

23-03 FINAL REPORT: Racial Equity Effects of Restricting In- Person Education During the COVID-19 Pandemic

LEGISLATIVE AUDITOR'S CONCLUSION:

Racial disparities in student assessment scores increased during the COVID-19 pandemic, especially in higher poverty schools. The Office of Superintendent of Public Instruction does not yet have a process to monitor the effectiveness of federally funded interventions to promote learning recovery.

May 2023

Executive Summary

JLARC staff were directed to analyze how restrictions to in-person instruction affected racial equity in education during the COVID-19 pandemic

In March 2020, Governor Inslee restricted in-person education in public K-12 schools due to the COVID-19 pandemic. Students received remote instruction for the remainder of that school year. During the 2020-21 school year, students began returning to in-person instruction. In June 2021, JLARC directed its staff to analyze how pandemic-related restrictions to in-person instruction affected educational opportunities and academic outcomes for students of different races and ethnicities.

JLARC staff measured changes in racial equity by analyzing indicators such as student enrollment, assessment scores, access to quality teachers, and substance use and mental health.

This report analyzes Office of Superintendent of Public Instruction (OSPI) data that uses federal race and ethnicity categories. State law directs OSPI to collect more detailed race and ethnicity data, but complete data was unavailable for this study.

Most students were offered hybrid instruction during the 2020-21 school year. By the end of the year, 19.3% of students were offered fully in-person instruction.

During the 2020-21 school year, school districts offered in-person, remote, or hybrid instruction¹ to students. At the beginning of the year, 27.0% of students attended schools that offered fully

¹Hybrid instruction includes offering in-person instruction to some grades and remote instruction to other grades, or offering all students a combination of remote and in-person instruction.

remote instruction and almost no schools offered fully in-person instruction. By the end of the year, almost no schools offered fully remote instruction, 80.6% of students attended schools that offered hybrid instruction, and 19.3% attended schools that offered fully in-person instruction.

By race and ethnicity, students attended schools that offered in-person instruction at different rates. White, Hispanic/Latino, and American Indian/Alaskan Native students had the highest rate of fully in-person instruction at the end of the 2020-21 school year. Asian and Black/African American students had the lowest rate of fully in-person instruction.

Student assessment scores declined during the pandemic. School poverty level had the greatest association with assessment scores.

Assessment scores are a key indicator of educational equity. Washington students take an annual assessment in math and English language arts (ELA) skills. JLARC staff analyzed assessment score data for Spring 2019, Fall 2021, and Spring 2022.

Assessment scores, especially math scores, declined for students of all races and ethnicities. While scores declined more for some groups, existing disparities in assessment scores increased during the pandemic. JLARC staff identified other school and student characteristics that were associated with assessment scores. School poverty level had the largest association with assessment scores. This association increased during the pandemic. Larger score declines were not necessarily associated with less in-person instruction.

Other educational equity indicators show no change or small improvements in racial disparities

JLARC staff evaluated other educational equity indicators, such as substance use, mental health, and access to quality teachers.

Students of all races and ethnicities reported less substance use and increased anxiety

In response to surveys, students reported using cigarettes, alcohol, and marijuana at lower rates in 2021 than in 2018. Students reported increased feelings of anxiety. However, these responses did not vary by student race and ethnicity.

The percentage of experienced teachers increased, reducing racial disparities in access to quality teachers

From the 2018-19 to 2020-21 school years, the percentage of experienced teachers (teachers with five or more years of experience) increased from 75% to 80% statewide. This meant all students had greater access to experienced teachers, narrowing pre-pandemic racial disparities in access to quality teachers (see Section 4).

OSPI has not yet established processes to monitor districts' efforts to address the pandemic's academic effects or the outcomes of emergency spending

To address the impacts of the pandemic, OSPI received \$2.9 billion in federal Elementary and Secondary School Emergency Relief (ESSER) funds. Most of the funds are passed on to school districts.

Districts developed plans to address the effects of the pandemic. The plans include specific interventions to help students recover academically. OSPI has not yet provided a process for districts to report their progress implementing the plans. OSPI collects expenditure data for ESSER funds, but current expenditure categories do not provide sufficient detail to determine how much is spent on specific interventions.

Legislative Auditor Recommendations

The Legislative Auditor makes two recommendations:

1. OSPI should finish collecting more detailed race and ethnicity data for all students, in accordance with 2016 state legislation.
2. OSPI should establish a process to monitor school districts' implementation of their Academic and Student Well-being Recovery Plans, in accordance with 2021 state legislation.

You can find additional information in Recommendations.

Committee Action to Distribute Report

On May 10, 2023 this report was approved for distribution by the Joint Legislative Audit and Review Committee. Action to distribute this report does not imply the Committee agrees or disagrees with Legislative Auditor recommendations.

Update, July 2023

- *Data in Section 2 and Appendix regarding percentage of curriculum taught was corrected. The percentages reported (58% and 59%) were reversed in the original.*
- *Data in Exhibits A1 and A2, including supporting text, was corrected to include data from a more current regression model. This change does not affect the report's findings or conclusions.*

REPORT DETAILS

1. Staff evaluated pandemic's effects on racial equity in education

The Legislature directed JLARC staff to evaluate how COVID-19 restrictions to in-person instruction affected racial equity in education

In March 2020, Governor Inslee issued a proclamation restricting in-person education due to the COVID-19 pandemic. Instead of in-person instruction, school districts² provided remote instruction to students. Additional proclamations extended restrictions for the rest of the 2019-20 school year. Districts began reopening school buildings during the 2020-21 school year in accordance with state and local public health rules. By April 2021, all districts were required to offer some in-person instruction.

Exhibit 1.1: In-person instruction was restricted during the 2019-20 school year. Students began returning to the classroom during the 2020-21 school year.



Source: JLARC staff analysis.

In June 2021, the Joint Legislative Audit and Review Committee (JLARC) directed its staff to analyze how the restrictions to in-person instruction affected educational opportunities and academic outcomes for students of different races and ethnicities.

JLARC staff were not directed to evaluate the many factors public officials considered in their responses to an unprecedented global public health emergency, or specific decisions about how to limit in-person school activities.

Public officials considered complex factors in their decisions for restricting in-person education, including:

- Local COVID-19 caseload, transmission rate, and health care treatment capacity.
- Student internet and device access.
- Needs for students of different ages and ability levels.
- Functionality of existing school facilities for offering a safe environment for in-person instruction.
- Availability of the local teaching workforce.
- Infrastructure and staff skills needed for remote instruction.

