2017

Race & Ethnicity Student Data Task Force

Report to the Legislature, the Office of Superintendent of Public Instruction, and the Governor

By the Race and Ethnicity Student Data Task Force

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Background: Current Context of Student Race and Ethnicity Data

Race and Ethnicity Student Data Task Force

Charged by Chapter 72, Laws of 2016 (Education—Opportunities and Outcomes),[1] the Race and Ethnicity Student Data Task Force[2] was established in August 2016 to develop guidance for student race and ethnicity data collection in Washington State. Guidance must: (1) clarify for students and families why information about race and ethnicity is collected; (2) describe how students and families can help school administrators properly identify them; and (3) include best practices for school administrators to use when identifying the race and ethnicity of students and families. When creating the guidance, the Task Force must review the U.S. Census, the American Community Survey, and the 2007 Race and Ethnicity Guidelines by the U.S. Department of Education.

As stated in Chapter 72, Laws of 2016 (Education—Opportunities and Outcomes), OSPI must collect and school districts must submit all student-level data using the U.S. Department of Education's 2007 Race and Ethnicity Reporting Guidelines.[3] Categories must include the subracial and subethnic categories within the Guidelines, with the following modifications:

> ➢ Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

> ➢ Further disaggregation for Asian students;

> ➢ Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

> ➢ For students who report as multiracial, collection of their racial and ethnic combination of categories.

The Race and Ethnicity Student Data Task Force drafted a list of race and ethnicity categories that fulfill the above requirements. The list also includes further disaggregation of the American Indian/Alaska Native category to encompass all federally and non-federally recognized tribes in Washington State.

The following sections of this report outline current standards for data collection and reporting, the Task Force's methodology in collecting diverse viewpoints from key stakeholders, and its policy recommendations.

Standards for Data Collection and Reporting

This section contains information on the context of student race and ethnicity data as of June 2017. The Office of Management and Budget (OMB) sets regulations regarding the student race and ethnicity data collection process. All government agencies, including the U.S. Department of Education, must adhere to these standards. Thus, when reporting to the U.S. Department of Education, schools must also adhere to the standards set by the OMB.

The first set of standards were established by the OMB in 1977. Twenty years later, in 1997, the OMB published "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," containing regulations to which all government agencies must adhere.[4]

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[1] Washington State Legislature. (2016). Chapter 72, Laws of 2016 (Education—Opportunities and Outcomes). Retrieved from http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/1541-S4.SL.pdf
[2] OSPI. (2017) Race and Ethnicity Student Data Task Force. Retrieved from http://www.k12.wa.us/Workgroups/RET.aspx
[3] Washington State Legislature. (2016). Chapter 72, Laws of 2016 (Education—Opportunities and Outcomes). Retrieved from http://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/House/1541-S4.SL.pdf
[4] Office of Management and Budget. (1997). Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Retrieved from https://www.gpo.gov/fdsys/pkg/FR-1997-10-30/pdf/97-28653.pdf

OMB Race and Ethnicity Standards

1. Agencies must use a two-question format. The first question must ask about ethnicity, while the second question must ask about race.
2. At minimum, the following ethnic categories must be included as response options to the first question regarding ethnicity: (1) Hispanic or Latino or Spanish Origin; and (2) Not Hispanic or Latino or Spanish Origin. (See Figure 1)
3. At minimum, the following racial categories must be included as response options to the second question regarding race: (1) American Indian or Alaska Native; (2) Asian; (3) Black or African American; (4) Native Hawaiian or Other Pacific Islander; and (5) White. (See Figure 2)
4. Respondents must be allowed to select all racial and/or ethnic categories that apply.
5. Government agencies can disaggregate any or all of the categories further, as long as the data rolls up into one of the main federally mandated categories.

FIGURE 1. FEDERALLY MANDATED ETHNICITY QUESTION

Ethnicity	Definition
Hispanic/Latino	A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin regardless of race.

