused on the scope of K-12 public education with the understanding that students and their families experience education as an interconnected piece of the whole. Just as the social determinants of health have real, physical, and long-term impacts, education is both impacted by social determinants and has the ability to impact one's life-long path.

In order to have a true ***public*** education system we must not rest until all opportunity gaps for students of color are closed and each and every African American, Asian, Latino/a/x, Pacific Islander and Native student is able to realize their inherent potential and achieve their dreams. Opportunity gaps exist when we settle for a public education system that only serves some and not all students. The EOGOAC will not rest until the opportunity gap no longer exists.

We Lift Our Hands to Honor **Lulilaš***:* Our Friend, Colleague and Mentor Senator John McCoy

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) lost a dear friend, colleague, and mentor- Senator John Richard McCoy who passed away at the age of 79 on June 6, 2023.

As a founding member of the EOGOAC, John lead with integrity and compassion and embodied the values of the committee. As a member of the Tulalip tribe and a venerated elder, John passed legislation to create the Since Time Immemorial tribal sovereignty curriculum, which was created with and endorsed by all 29 federally recognized tribes in Washington state. John served as both a Representative and Senator in the Legislature and was one of the first Native legislators in Washington.

John is deeply missed. His passion and perseverance inspired the members of the EOGOAC. We remain committed to closing the opportunity gap for our Native students and all students of color and will continue to fight for their rights and "get in good trouble" in your honor.

"Do not get lost in a sea of despair. Be hopeful, be optimistic. Our struggle is not the struggle of a day, a week, a month, or a year, it is the struggle of a lifetime. Never, ever be afraid to make some noise and get in good trouble, necessary trouble."- US Senator John Lewis

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) gathered at Aki Kurose Middle School for the bill signing of Engrossed Substitute House Bill 1541- Implementing strategies to close the educational opportunity gap.

Recommendations

1. Mastery-Based Learning

Background

Section 2(g) of RCW 28A.300.136 charges the EOGOAC to explore "innovative school models that have shown success in closing the achievement gap."[5] Over the past several years, the Mastery-Based Learning (MBL) instructional model has been a key focus of this work. Although both implementation and research on outcomes are still in early stages, MBL's focus on student agency, relevance, differentiation, inclusion, and innovative assessment provide opportunities to tailor learning to the unique needs of students of color. When taking an overhead look at PreK-12 education, the EOGOAC sees the need for deep, systemic change that works to meet the needs of all students and staff. If implemented correctly, MBL provides a framework for updating that system. The EOGOAC has noted key elements of implementation should include:

- A foundation of cultural competency
- Preparation and ongoing support for classroom teachers and other school leaders
- Authentic family, community, and organizational engagement
- A consistent system for students who transfer between schools and districts, especially for highly mobile students
- Equitable access for students of color
- Innovative grading and assessment tools
- Partnerships with local employers and community-based organizations
- Recognition and acceptance from institutions of higher education.

Without intention, coordination, and collaboration, MBL will not have the intended impact. The *Mastery-Based Learning Collaborative Evaluation Report, Year 2*, authored by the Aurora Institute, included in findings related to Culturally Responsive-Sustaining Education (CRSE) that educators and school leaders identified needs for curriculum and materials that support culturally responsive-sustaining pedagogy, sufficient resources and supports to deepen their cultural competence, and sufficient time for effective planning and delivery of culturally responsive, mastery-based learning.[6] The EOGOAC encourages continued evaluation of implementation of CRSE as well as a specific focus on outcomes for students of color.

The EOGOAC will continue to monitor the Mastery-Based Learning Collaborative Grant Project, through which the State Board of Education provides community and collaborative support for development of solutions and tools needed to implement MBL.

Recommendation 1A. The EOGOAC recommends that the Professional Educator Standards Board (PESB), and educator and administrator preparation programs that serve students in Washington,

[5] Washington State Legislature RCW 28A.300.136, *Educational opportunity gap oversight and accountability committee-Policy and strategy recommendations* (2009). Retrieved from http://app.leg.wa.gov/rcw/default.aspx?cite=28A.300.136

[6] Levine, E. (2023). M*astery-based learning collaborative evaluation report, year 2*. Aurora Institute. https://www.sbe.wa.gov/sites/default/files/public/documents/MBLC%20Evaluation%20Year%202%20Report%20FINAL%209.7.23.pdf

update programs and standards as necessary to include the skills needed to deliver mastery-based learning in classrooms and schools.