²"School districts" in this report refers to all Local Education Agencies, including 295 school districts, six tribal-compact schools, and other jurisdictions, such as charter schools and the schools for the blind and deaf.

- Local community preferences.

JLARC staff analyzed available racial equity indicators

As in all states, disparities in educational opportunities and outcomes existed between Washington students of different races and ethnicities before the pandemic. For example, disparities exist in:

- Percentage of students meeting state standards on standardized tests.
- Access to experienced teachers.
- Course passage.
- Discipline rates.

Other state and federal agencies³ have collected information about racial disparities. JLARC staff used information about existing disparities as a baseline for measuring changes during the pandemic.

JLARC staff analyzed public education data from the Office of Superintendent of Public Instruction (OSPI) for 2018 through 2022 to identify changes in racial equity after restrictions to in-person instruction. Data was available for student enrollment, assessment scores, access to quality teachers, substance use, and mental health. Due to changing policies during the pandemic, reliable and comparable data was not available for other equity indicators, such as attendance, course passage, on-time grade-level progression, graduation rates, and student discipline.

Student race and ethnicity data uses federal categories

The 2016 Legislature (4SHB 1541) directed OSPI to collect detailed student race and ethnicity information. For example, OSPI must expand the "Asian" category to differentiate Chinese, Filipino, Japanese, and other sub-racial and sub-ethnic identities. When JLARC staff began this review in 2021, OSPI had detailed race and ethnicity data for 18% of Washington students. By June 2022, OSPI had data for 63% of students.

In the absence of detailed race and ethnicity data for all students, this report analyzes OSPI data that uses federal race and ethnicity categories (Exhibit 1.2). Until OSPI completes its data collection, more detail about disparities in education for sub-racial and sub-ethnic groups will not be available.

³State agencies include the Office of Superintendent of Public Instruction, Educational Opportunity Gap Oversight and Accountability Committee, and the Legislature. Federal agencies include the Department of Education and the Government Accountability Office.

Exhibit 1.2: Data in this report uses federal race and ethnicity categories

Race	Definition
American Indian/Alaska Native	A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through 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/African American	A person having origins in any of the black racial groups of Africa.
Native Hawaiian/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.
Two or more races	A person reporting two or more of the above racial groups.
Ethnicity	
Hispanic/Latino	A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Source: National Center for Education Statistics.

Legislative Auditor Recommendation #1

OSPI should finish collecting more detailed race and ethnicity data for all students, in accordance with 2016 state legislation.

OSPI concurs with this recommendation. You can find additional information in Recommendations.

2. Hybrid instruction in 2020-21

Most districts offered hybrid instruction during the 2020-21 school year. By the end of the year, 19.3% of students were offered fully in-person instruction. Students of different races and ethnicities returned to in-person learning at different rates.

As noted in Section 1, public schools switched from in-person to remote instruction in March 2020. During the 2020-21 school year, schools began to return to in-person instruction. The Office of Superintendent of Public Instruction (OSPI) collected data from school districts about

the types of instruction offered at the districts' schools during the 2020-21 school year. Schools offered three types of instruction:

- **Remote:** Schools offered all instruction outside school facilities. Remote instruction tools may include email, videoconferencing, printed packets of instructional material, and online learning management systems.
- **In-person:** Schools offered all instruction in person, in a classroom or another school facility.
- **Hybrid:** Schools offered a combination of remote and in-person instruction. This includes offering in-person instruction to some grades and remote instruction to other grades, or offering all students a combination of remote and in-person instruction.

Some students may have opted to receive different types of instruction than their district offered. For example, some students may have continued to receive fully remote or hybrid instruction after their district switched to fully in-person instruction. However, student-level data about instruction type was unavailable.

Most students were offered hybrid instruction during the 2020-21 school year. In-person instruction increased by the end of the year.

At the start of the 2020-21 school year:

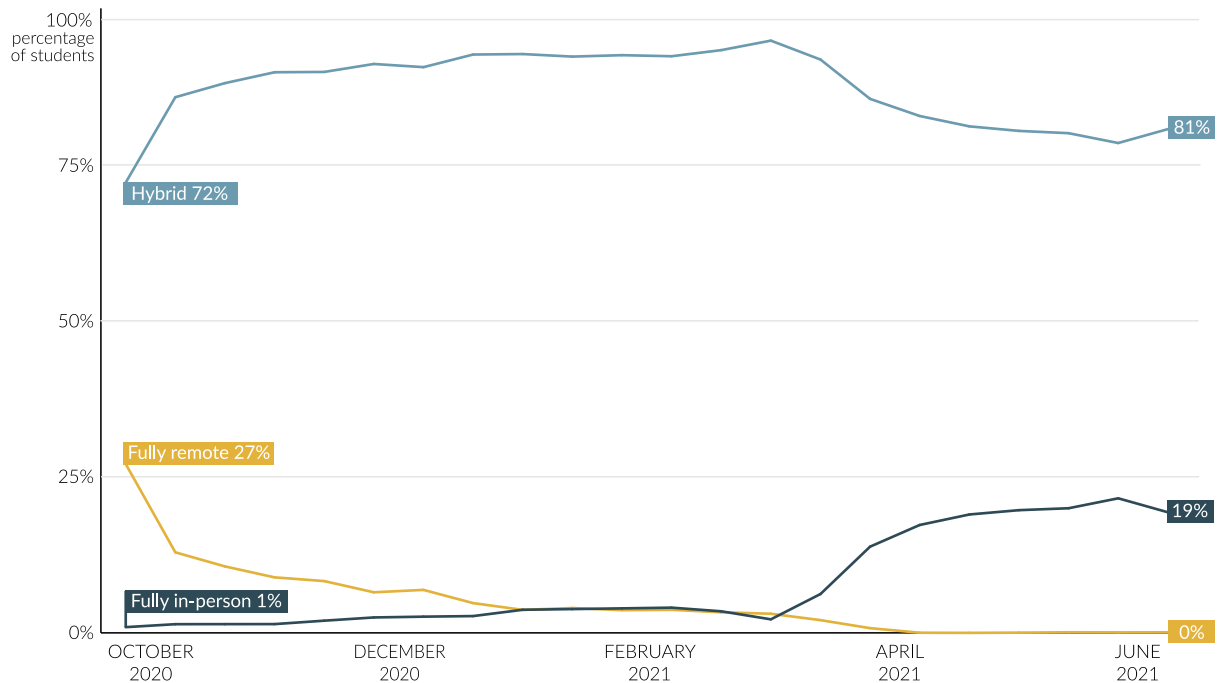
- 72.1% of students attended schools that offered hybrid instruction.
- 27.0% of students attended schools that offered fully remote instruction.
- 0.9% of students attended schools that offered fully in-person instruction.