FIGURE 2. FEDERALLY MANDATED RACE QUESTION

Race	Definition
American Indian or Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
Black or African American	A person having origins in any of the black racial groups of Africa.
Native Hawaiian or Other Pacific Islander	A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
White	A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Based on these regulations, All K-12 public schools must collect and report student race and ethnicity data annually. When collecting this data, schools are required to use a two-part question:

(1) Is your child of Hispanic or Latino origin?
   A. Yes
   B. No

(2) What races do you consider your child? (check all that apply)
- C. American Indian or Alaska Native
- D. Asian
- E. Black or African American
- F. Native Hawaiian or Other Pacific Islander
- G. White

Schools and districts can choose to disaggregate further by creating sub-categories (e.g. Japanese, Chinese, Korean, etc. under the Asian category) as long as these sub-categories can roll up into one of the federally mandated race and ethnicity categories. (See Figure 1 and Figure 2)

Reporting to the U.S. Department of Education

How schools and districts collect data differs from how OSPI reports data to the U.S. Department of Education. For example, based on standards set by the Office of Management and Budget, respondents must be allowed to check all racial and ethnic categories that apply, however they are not offered a 'Two or More Races' category. In contrast, when OSPI reports data, respondents who have checked more than one race are reported as 'Two or More Races.'

Thus, when reporting data to the U.S. Department of Education, OSPI must report aggregated racial and ethnic data in the following categories:

Ethnicity:

- Hispanic/Latino of any race
- Not Hispanic/Latino of any race

Race:
- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Two or More Races

When OSPI aggregates its data in these reporting categories, an individual student shall never be double reported. To avoid duplicates, the U.S. Department of Education established the following guidelines:

1. Do not double report individuals who identify as multiple races. Rather, mark them as 'Two or More Races.'
2. Report only ethnic data for individuals who self-identify as Hispanic/Latino, even though individuals will have had the opportunity to designate racial information.

Reporting to the U.S. Department of Education

The following examples demonstrate how data collection by schools and districts differs from data reporting by OSPI:

Example 1: A respondent self-identifies as Hispanic/Latino and as Asian. This respondent is reported only in the Hispanic/Latino category.

Example 2: A respondent self-identifies as Hispanic/Latino and as Asian **and** Black or African American. This respondent is reported only in the Hispanic/Latino category.

Example 3: A respondent self-identifies as non-Hispanic/Latino and as Native Hawaiian or Other Pacific Islander. This respondent is reported in the Native Hawaiian or Other Pacific Islander category.

Example 4: A respondent self-identifies as non-Hispanic/Latino and as American Indian or Alaska Native **and** White. This respondent is reported in the Two or More Races category.

Example 5: A respondent who self-identifies as Black and White is reported in the Two or More Races category.

Observer Identification

By law, a student (or the parent/guardian on behalf of the student) is not required to identify their race and/or ethnicity on school forms. However, if a student (or parent/guardian on behalf of the student) does not complete the two-part question on race and ethnicity, by law, school personnel must use 'observer identification' to select the race and ethnicity of the student.

"As a general matter, while educational institutions and other recipients are required to comply with this guidance, individuals are not required to self-identify their race or ethnicity. If respondents do not provide information about their race or ethnicity, educational institutions and other recipients should ensure that respondents have refused to self-identify rather than simply overlooked the questions. If adequate opportunity has been provided for respondents to self-identify and respondents still do not answer the questions, observer identification should be used."- U.S. Department of Education

Although observer identification is a federally mandated last resort policy, guidance on conducting observer identification is determined locally by school districts with direction from the State. States are responsible for providing clear guidance on observer identification to school districts, which should help school districts establish policies to:[5]

- identify a student's race and ethnicity if the student and their parent/guardian did not self-identify;
- alert parents/guardians that an observer will identify if no such information is provided, not only to encourage response from the parent/guardian, but also to protect the school and district if the parent/guardian later objects to the selection; and
- flag instances of observer identification in the data set.

In Washington State, state-level guidance to school districts on observer identification is limited. The only state resource available to school districts is a 2010 document titled *Guidelines for Observer-Identification of Ethnicity and Race*.[6]

The document includes the following information: (1) observer identification principles outlined in the Managing an Identity Crisis Report; (2) tips on conducting observer identification; (3) examples to help identify the race and ethnicity of a student; (4) questions that parents/guardians may have along with appropriate response; and (5) questions staff may have along with appropriate responses.

Current guidance by OSPI includes the following recommendations:

➢ Designate one staff person as the observer to select race and ethnicity on a student's behalf and to respond to questions about the observer identification process. This will improve the quality of data collection.

➢ Observers should never tell parents/guardians or students how to identify.