Recommendation 1B. The EOGOAC recommends that the State Board of Education analyze fully disaggregated student data from the Mastery-Based Learning Collaborative Grant Project, in order to review participation rates and impact for students of color.

Recommendation 1C. The EOGOAC recommends that the State Board of Education and the Office of Superintendent of Public Instruction work together to ensure that communication to districts on implementation of mastery-based learning is proactive, consistent, and effective and that educators, administrators, families, and communities have opportunities to give feedback.

Future Work

The EOGOAC will continue to monitor implementation of MBL in these key areas:

- Outcomes of evaluation of the Mastery-Based Learning Collaborative Grant Project
- The appeal and dispute process for final evaluation outcomes for students
- How two-year and four-year colleges assess transcripts from MBL high schools
- Use of alternatives to grades and standardized tests as evidence of success
- Educator and administrator candidate preparation for MBL environments
- Research on MBL best practices that impact students of color.

2. Education Technology

Background

The topic of education technology touches on several key issues of interest to the EOGOAC. The first is the delivery of education through technology. The school shut-downs of the COVID-19 pandemic highlighted the need for equitable access to hardware, software, and broadband internet for all students and their families. While local, state, and federal resources were poured into solutions, a looming fiscal cliff, aging software and hardware, and inequitable funding models continue to be of concern. For students and families of color, intersections with poverty, language access, and mobility create further inequities. While internet infrastructure solutions may come from outside of the K-12 sector, the voices of families and educators must be central to development of those solutions.

The second topical area is technology related knowledge and skills. The EOGOAC acknowledges that the skills to navigate technology, including discernment and critical thinking, are essential as tools for accessing academic learning. Without equitable access to these tools, students of color will experience persistent opportunity gaps. Technology use will also continue to grow in its centrality to experiential learning. At the swift pace of change that will be brought on by artificial intelligence (AI) tools, such as generative AI, educators will need just-in-time support to utilize and implement educational technology.

Recommendation 2A. The EOGOAC recommends that the Legislature define and codify in statute the role of internet access in the delivery of basic education services and the corresponding obligations of the State to students and families.

Future Work

- The EOGOAC will monitor the role of generative AI in education, including equitable access and assessment practices.

- The EOGOAC will monitor propose changes to computer science education requirements.

3. Student Presence and Authentic Engagement

Background

The EOGOAC would like to see a shift in the conversational focus from truancy, as a negative measure of student engagement, to preventative and positive indicators. While low student engagement can lead to truancy, truancy and chronic absenteeism are not always the result of a lack of student engagement. School climate, sense of safety, and belonging are all essential elements of assessing engagement.

To encourage engagement, the system should center the voices of students and their families, especially students of color, and seek to recognize learning that takes place outside of school. Developing a supportive school climate, prioritizing social-emotional learning, building upon the assets that students of color possess, and learning through culturally relevant experiential learning will positively impact student engagement.

Recommendation 3A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) add a measure of school climate to the Washington School Improvement Framework (WSIF).

Recommendation 3B. The EOGOAC recommends that the Legislature provide funding to the Office of Superintendent of Public Instruction (OSPI) to implement a process for all school districts with a Community Engagement Board (CEB) to report to OSPI the annual disaggregated demographics of CEB members, genuine involvement of community and families, actions taken, results, financial costs, as well as a plan to evaluate this data and to monitor for disproportionality.

Recommendation 3C. The EOGOAC recommends that the Washington State School Directors' Association (WSSDA) and Association of Washington School Principals (AWSP) lead a process of school district engagement with communities, families, and students of color to determine how and why truancy functions as an indicator of student engagement, with a focus on identifying culturally responsive solutions.

Future Work

- In order to identify best practices for student engagement, the EOGOAC would like to hear from groups of students of color, such as Black Student Unions.
- The EOGOAC will review recommendations from the Re-Envisioning Student Truancy Project.

4. Disaggregated Data

Background

The EOGOAC is charged by RCW 28A.300.136 to identify "data elements and systems needed to monitor progress in closing the gap".[7] The key characteristic of any data element useful for monitoring the opportunity gap is that it can be fully disaggregated by race/ethnicity. The EOGOAC has seen and demonstrated over the years that without disaggregation, harmful assumptions are made, gaps are hidden, and resources are inequitably distributed and misdirected. The EOGOAC emphasizes data

[7] Washington State Legislature RCW 28A.300.136, *Educational opportunity gap oversight and accountability committee-Policy and strategy recommendations* (2009). Retrieved from http://app.leg.wa.gov/rcw/default.aspx?cite=28A.300.136

disaggregation not as a stand-alone issue or for a purely administrative function, but so that all communities of color have the chance to have their successes counted and their needs met.