By the end of the school year:

- 80.6% of students attended schools that offered hybrid instruction.
- 19.3% of students attended schools that offered fully in-person instruction.
- 0.1% of students attended schools that offered fully remote instruction.

During the 2021-22 school year, most districts offered fully in-person instruction and OSPI stopped collecting information about instruction type.

Exhibit 2.1: Most students were offered hybrid instruction during the 2020-21 school year



Source: JLARC staff analysis of OSPI data.

White, Hispanic/Latino, and American Indian/Alaskan Native students returned to in-person instruction at the highest rates

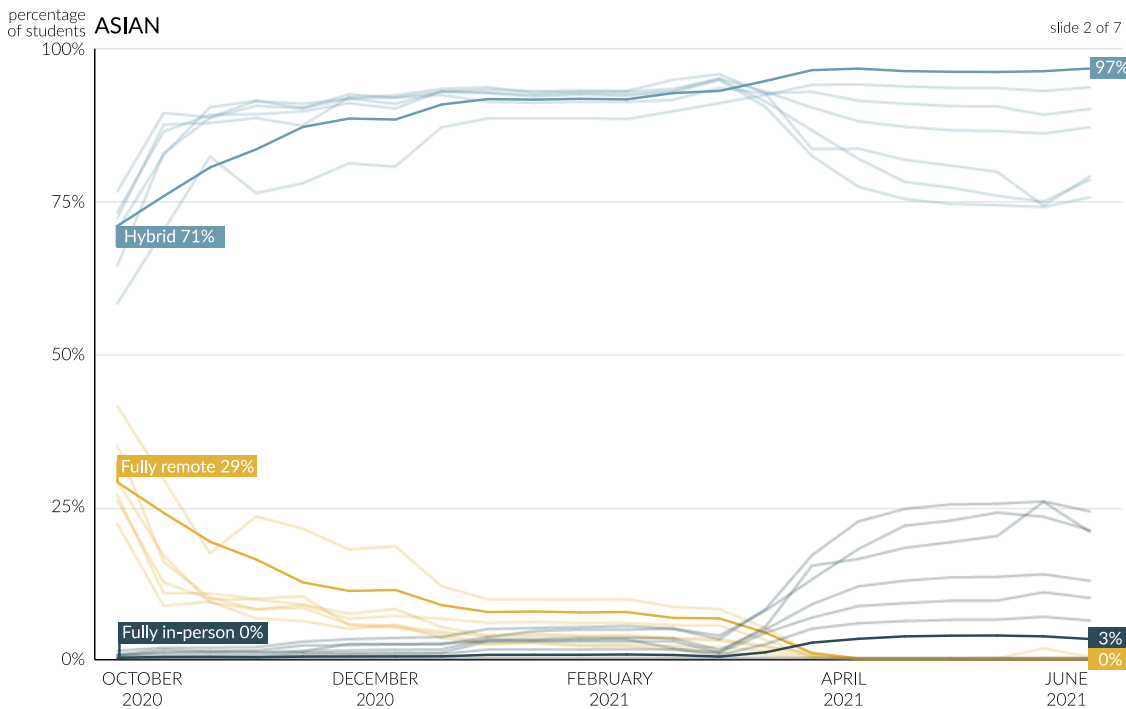
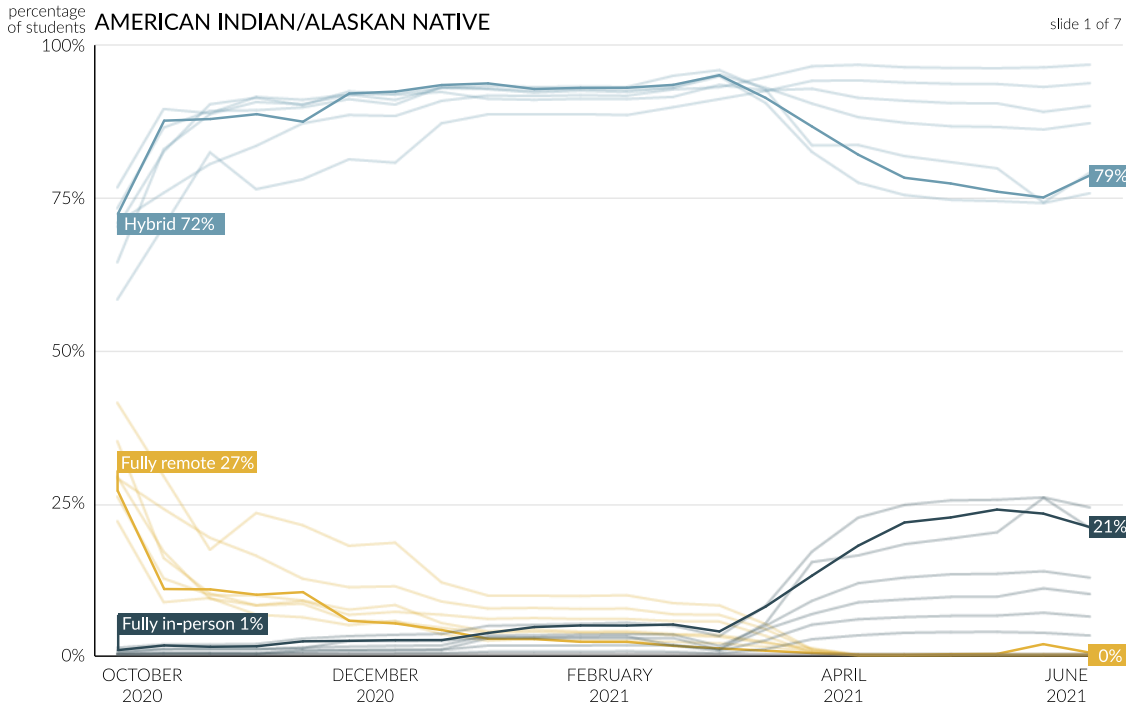
While student-level data about instruction type was unavailable, JLARC staff analyzed school-level student race and ethnicity data to approximate the rate at which each instruction type was offered to students of different races and ethnicities statewide. At the beginning of the 2020-21 school year:

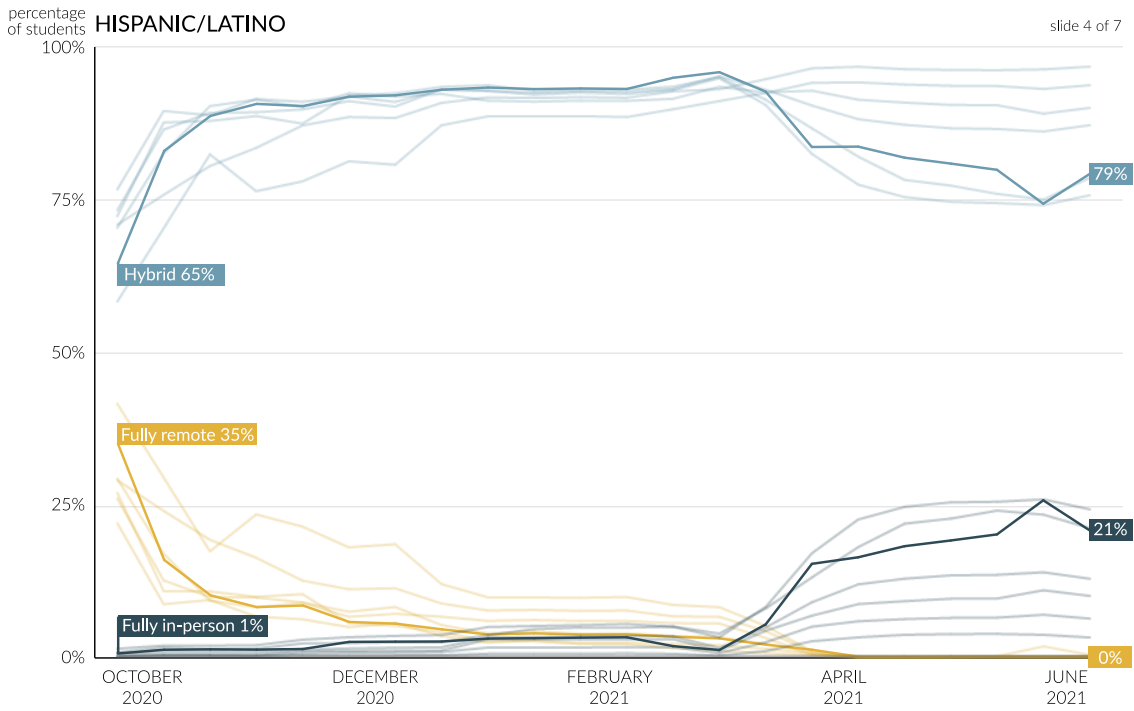
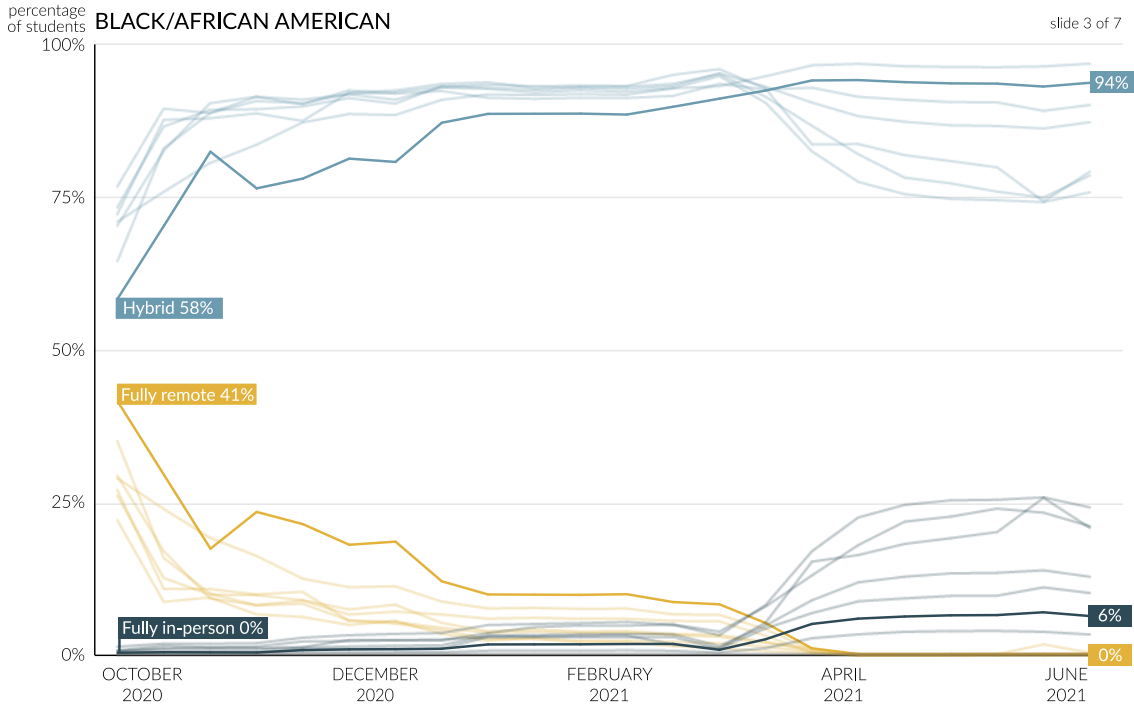
- The highest rate of remote instruction was for Black/African American (41.4%) and Hispanic/Latino (34.9%) students. The lowest was for White students (21.9%).
- The highest rate of hybrid instruction was for White students (76.7%). The lowest was for Black/African American students (58.4%).