➢ Observers should stay within their own comfort zones, attempting visual identification if they are comfortable doing so. Supporting information, such as personal information from a teacher or knowledge about the community, may be helpful. Observers should rely on existing information first

[5] National Forum on Education Statistics, Race/Ethnicity Data Implementation Task Force. (2008). Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories. National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC. Retrieved from https://nces.ed.gov/pubs2008/2008802.pdf

[6] OSPI. (2010). Guidelines for Observer Identification of New Ethnicity and Race Codes. Retrieved from http://www-test.ospi.k12.wa.us/CEDARS/pubdocs/GuidelinesObserverIdentification-NewEthnicityRaceCodes.pdf

before they actually "observe" the ethnicity or race of the student. It is good practice for observers to check their sources of information for reliability.

➢ Observers should be consistent and objective.

Additionally, the following table provided by OSPI is a resource to help observers identify the race and ethnicity of a student.

FIGURE 3. GUIDANCE FROM OSPI ON HOW TO CONDUCT OBSERVER IDENTIFICATION

Students whose families are from:	May consider themselves, or be considered:
Croatia, France, Italy, Greece, Norway, Russia, Serbia, Sweden, Ukraine, or other European countries	White
Afghanistan, Egypt, Israel, Iran, Iraq, Jordan, Lebanon, Palestine, Saudi Arabia, Syria, Turkey, Yemen, or other Middle Eastern countries	White
Algeria, Egypt, Morocco, Tunisia, or other North African countries	White
Haiti, Jamaica, Ethiopia, Eritrea, Nigeria, Somalia, Sudan, or other West Indian or African countries	Black
Mongolia, Myanmar, Nepal, Punjab, Sri Lanka, or other Asian countries	Other Asian
The indigenous peoples of Australia, New Zealand, New Guinea or other Pacific Islands	Other Pacific Islander
The indigenous peoples of North, Central, South, or Latin America (those not choosing one of the federally-recognized state tribes)	Other American Indian

The Task Force's Process, Outreach, and Findings

Membership

Members of the Task Force include representatives from the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC), the Ethnic Commissions, the Governor's Office of Indian Affairs, and parents/guardians.

FIGURE 4. COMMITTEE MEMBERSHIP

Name	Representing
Alex Ybarra	Commission on Hispanic Affairs
Bill Craig	Governor's Office of Indian Affairs
Brianne Ramos	Commission on Asian Pacific American Affairs
Carlina Brown-Banks	Commission on African American Affairs
Dolly Nguyen	Commission on Asian Pacific American Affairs
Erica Ferrelli & Ashley Colburn	Office of Superintendent of Public Instruction
Erin Okuno	Commission on Asian Pacific American Affairs
Gabriel de los Angeles	Governor's Office of Indian Affairs
Idolina Reta	Washington State Human Rights Commission
Jim Schmidt	Education Research and Data Center
JMarie Johnson-Kola	Parent-Teacher Association
Lina Thompson	Commission on Asian Pacific American Affairs
Maia Espinoza	Commission on Hispanic Affairs
Toni Williams	Commission on African American Affairs
Yasin Abshir	Educational Opportunity Gap Oversight and Accountability Committee

Stakeholder Engagement and Feedback

The Task Force identified stakeholder groups to be those which represent key components of the educational system and/or consumers of public education, such as teachers, parents/guardians, students, district administrators, principals, OSPI, and other groups with vested interested. Additionally, the Task Force sought feedback on draft race and ethnicity categories from communities of color.

In order to receive comprehensive feedback from stakeholders, the Task Force sent a survey to school and district administrators, conducted focus groups with communities of color, and hosted a community forum.

FIGURE 5. STAKEHOLDER ENGAGEMENT OVERVIEW

Stakeholder Engagement	Purpose	Response Rate	Key Takeaways
Survey	Identify strengths and weaknesses of the current student race and ethnicity data collection process.	224 school and district administrators responded to the survey.	1. There are inconsistent practices and policies happening across schools and districts regarding student data collection. 2. There is no standardized school or district policy on observer identification.

Focus Groups	Collect feedback from communities on the draft race and ethnicity categories.	Varied by Ethnic Commission/other organizations	Groups provided nuanced feedback on the race and ethnicity categories.
Community Forum	Gather feedback on the guidance to school districts and on the draft race and ethnicity categories.	15 community members participated.	1. More information about the student race and ethnicity data collection process should be given to families. 2. Schools, districts, and the state need to utilize student race and ethnicity data. 3. Ensure student information is protected.