School year 2022-23 marked the first year that school districts were required to collect and report student subracial and subethnic categories as initiated by HB 1541 (2016). Today, the state is wrestling with how to use and make available this extensive data set. Because this level of disaggregation will only be available from K-12 data, alignment efforts will be needed in order to break down the silos between K-12, early learning, and higher education as well as health care, justice, and other social services.

On a federal level, which outlines the structure for state-level reporting, the Office of Management and Budget (OMB) published OMB-2023-0001 (88 FR 5375) Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards. The EOGOAC reviewed these proposed changes and submitted public comment which can be viewed in Appendix A.

Recommendation 4A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) reconvene the Race and Ethnicity Student Data Task Force to review the initial reported data, make recommendations on updates to the data collection and to guide reporting.

Recommendation 4B. The EOGOAC recommends that schools and school districts provide all publicly reported data fully disaggregated by sub-racial and sub-ethnic category, as described in RCW 28A.300.042, with an "n-size" of 10.

Recommendation 4C. The EOGOAC recommends that the Healthy Youth Survey, collaboratively administered by the Health Care Authority - Division of Behavioral Health and Recovery (DBHR), the Department of Health (DOH), the Office of Superintendent of Public Instruction (OSPI), the Liquor and Cannabis Board (LCB), and Looking Glass Analytics, collect and report fully disaggregated student race/ethnicity.

Recommendation 4D. The EOGOAC recommends that the Legislature fund and direct the development and implementation of a common student identification number system be developed for use in data systems in K-12, early learning, and higher education for the purpose of providing fully disaggregated data on system inputs and outputs across the student experience.

Recommendation 4E. The EOGOAC recommends that training be provided to educators, districts, and community-based organizations on the use of disaggregated student data to impact student growth and eliminate gaps.

Recommendation 4F. The EOGOAC recommends that the Legislature require all agencies who work with students and families to collect and report disaggregated student race and ethnicity categories and subcategories as described in RCW 28A.300.042.

Future Work

The EOGOAC will continue to monitor disaggregated student data reporting and engage in Data Governance Committee meetings.

5. Special Education

Background

The Individuals with Disabilities in Education Act (IDEA) requires the provision of a free and appropriate public education for children with disabilities from their birth to age 21. As stated in the recent reauthorization of IDEA,

> "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities."[8]

Students with disabilities are basic education students first; the accommodations, specially designed instruction and other supports provided through their Individualized Education Program (IEP) and/or their Section 504 plan are the mechanisms to access their basic education.

For students of color with disabilities, IDEA requires states to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:

- the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment;
- the placement in particular educational settings of such children; and
- the incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

To address disproportionalities and provide greater access to the general education curriculum, the Inclusionary Practices Project through the Office of Superintendent of Public Instruction has focused on providing training supports to educators and grants to school districts to provide more access for students with disabilities. "Inclusionary practices are actions that educators, schools, and districts take to create opportunities for students with diverse abilities to learn and be a part of the general education curriculum, classroom, and school community."[9] Students of color with disabilities benefit from inclusionary practices and more time spent in a general education setting in order to not lose core academic content and widen the opportunity gap.

Additionally, in order for students of color with disabilities to have their needs met, their parents and/or guardians must be meaningfully engaged in every aspect of the special education journey, from the identification and evaluation process for their disability and the creation of their IEP. Early identification of a disability is critical, and many families of color are not aware of the supports and services their students can benefit from within special education.

[8] Individuals with Disabilities in Education Act (IDEA) Part A, 1400 (c). U.S. Department of Education. Retrieved 1/16/2024: https://sites.ed.gov/idea/statute-chapter-33/subchapter-i/1400

[9] Inclusionary Practices Handbook. Office of Superintendent of Public Instruction. March 2021. Retrieved 1/16/2023: https://ospi.k12.wa.us/sites/default/files/2022-12/Inclusionary-Practices-Handbook-DRAFT.pdf

Recommendation 5A. The EOGOAC recommends that the Special Education Advisory Committee (SEAC) and the EOGOAC meet jointly once per year to share information, including disaggregated data, and align priorities regarding the opportunity gap for students of color receiving special education services. The EOGOAC and SEAC will create joint goals for addressing the needs of students of color with disabilities, including addressing the requirement under IDEA for identifying "significant disproportionality" and creating a plan to address the over and under representation of students of color in certain categories of qualifying disability.