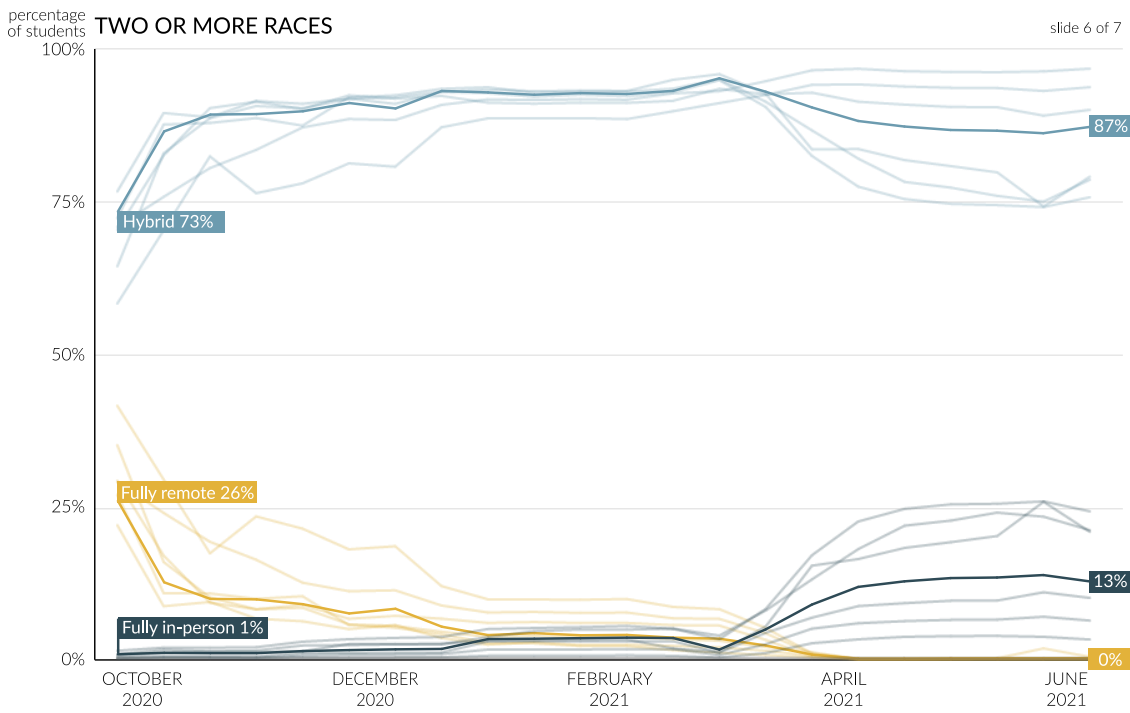
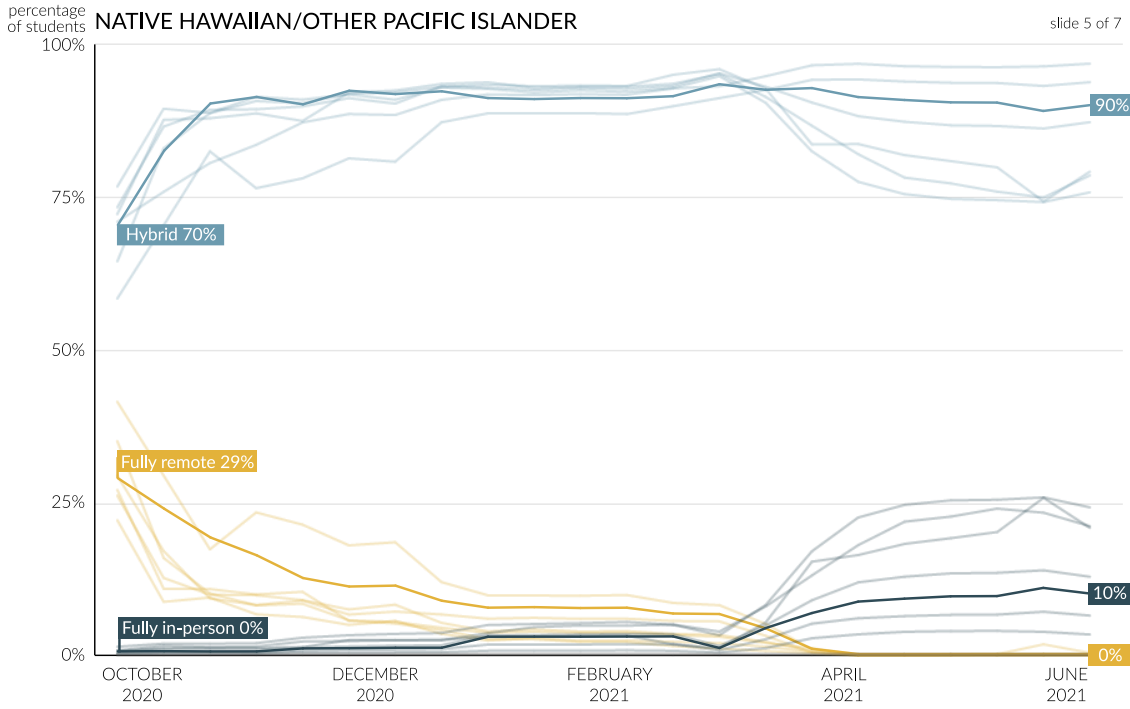
By the end of the 2020-21 school year:

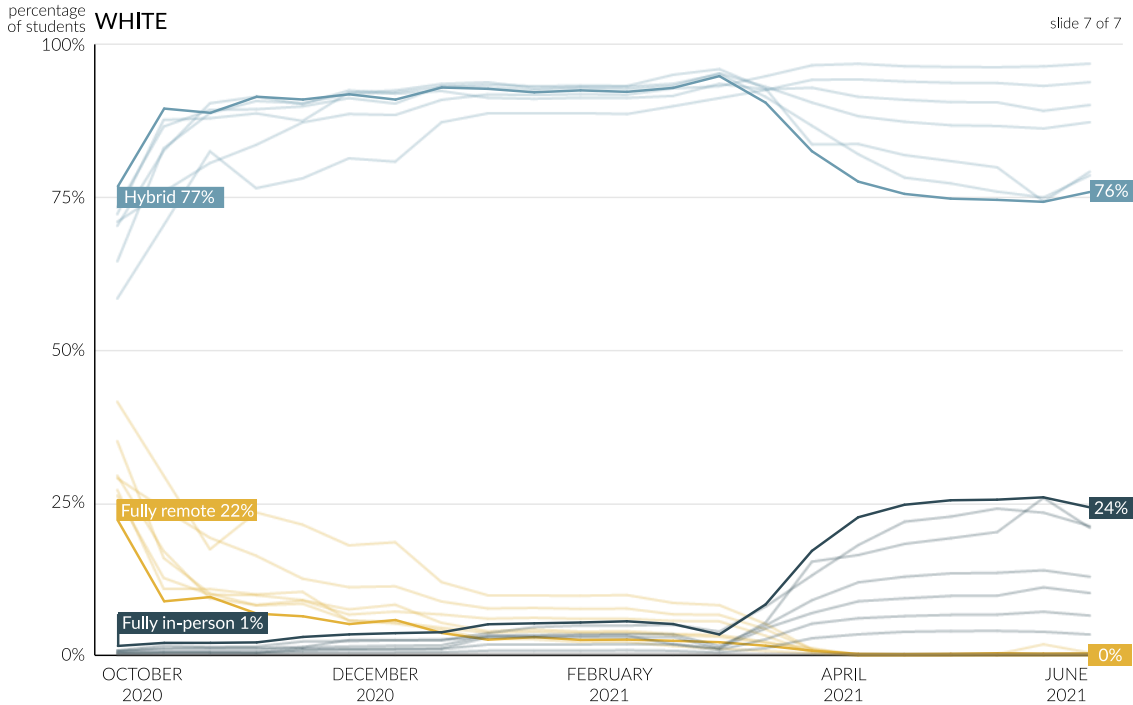
- Fully remote instruction was phased out for all students.
- The highest rate of in-person instruction was for White (24.1%), American Indian/Alaskan Native (21.0%), and Hispanic/Latino (20.7%) students.
- The lowest rate of in-person instruction was for Asian (3.2%) and Black/African American (6.2%) students.