School and District Survey

The Task Force sent out a survey to every public school and school district in Washington State. In total, 224 individuals responded: 57.7% of respondents were school district staff, while 42.3% were school staff. District staff were given a different set of questions compared to school staff. The school district survey asked questions about the process of student race and ethnicity data collection in schools, while the school survey asked how student information is collected from students and families.

Key Findings from the Survey

➢ 67.3% of districts and 59.8% of schools do not provide additional ethnic categories on surveys and forms other than what is federally required.

➢ 72.2% of districts and 59% of schools do not provide additional racial categories on surveys and forms other than what is federally required.

➢ 83.6% of districts and 85.2% of schools do not have a district-wide or school-wide policy on observer identification.

➢ 45.6% of schools said they receive technical support on race and ethnicity data collection from their school district.

➢ When asked the percentage of students and parents/guardians who do not respond to survey questions regarding race and/or ethnicity, the majority of schools said zero to ten percent do not respond.

➢ There is inconsistency across schools and districts regarding who is accountable for student race and ethnicity data collection. District responses include the superintendent, assistant superintendent, secretary, data analyst, etc. School responses include the school secretary, registrar, principal, family engagement coordinator, etc.

➢ No standardized method exists for providing families with student race and ethnicity information: 47.9% of schools said they distribute this information to families online.

From this data, the Task Force identified inconsistent practices across schools and districts related to the collection of student race and ethnicity information. Most concerning was the lack of clarity and policy regarding 'observer identification.'

One of the survey questions asked, "If requested race and ethnicity data is missing from schools, what steps does the district take to get the data?" The written responses demonstrated a range of approaches, such as calling the family, having the secretary or registrar fill it in, sending a form home to the family, alerting the principal, etc.

The survey followed with, "Do you have a district-wide policy on observer identification? 'Observer identification' refers to school staff identifying the race and/or ethnicity of a student on behalf of the student and parent/guardian." As shown in Figure 6, 84.5% of districts (out of 116 total responses to this

question) and 85.9% of schools (out of 85 total responses to this question) responded they do not have an observer identification policy.

Figure 6. Do you have a district-wide or school-wide policy on observe-r identification?
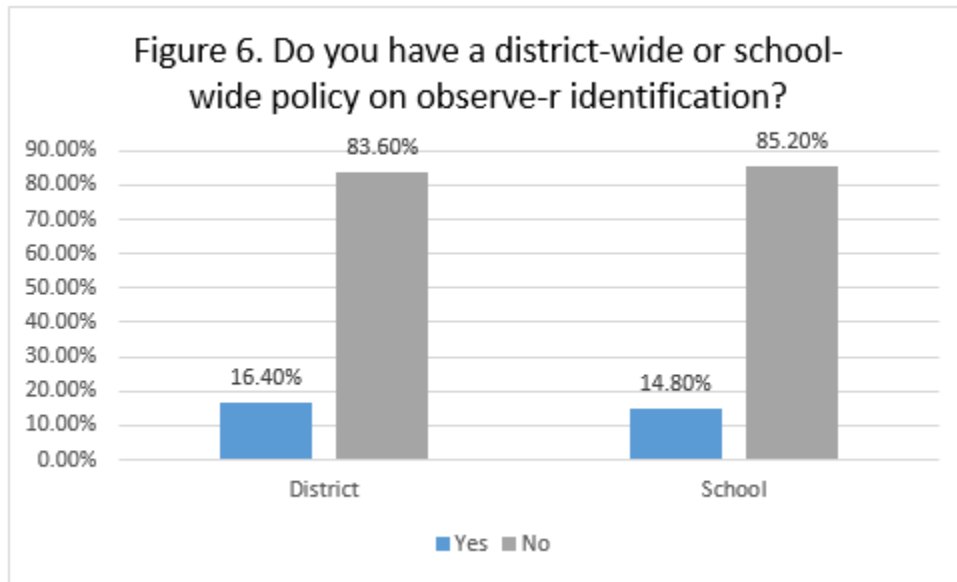
Survey results suggest the majority of districts and schools are using observer identification without a formal policy in place. Based on these findings, the Task Force created an Observer Identification Protocol, outlining specific steps and best practices when conducting observer identification. For more information, see *Race & Ethnicity Student Data: Guidance for Washington's Public Education System*.