Recommendation 5B. The EOGOAC recommends the passage of Senate Bill 5883- An act relating to the burden of proof for special education due process hearings (companion House Bill 2121) that requires that the burden of proof provision in special education due process hearings is changed from being a requirement of the parent/guardian of the disabled student to being the requirement of the school district. Parents or guardians of a disabled student can request a due process hearing for issues related to the "identification, evaluation, reevaluation, classification, educational placement, disciplinary action, or provision of a free appropriate public education for a student with a disability."[10] However, this process is very complicated, requires a deep understanding of special education law and is unnecessarily burdensome for families, particularly those with language access needs.

Recommendation 5C. The EOGOAC recommends that paraeducators who support students with disabilities are paid a living wage and receive ample training in cultural competency and support for multilingual students. The EOGOAC supports OSPI's-Advancing a Living Wage for Washington's Paraeducators 2024 Supplemental Operating Budget Decision Package and recommends passage of SB 6083-Increasing compensation for Washington paraeducators.

Future Work

The EOGOAC will continue to analyze and research data to identify disparities for students of color with disabilities. Specifically, the EOGOAC plans to examine the challenges that are specific to small, rural school districts equitably serving students with disabilities. Additionally, the EOGOAC plans to research the impact of the COVID 19 pandemic on the identification of students of color with disabilities, the needs of neurodivergent students and examining the role school districts play in the IEP decision making process.

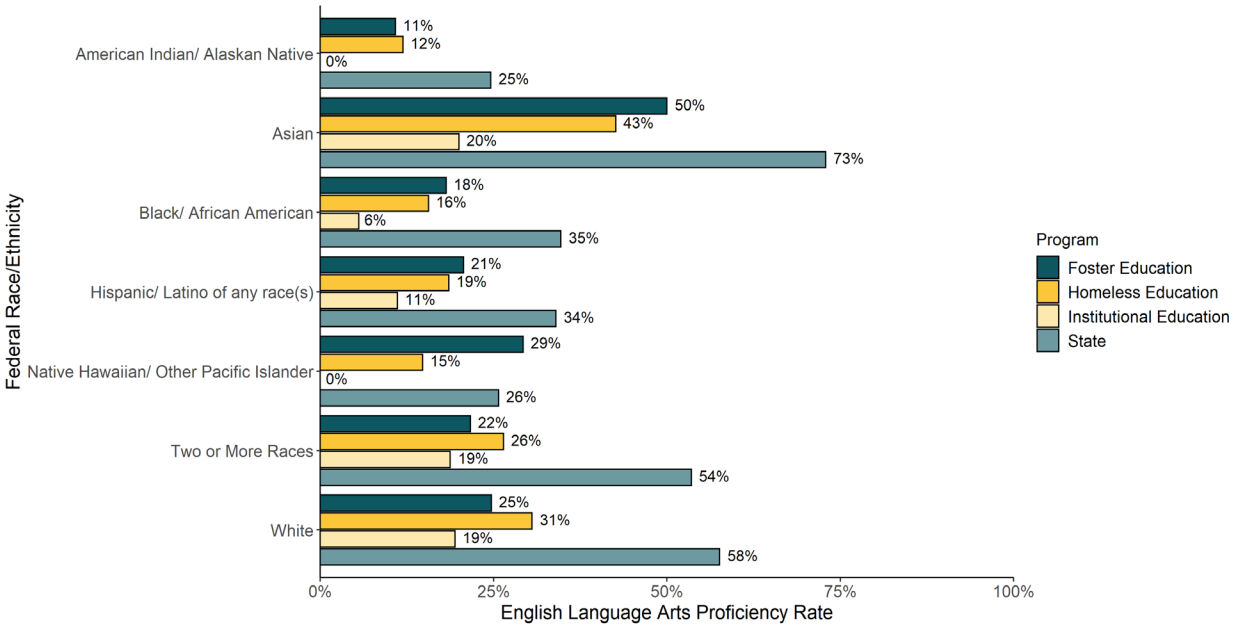
6. Students in Foster Care, Homeless, and Incarcerated Youth

Background

When students of color have life experiences such as being placed in foster/kinship care, experiencing homelessness, or being involved in the juvenile justice system, they face increased opportunity gaps and systemic barriers that can result in poor rates of academic performance, according to current measures (see Figure 1). Students in these groups have in common increased rates of mobility, moving between schools and districts outside of regular promotional moves, which causes disruptions in their learning process.

[10] Senate Bill 5883-An act related to the burden of proof for special education due process hearings.