Exhibit 2.2: White, Hispanic/Latino, and American Indian/Alaskan Native students returned to in-person instruction at higher rates than Asian and Black/African American students. Use the navigation arrows to view data for students of different races and ethnicities.









Source: JLARC staff analysis of OSPI data. Student race and ethnicity categories are federal categories derived from OSPI data.

Public school enrollment declined during the pandemic, especially for White students

During the 2019-20 school year, 52.3% of Washington students enrolled in K-12 public schools were White, 24.0% were Hispanic/Latino, and the remainder were other races and ethnicities. While the overall racial and ethnic composition of Washington students did not change significantly by the end of the 2021-22 school year, White student enrollment decreased to 49.8%, and students of other races and ethnicities made up a larger share of statewide enrollment.

Exhibit 2.3: The proportion of White students enrolled statewide declined between the 2019-20 and 2021-22 school years

Student Race and Ethnicity	Enrollment Proportion, 2019-20	Enrollment Proportion, 2020-21	Enrollment Proportion, 2021-22
American Indian/Native American	1.3%	1.3%	1.3%
Asian	8.0%	8.2%	8.4%
Black/African American	4.6%	4.7%	4.8%

Student Race and Ethnicity	Enrollment Proportion, 2019-20	Enrollment Proportion, 2020-21	Enrollment Proportion, 2021-22
Hispanic/Latino	24.0%	24.7%	25.4%
Native Hawaiian/Pacific Islander	1.2%	1.3%	1.4%
Two or more races	8.6%	8.7%	8.9%
White	52.3%	51.0%	49.8%

Source: JLARC staff analysis of OSPI data. Student race and ethnicity categories are federal categories derived from OSPI data. Percentages may not total 100% due to rounding.

Between the 2019-20 and 2020-21 school years, total enrollment in K-12 schools decreased from 1,195,960 to 1,153,371, a loss of 42,589 students (3.6%). Enrollment decreased by an additional 8,170 students (0.7%) in the 2021-22 school year. There were disparities in enrollment changes for students of different races and ethnicities (Exhibit 2.4). For example,

- White student enrollment declined at the highest rate, by 5.9%.
- Enrollment for Native Hawaiian/Pacific Islander students increased by 3.4%.
- Enrollment for students of other races and ethnicities decreased by 0.6% to 2.2%.

Exhibit 2.4: Between the 2019-20 and 2020-21 school years, enrollment decreased the most for White students, by 5.9%

Student Race and Ethnicity	Enrollment Change, 2019-20 to 2020-21	Enrollment Change, 2020-21 to 2021-22
American Indian/Native American	-106 (-0.7%)	-740 (-4.8%)
Asian	-729 (-0.8%)	1,879 (2.0%)
Black/African American	-341 (-0.6%)	997 (1.8%)
Hispanic/Latino	-2,068 (-0.7%)	5,800 (2.0%)
Native Hawaiian/Pacific Islander	488 (3.4%)	882 (6.0%)

Student Race and Ethnicity	Enrollment Change, 2019-20 to 2020-21	Enrollment Change, 2020-21 to 2021-22
Two or more races	-2,296 (-2.2%)	588 (0.6%)
White	-37,224 (-5.9%)	-17,625 (-3.0%)
Total	-42,589 (-3.6%)	-8,170 (-0.7%)

Source: JLARC staff analysis of OSPI data. Student race and ethnicity categories are federal categories derived from OSPI data. The total includes 313 students for whom race and ethnicity data was not provided in 2020-21 and 58 students in 2021-22.

Before restrictions to in-person education, racial disparities in enrollment existed at schools of different poverty levels. School poverty level is measured by the percentage of students eligible for free and reduced-price lunch. These disparities did not change during the pandemic. During the 2019-20, 2020-21, and 2021-22 school years:

- Students who were Asian, White, or two or more races were more likely to be enrolled in low poverty schools⁴.
- Students who were American Indian/Alaska Native, Black/African American, Hispanic/Latino, and Native Hawaiian/Other Pacific Islander were more likely to be enrolled in high poverty schools⁵.

As discussed in Section 3, school poverty level is one of the largest factors associated with student assessment scores.

Teachers reported teaching 58-73% of their normal curriculum and other challenges during the 2020-21 school year

With the assistance of the Social Development Research Group at the University of Washington, JLARC staff surveyed Washington teachers about the effects of the pandemic. JLARC staff received responses from 6,692 teachers from 1,475 schools in 228 school districts. For more detail about survey results, see Appendix B.

⁴Schools with 0-25% of students eligible for free and reduced-price lunch.

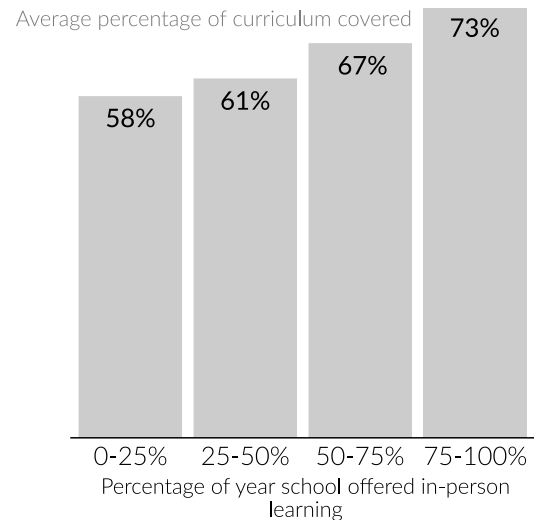
⁵Schools with 75-100% of students eligible for free and reduced-price lunch.