Focus Groups

The Task Force created a Focus Group Protocol, which consisted of facilitator scripts, discussion prompts, and background information and worksheets for participants. The Protocol was established to ensure all focus groups were consistent and standardized. Task Force members representing ethnic commissions were responsible for hosting focus groups with their respective community members. For example, a Task Force member representing the Commission on Asian Pacific American Affairs was responsible for hosting focus group(s) with Asian Pacific American community members.

Focus group participants were first asked to identify their race and ethnicity using the draft list of disaggregated race and ethnicity categories. Next, the facilitator led a discussion using pre-established questions. The first question was, "Discuss the pros and cons of the survey (e.g. Did the categories make sense? Were you able to accurately self-identify? What would you keep and/or change?)." From there, questions differed by focus group depending on the specific audience, as the concerns the Task Force had about the 'Asian' category differed from its concerns about the 'Black/African American' category. Tailoring prompts to the audience allowed for nuanced feedback.

Based on focus group feedback, specific changes were made to the list of disaggregated race and ethnicity categories. For example, Punjabi was added to the 'Asian' category based on feedback from Asian Pacific American community members.

Community Forum

The Task Force hosted a community forum in March 2017 at Highline College. About 15 community members participated, including parents/guardians and educators. After receiving a general overview of the Task Force and some background information, participants were divided into three groups for small group discussion led by Task Force members. All participants were asked the following questions:

(1) How does your school collect student race and ethnicity data?

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(2) What information does your school and district provide to families regarding the student race and ethnicity data collection process?

(3) Do you feel school forms are expansive enough to accurately represent your child and/or the student population?

(4) Does your school/district have many parents/guardians declining to identify the race and ethnicity of their children? If you are a parent/guardian, have you ever refused to fill out the race and ethnicity form?

(5) How do schools and districts utilize student race and ethnicity data? Is this information shared with families and community members?

The community forum concluded with a large group discussion.

Key Takeaways from the Community Forum:

➢ Participants expressed privacy concerns: Can this data be used against students/families/ communities? What risks are we putting families in when we collect disaggregated data?

➢ Participants expressed general support for collecting disaggregated data *if* it is used in ways that benefit marginalized student populations.

➢ Participants had questions surrounding how this data is used at the state level.

➢ Participants expressed a need for more accountability regarding the data collection process to ensure data is accurate.

➢ Participants expressed a preference that student race and ethnicity data be utilized by schools, districts, and the state.

➢ Participants noted it is important for schools to use student race and ethnicity information. For example, data could be used to create culturally responsible curriculum, to determine resource allocations, and to inform professional development.

➢ Participants said parents/guardians are not aware of observer identification. This procedure needs to be made transparent on race and ethnicity forms.

➢ Participants noted schools and districts need to provide families with more information regarding the student race and ethnicity data collection process.

Recommendations

The Task Force's Guiding Principles

The Race and Ethnicity Student Data Task Force seeks to provide systemic recommendations on how to improve student race and ethnicity data collection and reporting at the school, school district, and state levels. Through these recommendations, the Task Force seeks to: (1) promote racial equity; (2) create systemic change; (3) advocate for racial and ethnic populations that are underserved; and (4) better serve all communities in Washington State.

FIGURE 7. RACE AND ETHNICITY STUDENT DATA TASK FORCE GUIDING PRINCIPALS

Guiding Principles	
Equity	The Task Force is working toward the creation of an equity-driven statewide system that uses disaggregated data in ways that will help school communities better serve and support their students and families.
Systemic Change	The Task Force addresses unjust structures and resolves racial disparities within our educational structure by proposing an effective accountability system for how we collect and report student race and ethnicity data.
Advocacy	The Task Force is committed to creating a school system that utilizes data on race and ethnicity to advocate for underserved populations.
Serving Communities	The Task Force strives to create a system where data on race and ethnicity is transparent, culturally competent, and utilized to serve all students, parents/guardians, and communities.

Disaggregated Data

Disaggregating student data refers to breaking down information into smaller subpopulations, such as by gender, grade level, school, and race and ethnicity.