Figure 1. All Groups: ELA Proficiency[11]



*Data not disclosed

The siloes that exist between the systems that serve these students cause additional burdens to families, educators and other support staff, and students who experience delays in supports and setbacks such as losing credits or repeating classes. Supports targeted to these student groups can only be effective if the system is aware of their status and able to alert the adults serving them. These adults then need to be prepared with the knowledge and skills to implement culturally responsive and trauma-informed practices. Without this, we are at risk of causing additional harm to students and their families during an already difficult time.

Many of these essential tools and practices are covered in other sections of this report, including social emotional learning, implementation of the Washington Students Supports Protocol (WISSP) to collaborate with community-based organizations, mastery-based learning, and language access. While responsibility for disproportionalities in the child welfare, housing, and juvenile justice systems are outside of the direct responsibility of the PreK-12 educational system, it does bear responsibility for prevention (appropriate absence, discipline, and child welfare reporting policies), identification, and support.

Recommendation 6A. The EOGOAC recommends that training on culturally competent and culturally responsive practices for support be provided to all staff who support these special populations of highly-mobile students.

[11] Gallardo, V., Dyer, M., Scott, E., & Blackledge, A. (2023, September 19). *Foster care, homeless and institutional education EOGOAC* [Presentation]. September 2023 Educational Opportunity Gap Oversight and Accountability Committee Meeting, online. https://padlet.com/cisl/eogoac-vjd9wnkvq5dvyula/wish/2711473309
Data source: OSPI CEDARS. Data accessed: 8/31/23.

Recommendation 6B. The EOGOAC recommends that all entities at the state-level responsible for serving students who are incarcerated, homeless or in foster/kinship care, develop an organized structure of connected data systems and records transfers that includes collecting and reporting disaggregated student race and ethnicity categories and subcategories as described in RCW 28A.300.042.

Recommendation 6C. The EOGOAC recommends that school districts develop local-level plans for implementation of policies for support of students who are highly-mobile, including those who are homeless, incarcerated, and in foster/kinship care, in collaboration with community-based organizations (CBOs), with government-to-government tribal consultation, and family and community engagement. These plans should address academic, mental health and social emotional learning supports, alignment of resources, and disaggregated data sharing.

Recommendation 6D. The EOGOAC recommends that all entities at the state-level responsible for serving students who are incarcerated, homeless, or in foster/kinship care review local plans and develop a state-level plan addressing how they are going to address siloes, increase cultural competency, and eliminate disparities for students of color including collaboration and alignment with tribal child welfare systems.

Recommendation 6E. The EOGOAC recommends to the Governor that, because educational equity is a social determinant of health, the Governor's Interagency Council on Health Disparities be charged with co-responsibility, with the EOGOAC, for monitoring implementation of the state-level plan (see Recommendation 6D) and making recommendations for implementation.

Recommendation 6F. The EOGOAC recommends that mastery-based learning and transferable school credits between school districts are widely available and known to staff and organizations that work with students who are incarcerated, homeless, or in foster/kinship care, in order to help those students maintain and progress in their education.

7. Social Emotional Learning

Background

In this time of continued focus on recovery from the disruptions of the COVID-19 pandemic, Social Emotional Learning (SEL) plays an important role in helping students develop skills that they may have missed out on cultivating during isolation. With the heightened needs, must come additional resources focused on implementing SEL in a culturally responsive and inclusive way. Families and communities of color need communication on the "what, why and how" of SEL, as well as opportunities to give feedback on how SEL can and should be culturally responsive.

SEL must be implemented in an inclusive manner that meets all students where they are at. Cutting across traditionally siloed content areas, improved SEL skills for both students and adults can improve the climate within a school building and help build relationships with families. The flip side of these promising outcomes is the risk that SEL implemented without an anti-biased and anti-racist lens causes more harm to historically marginalized students. Therefore, educators and administrators must be provided with the supports they need to implement culturally responsive SEL.

Recommendation 7A. The EOGOAC recommends that the Office of Superintendent of Public Instruction (OSPI) collect at the state-level information on district implementation of SEL, including policies, frameworks, tools, training, and assessments.

This data is necessary to monitor implementation and determine effectiveness, especially the impact on students of color.

Recommendation 7B. The EOGOAC recommends that the Legislature commission independent evaluation of the effectiveness of SEL implementation in Washington schools, specifically in creating positive outcomes for students of color.

Recommendation 7C. The EOGOAC recommends that the Legislature support development and implementation of ongoing professional development for educators, administrators, and paraprofessionals on culturally responsive implementation of SEL that is aligned to the Social Emotional Learning Standards, Benchmarks and Indicators and Cultural Competency, Diversity, Equity, & Inclusion (CCDEI) Standards for Educators.