Teachers reported that after restrictions to in-person instruction, they covered an average of 59% of their normal curriculum. Higher percentages of in-person instruction were associated with more curriculum coverage (Exhibit 2.5). As noted above, White, Hispanic/Latino, and American Indian/Pacific Islander students had the highest rates of in-person instruction and Asian and Black/African American students had the lowest.

During the 2020-21 school year:

- Teachers at schools that spent 75% or more of the year in person reported covering 73% of their normal curriculum.
- Teachers at schools that spent less than 25% of the year in person reported covering 58% of their normal curriculum.

Exhibit 2.5: Teachers at schools with more in-person instruction reported higher curriculum coverage



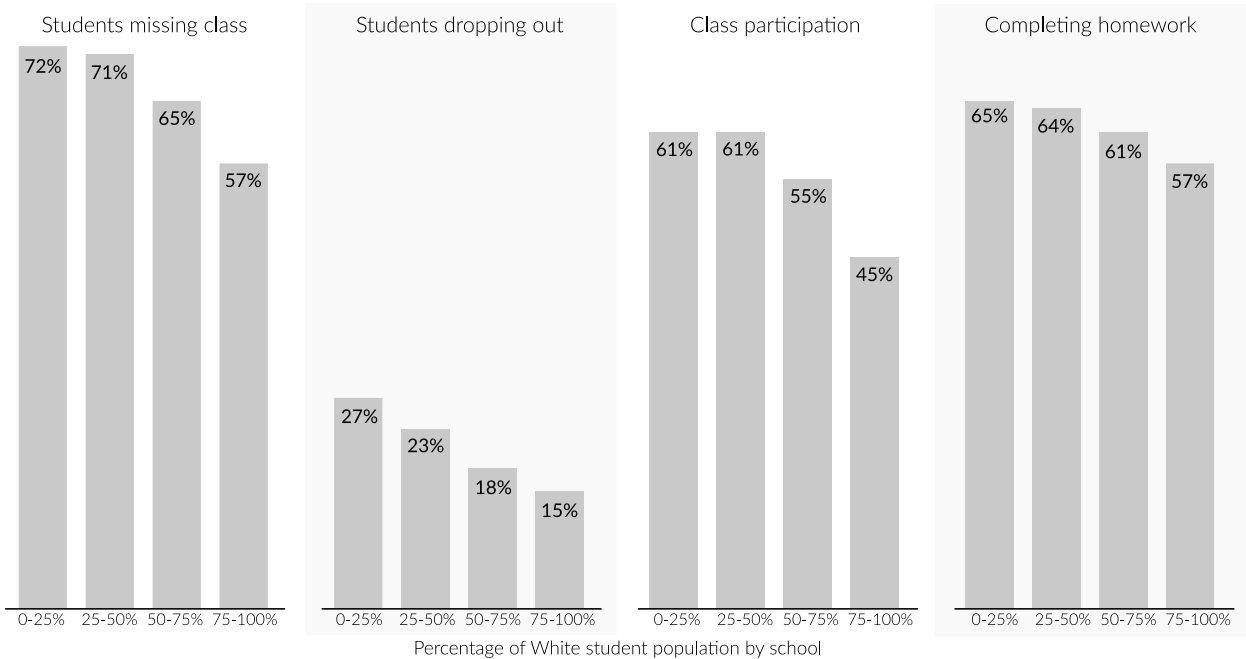
Source: JLARC staff analysis of survey data.

The survey asked teachers to identify "serious problems" they experienced during the 2020-21 school year. The most common issues were:

- Students missing class (67%).
- Students not completing homework assignments (62%).
- Class participation (56%).
- Student apathy (54%)
- Student mental health (47%).

JLARC staff analyzed teacher responses by the race and ethnicity breakdown of their schools. Teachers at schools with lower percentages of White students were more likely to report certain issues as "serious problems" than teachers at schools with higher percentages of White students (Exhibit 2.6).

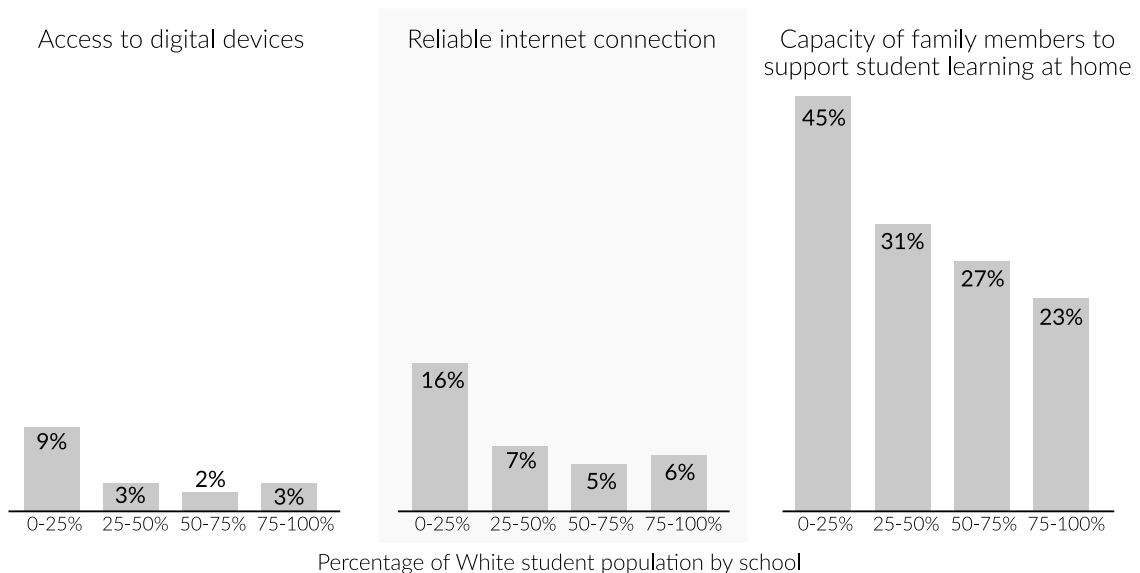
Exhibit 2.6: Teachers at schools with lower percentages of White students reported more issues as "serious problems"



Source: JLARC staff analysis of survey data.