When student race and ethnicity information is collected using the federally mandated categories, subgroups of students within those categories (e.g. Vietnamese students in the Asian category) are often overlooked. For this reason, the federally mandated race and ethnicity categories can and should be disaggregated to the furthest extent possible. Disaggregation provides a more informative summary of where opportunity gaps exist.

For example, in 2010, OSPI began collecting disaggregated data for Asian American and Pacific Islander (AAPI) students, providing a unique opportunity to examine the differences that exist *within* federally mandated race and ethnicity categories. In 2013, the National Commission on Asian American and Pacific Islander Research in Education analyzed OSPI's data and revealed hidden educational opportunity gaps for K-12 AAPI students.

[1] National Commission on Asian American and Pacific Islander Research in Education. (2013). The Hidden Academic Opportunity Gaps Among Asian Americans and Pacific Islanders: What Disaggregated Data Reveals in Washington State. Retrieved from http://care.igeucla.org/wp-content/uploads/2015/09/iCount-Report_The-Hidden-Academic-Opportunity-Gaps_2015.pd

1A. Reconvene the Race and Ethnicity Student Data Task Force in 5 years:

The Legislature should reconvene and fund this Task Force to:

- revise race and ethnicity categories, to be added or removed for the purpose of revealing opportunity gaps between and within groups, based on unsuppressed data gained through a data-sharing agreement; and
- discuss whether adjustment of the n-size is beneficial to closing the opportunity gap.

The reconvened Task Force should also consider the following:

- the possibility of providing disaggregated data visualizations;
- 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;
- the placement of certain subcategories (e.g. Surinamese, Guyanese) in the survey based on responses;
- working with school districts to incorporate subcategories with frequent write-in presence;
- revisiting the Black category to see if its construction based on regional subcategories is appropriate; and
- if/how immigration and refugee data for new populations should be incorporated into the survey.

1B. Share Disaggregated Data with Families and Communities:

The Task Force recommends that schools hold an annual orientation for parents/guardians, at the beginning of each school year, to communicate the benefits of disaggregated data collection and utilization for their school. The orientation must provide equitable access to all families and communities to participate, focusing on culturally responsive methods of communicating the data, particularly when examining opportunity gaps discernible through data disaggregated by race/ethnicity, income level, and EL and Special Education enrollment. Instead of an orientation, schools may incorporate this process into existing parent/guardian-teacher conferences. Additionally, the Task Force recommends OSPI review the data provided to families and communities as part of the Consolidated Program Review (CPR) process.

Observer Identification

By law, a student (or the parent/guardian on behalf of the individual) is not required to identify their race and/or ethnicity on school forms. However, if a student (or parent/guardian on behalf of the student) does not complete the two-part question on race and ethnicity, school personnel must use 'observer identification' to select the race and ethnicity of the student. Although observer identification is a federally mandated last resort policy, guidance on conducting observer identification is determined locally by school districts with direction from the state. State guidance on observer identification should help school districts establish policies to:[1]

- identify a student's race and ethnicity if the student and their parent/guardian did not self-identify;
- alert parents/guardians an observer will identify if no such information is provided, not only to encourage response from the parent/guardian, but also to protect the school and district if the parent/guardian later objects to the selection; and
- flag instances of observer identification in the data set.

Current guidance by OSPI includes the following recommendations:

- Designate one staff person as the observer to select race and ethnicity on a student's behalf and to respond to questions about the observer identification process. This will also improve the quality of data collection.
- Observers should never tell parents/guardians or students how to identify.
- Observers should stay within their own comfort zones, attempting visual identification if they are comfortable doing so. Supporting information, such as personal information from a teacher or knowledge about the community, may be helpful. Observers should rely on existing information first before they actually 'observe' the ethnicity or race of the student. It is good practice for observers to check their sources of information for reliability.
- Observers should be consistent and objective.

[1] National Forum on Education Statistics, Race/Ethnicity Data Implementation Task Force. (2008). Managing an Identity Crisis: Forum Guide to Implementing New Federal Race and Ethnicity Categories. Retrieved from https://nces.ed.gov/pubs2008/2008802.pdf

2A. Flag Observer Identification Data in the Local Student Information Systems:

The Task Force recommends the creation of an Observer Identification data flag in the local student information systems. If a student's race and ethnicity information is collected using observer identification, schools must flag it in the local student information systems so districts can track the number of students identified through this method. Districts must update the field when a parent/guardian chooses to correct the observer identification.