Recommendation 7D. The EOGOAC recommends that the chairs of the Social Emotional Learning Advisory Committee (SELAC) be members of the committee and work jointly with the EOGOAC co-chairs, and staff of the EOGOAC and SELAC, to plan and develop a joint workplan for the annual meeting and ongoing collaborative work.

Future Work

The EOGOAC will:

- Work with the Social Emotional Learning Advisory Committee (SELAC) to develop guidance on culturally responsive assessment of SEL
- Continue to monitor concerns about culturally responsive implementation of SEL
- Review any collected implementation data.

8. Educators

Background

While many administrators, policy makers, and public servants work together to operate the overall K-12 system, it is the adult educator in the classroom that has the most immediate impact on the learning experience of students. For students of color, the identity and quality of that educator can shrink or grow the opportunity gap they experience. The work of the EOGOAC focuses on:

a. increasing the number of educators of color and

b. increasing the access of students of color to high quality educators.

In this time of educator shortage, there is a need for increased dialogue and collaboration between local education agencies (LEAs), families, and preparation programs in service of both these goals.

Two current policy issues aimed at getting more educators in the field include case-by-case content knowledge assessment exceptions and out of state reciprocity. According to data shared by the

Professional Educator Standards Board (PESB)[12], new educators of color have been benefiting from barrier removal through case-by-case exceptions. However, not all educator preparation programs offer exceptions at this time. The EOGOAC will continue to monitor the implementation of this policy and consider possible expansion.

Out of state reciprocity is a policy approach that seeks to increase the number of educators by accepting certifications issued by other states. However, the EOGOAC has concerns that sweeping reciprocity could undermine efforts to increase the cultural competency of educators in Washington by certifying educators without the diversity, equity, and inclusion (DEI) standards and Since Time Immemorial (STI) training required of Washington trained educators. The EOGOAC will continue to investigate how reciprocity can be used as a strategy to address shortage and barriers to educators of color while prioritizing access to qualified and culturally competent educators.

Recommendation 8A. The EOGOAC recommends that the Office of Superintendent work with the Washington Education Association (WEA), the Professional Educator Standards Board (PESB), educator preparation programs, and other stakeholders to collect and analyze fully disaggregated educator data. The data should be used to support districts in recruiting, hiring, and retaining educators of color in a culturally competent manner.

Recommendation 8B. The EOGOAC recommends that the Professional Educator Standards Board (PESB) develop and implement requirements for educators who received educator certification outside the state of Washington, to meet in-state Cultural Competency, Diversity, Equity, and Inclusion (CCDEI) standards and the training necessary to implement Since Time Immemorial (STI) curriculum.

Recommendation 8C. The EOGOAC recommends that the Legislature make continued investments in mentorship programs for educators and principals of color.

Future Work

The EOGOAC recognizes that continued enrollment declines will result in budget challenges to recruiting and retaining educators and other staff. In its future work on this topic, the EOGOAC aims to:

- prioritize the voices and perspectives of educators of color
- explore methods of holding school districts accountable for diversity of hiring, and assignment and retention of educators of color
- recognize school and district leaders in diversification
- explore the reduction of barriers for educators of color
- review updated disaggregated educator data
- meet with educator preparation programs regarding supply and demand
- explore distribution of equitable benefits and pay.

[12] Hernandez-Scott, E. (2023, Nov. 21). *Getting our house in order: transforming PESB and educator preparation in Washington state* [Presentation]. November 2023 Educational Opportunity Gap Oversight and Accountability Committee Meeting, online. https://padlet.com/cisl/eogoac-vjd9wnkvq5dvyula/wish/2798246922

Future Work

The EOGOAC plans to conduct a deep review of 1-2 topics in 2024 with a focus on hearing from students, families, educators, and leaders of color.

In 2023, the Legislature funded the ethnic commissions and GOIA to contract for a detailed analysis of the opportunity gap for their student community. These studies are a recommission of the 2008 "achievement gap" studies that resulted in the creation of the EOGOAC. The EOGOAC expects the results of these studies to have a profound impact on their future work.

- December 1, 2024 – study update due.
- June 30th, 2025 – full studies due to the EOGOAC, the governor, OSPI, SBE, and the education committees of the legislature.
- July – Nov 2025 – EOGOAC review studies, synthesize, and make recommendations to the Legislature.

Conclusion

The EOGOAC submits this annual report to the Office of Superintendent of Public Instruction (OSPI), the Professional Educator Standards Board (PESB), the State Board of Education (SBE), and the education committees of the Legislature, with optimism and gratitude to the staff and community that make this work possible. As the EOGOAC seeks to make systemic change, a collaborative effort is required to gather information from all levels of the K-12 system, and the supporting social systems that wrap around our students and families. Thank you to all who join us in this work.

As we look forward, the EOGOAC recognizes that this is a time of reckoning with a potentially volatile external political environment that will require continuing due diligence and attention to all possible opportunity gaps. Whatever your role, we ask for your continued partnership, collaboration, and commitment as a member of our collective community to make equitable education a reality for all students.

Appendix A. RE: OMB-2023-0001 Race and Ethnicity Statistical Standards

View official posted copy on the Regulations.gov website.

April 24, 2023

RE: OMB-2023-0001 Race and Ethnicity Statistical Standards

The Educational Opportunity Gap Oversight and Accountability Committee submits this public comment in response to OMB-2023-0001 (88 FR 5375) Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards

Background

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) is a bicameral and bipartisan statutory committee authorized by Washington State RCW 28A.300.136. For more than ten years, the EOGOAC has recommended policies and strategies to close opportunity gaps for students of color in Washington public schools, including in the area of "[i]dentifying data elements and systems needed to monitor progress in closing the gap."[13] Recommendations in this area have focused primarily on the collection and use of disaggregated student sub-ethnic and sub-racial categorical data.

In 2016, Washington State HB 1541 (2015-16) "Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee" created the Race Ethnicity Student Data Task Force (RESDT) to review the United States Department of Education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state.[14] This work resulted in the Race and Ethnicity Student Data Task Force 2017 Report and Race and Ethnicity Student Data Task Force Guidance for the Washington State Public Education System, as well as the phased roll-out of collection of disaggregated student sub-racial and sub-ethnic data. The EOGOAC draws heavily from the work of the RESDT and the collection of disaggregated student race/ethnicity data in Washington to inform this public comment.

Public Comment – EOGOAC Recommendations to OMB

1. Collect race and ethnicity information using one combined question.

The EOGOAC supports the combined race/ethnicity question approach. The EOGOAC has found that the two-part question is confusing, leads to inconsistencies in guidance and reporting and does not honor how individuals see themselves. However, a combined question must be clear that selections include both race and ethnicity and that multiple selections are always permissible. For example, individuals who select Latino/a/x as their ethnicity must be able to select a race option as well.

[13] Washington State Legislature. (2016). *RCW 28A.300.136 Educational opportunity gap oversight and accountability committee—Policy and strategy recommendations.* https://app.leg.wa.gov/rcw/default.aspx?cite=28A.300.136

[14] House Bill 1541 Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee. (2015-16) https://app.leg.wa.gov/billsummary?BillNumber=1541&Initiative=false&Year=2015

2. Add “Middle Eastern or North African” (MENA) as a new minimum category and remove MENA from “White” reporting category.

The EOGOAC supports the separation of MENA as a new minimum category and removal from the “white” reporting category. In 2017, the RESDT recommended that the task force be reconvened to consider “how to include the Middle Eastern and North African (MENA) category on future student race and ethnicity surveys, based on the federal government’s decision whether to include MENA as a distinct category in the U.S. census” (p. 13). [15] The RESDT recognized that the current system of classification of “Middle Eastern” as “white” is inappropriate and can only be fixed at the federal level. The EOGOAC also recognizes that the term "Middle Eastern" was promoted as a political term following 9-11 and that "Southwest Asian and North African (SWANA)" may be more culturally and geographically accurate and encourages the OMB to further explore terminology options to select the option preferred by the community.

3. Feedback on Proposed Definitions and Terminology

- The EOGOAC recommends that the category of “Hispanic or Latino” be displayed as “Latino/a/x” to include both gender forms of the term and to discontinue the use of the term “Hispanic” due to its outdated, colonial context. The reference to “Spanish origin” should also be removed from the definition and the example of "Chicana/o/x” added as an identifier for many in the U.S. and some who predate Mexico.
- The category of American Indian or Alaska Native should be specified to include both federally and non-federally recognized tribes, although the EOGOAC acknowledges that “federally recognized” is in itself a biased term. Additionally, guidance should specify as to whether nations listed as selection options should be specific to the local area of data collection. The Washington State K-12 data collection includes 29 Washington specific tribal groups.
- In reference to question 3a. “Is the example design seen in Figure 1 inclusive such that all individuals are represented?”.
    - The EOGOAC believes that comprehensive representation of all racial and ethnic identities within the US on one form or survey is not possible; however the focus should be on ensuring respect, self-identification, and a focus on equity.
- The EOGOAC noted that no Central or South American ethnicities are represented in the “Black or African” definition. While these can be written in, omission of this region may cause confusion and under-identification. This should be updated to reflect current immigration patterns and include examples such as Brazilian and Panamanian.
- The “White” category examples should include nationality groups representing current trends in immigration and population changes. An example of this would be to disaggregate “Slavic” to specify “Ukrainian” to capture current immigration patterns. Additionally, “Spanish” should be included as an example to further differentiate from the category of “Latino/a/x” as a specific region.