2B. Provide Technical Assistance for Observer Identification:

The Task Force recommends OSPI continuously review the number of times observer identification is being used in each school district. If there is a high percentage of observer identification in a specific district, OSPI must offer technical assistance and assess what steps school observer identification representative(s) have taken to reach out to affected families.

2C. Make Trainings Mandatory for Observer Identification Representative(s):

The Task Force recommends observer identification training along with cultural competency training (as developed by OSPI) be mandatory for school representatives involved in observer identification. Training must be verifiable, either through OSPI or the school, and school representative(s) must complete the trainings every two years.

Data Reporting/Utilization

Disaggregated student data should be utilized to close educational opportunity gaps for underserved students. To do this effectively, schools and districts must use student race and ethnicity data strategically. The term 'data-driven decision making' in this context refers to collecting and analyzing various types of data to inform decisions aimed at improving the success of students and schools. Problems in education can never be solved in isolation. Hence, student data should always be analyzed in ways that portray complexities and that begin to answer *who*, *how*, and *why* questions.

3A. Expand OSPI Training Initiatives:

The Task Force recommends expanding current OSPI training initiatives to address opportunity gaps, particularly those initiatives that provide professional development for teachers.

3B. Produce Reports Analyzing Disaggregated Data:

When the Task Force reconvenes in 5 years, OSPI must partner with ethnic commissions to:

- discuss the specificities of a statewide report that analyzes disaggregated data;
- produce reports for each racial group based on established specificities; and
- produce the reports every two years thereafter.

3C. Share Disaggregated Data with Washington State Tribal Governments:

OSPI must disseminate disaggregated data to Washington State tribal governments (e.g. via the Tribal Leadership Summit) by establishing data-sharing agreements.

Family and Student Rights

The Family Educational Rights and Privacy Act (FERPA) was established in 1974 to protect the privacy of student education records. Education records are maintained by schools and include information about each individual student, such as grades, transcripts, class lists, course schedules, health records, and discipline files.

FERPA applies to all schools receiving funds from the U.S. Department of Education. Under FERPA, parents/guardians have certain rights regarding their child's education records. When the student reaches the age of 18, these rights transfer to the student, deeming them 'eligible students.'

FERPA provides parents/guardians with the following rights:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

2. The right to request the amendment of the student's education records that the parent/guardian or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the school decides not to amend the record, the parent/guardian or eligible student has the right to a formal hearing. If the school still decides not to amend the record after the hearing, the parent/guardian or eligible student can attach a statement to the student record stating their view.

3. The right to provide written consent before the school discloses personally identifiable information from the student's education records, except to the extent FERPA authorizes disclosure without consent.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

Source: U.S. Department of Education. (2015). Family Educational Rights and Privacy Act. Retrieved from https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html?src=rn

4A. Establish an Annual Process of Data Verification:

The Task Force recommends that OSPI, schools, and districts collaborate to establish an annual process of data verification so parents and legal guardians can review their student's data. In this annual process, parents/guardians must be given information about the observer identification procedure. If a student's race and ethnicity were recorded using observer identification, parents/guardians must be notified and the student's information must be flagged in the local student information systems. If parents/guardians choose to correct an observer identification, the student's information must then be unflagged. Data verification must take place within the same school year as data collection and be attached to enrollment. The ideal time to contact parents and complete data verification is every September, prior to the October headcount for enrollment. The Task Force recommends this data verification process be implemented in the 2018-19 school year.

4B. Proxy Data:

Student information and data are contained within schools, districts, and OSPI—entities required to follow the Family Educational Rights and Privacy Act (FERPA) to ensure the confidentiality of such data. Student data shall never be reported in a way that identifies individual students. When n-size is insufficient, the student category is marked as 'N/A.' The Task Force recommends looking at proxy data, such as home

language, to create a separate data set for purposes of recording. OSPI, in collaboration with community members, must develop a method to publish more information that is disaggregated, but does not run into the aforementioned n-size constraint.

4C. Non-Disclosure Agreement:

The Task Force recommends a policy be established requiring any individual who handles student data to sign a non-disclosure agreement. The agreement signifies the individuals' understanding of FERPA guidelines and data-sharing policies, and that the individual will not disclose data protected by FERPA.