[15] Race and Ethnicity Student Data Trask Force. (2017). *Report to the Legislature, the Office of Superintendent of Public Instruction, and the Governor.* https://www.k12.wa.us/sites/default/files/public/workgroups/ret/pubdocs/resdtaskforce2017report.pdf

4. Feedback on Implementation Guidance

- In response to question 3e. “Is it appropriate for agencies to collect detailed data even though those data may not be published or may require combining multiple years of data due to small sample sizes?”:
    - Yes, the EOGOAC strongly believes that the process of collecting disaggregated data and seeing oneself reflected in the collection categories is just as important as reporting to a sense of belonging. Agencies need to clearly communicate how protections for privacy in cases of small sample sizes will impact public reporting and internal government data use.
- In response to question 3g. “Is the current “default” structure of the recommendation appropriate? Should SPD-15 pursue a more voluntary approach to the collection of disaggregated data, as opposed to having a default of collecting such data unless certain conditions are met?”:
    - No, it is not an overreach, and the “default” structure is appropriate. The roll out of disaggregated race/ethnicity data collection in Washington K-12 has shown the difficulties caused when there is non-conformity in data collection across agencies and sectors. While the additional data is useful to K-12, without standardization across different sectors outside of the K-12 system, it is difficult to look at how issues such as healthcare, housing, and child welfare affect racial groups. Clear guidance from the Federal level is necessary to ensure cross-sector conformity and usability.
- In response to question 4a. “What term (maybe “transnational”) should be used to describe people who identify with groups that cross national borders (e.g. Hmong, Roma)?”:
    - The EOGOAC feels that “transnational” is a geopolitical term that needs additional context to be understandable. Additionally, while groups that cross national borders have that in common, they should not be grouped together for reporting purposes.
    - Another example that the EOGOAC asks the OMB to consider is that of federally recognized tribes which have traditional unceded lands that cross multiple states as well as cross national boundaries.
- In response to question 4b. “Do you prefer a different question from “what is your race or ethnicity?”:
    - The EOGOAC believes that the question “How do you identify?” may not be taken seriously and result in unusable write-in responses. Additionally, the EOGOAC prefers the use of “and/or” rather than the slash between race and ethnicity.
- In response to questions 5d. “How should race and ethnicity be collected when some method other than respondent self-identification is necessary?” and 5e. “What guidance should be provided for the collection and reporting of race and ethnicity data in situations where self-identification is unavailable?”:
    - The EOGOAC concurs with the guidance of the RESDT that:
        - observer identification should be used only as a last resort;
        - individuals should be notified that observer identification may be used;

        - observer identification should be flagged in the system and monitored;
        - training should be provided to those conducting observer identification.
    - Observer identification should only be used at the minimum category level and not be based on last name.
- Regarding guidance on the example data collection:
    - Guidance needs to be clear on whether the layout including subcategories should be modified for the target population. The example layout includes the U.S. top 6 nationality groups under each race/ethnicity. Should these be updated for a statewide or local community level? The guidance is not clear.
    - In the current example layout, the one write-in box may lead to errors. An individual may limit their response to one item or write in several items which are difficult to analyze. The write-in option should include multiple spaces with the direction to include one per space.

Conclusion

In summary, the EOGOAC is broadly supportive of these proposed changes. During its work on this topic, the EOGOAC has consistently emphasized that data collection structure and guidance should be focused not on what will be the easiest for the system but on the goal of identifying needs and disparities for our communities and make improvements to the system and delivery of services. Data collection drives distribution of resources and has historically been used to both include and exclude certain communities.

That is why community feedback, specifically from those communities which have been historically marginalized, is so important and we urge you to seek out and listen to those voices. The EOGOAC solicits community feedback in part by working in partnership with the state ethnic commissions and the Governor's Office of Indian Affairs, which serve as trusted messengers in hard-to-reach communities. OMB could work with similar groups at the federal level, such as the White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, to reach out broadly to community members.