Teachers at schools with lower percentages of White students also were more likely to report certain barriers to student learning, including access to digital devices and reliable internet connections, and capacity of family members to support learning at home.

Exhibit 2.7: Teachers at schools with lower percentages of White students were more likely to report certain barriers to student learning



Source: JLARC staff analysis of survey data.

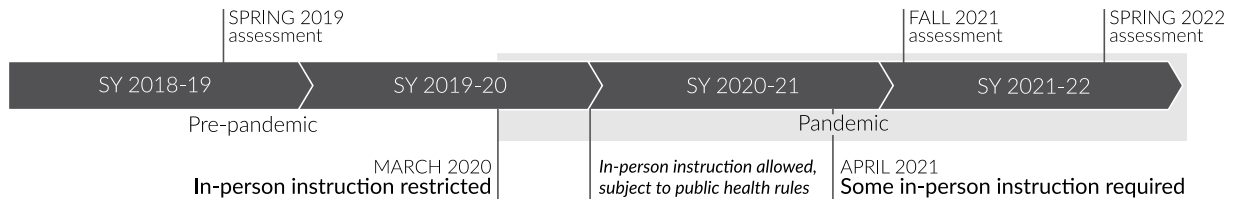
3. Assessment scores declined, and disparities increased

Student assessment scores declined during the 2021-22 school year. Existing racial disparities increased. School poverty level had the greatest association with assessment scores.

In Washington, an annual standardized test, called the Smarter Balanced Assessment, evaluates math and English language arts (ELA) skills for students in third through eighth and tenth grades. Smarter Balanced Assessment scores range from approximately 2,000 to 3,000. The state sets minimum passing scores for each grade level. These are called the state standards.

Students usually take the assessment each spring. Assessments in Spring 2020 were canceled due to the pandemic, and assessments in Spring 2021 were postponed to Fall 2021. The fall assessment tested students on material learned during the 2020-21 school year. Regular assessment scheduling returned in Spring 2022.

Exhibit 3.1: Students took the assessment in Spring 2019. The pandemic delayed the next assessment until Fall 2021.



Source: JLARC staff analysis.

Math and ELA scores declined for all students after restrictions to in-person instruction

JLARC staff analyzed assessment score data for Spring 2019, Fall 2021, and Spring 2022 (the 2018-19 through 2021-22 school years). See Appendix A for more detail about student assessment scores.

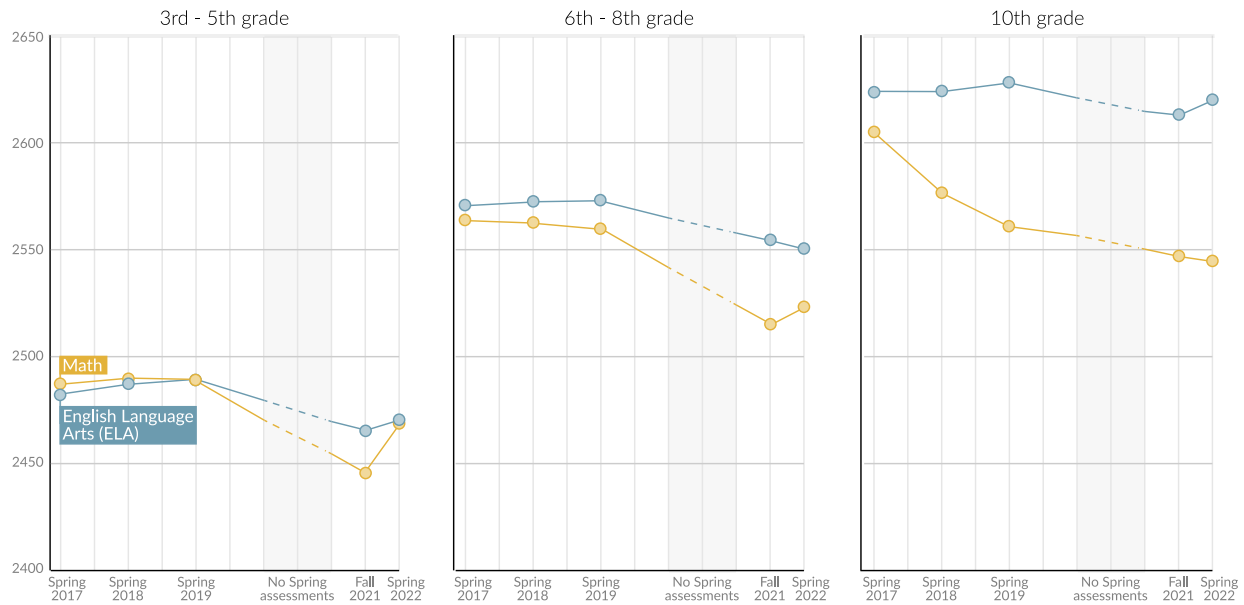
Median assessment scores in math and ELA declined from Spring 2019 to Fall 2021. Scores increased in Spring 2022, but remained lower than Spring 2019 scores. The percentage of students in each grade that met the state standards for math and ELA scores also declined. To describe year-over-year changes, JLARC staff adjusted scores relative to the minimum possible score⁶.

- Math scores decreased by 3.2% to 10.9%, depending on grade level, from Spring 2019 to Fall 2021. Scores changed by -0.5% to 6.7% in Spring 2022, and remained 3.6% to 8.2% lower than Spring 2019 scores.

⁶The minimum score is approximately 2,000, with variation by grade level and subject.

- The percentage of students⁷ meeting the state standard in math decreased from 47.7% in Spring 2019 to 32.8% in Fall 2021 and increased to 38.7% in Spring 2022.
- ELA scores decreased by 2.8% to 4.1%, depending on grade level, from Spring 2019 to Fall 2021. Scores changed by -0.9% to 1.4% in Spring 2022, and remained 1.5% to 4.9% lower than Spring 2019 scores.
- The percentage of students⁸ meeting the state standard in ELA decreased from 59.9% in Spring 2019 to 52.7% in Fall 2021 and increased slightly to 52.9% in Spring 2022.

Exhibit 3.2: Median math and ELA scores declined from Spring 2019 to Spring 2022



Source: JLARC staff analysis of Office of Superintendent of Public Instruction (OSPI) data. JLARC staff estimates may not align with OSPI's due to the student populations analyzed in this report.

Assessment score declines varied by student race and ethnicity

Racial disparities in student assessment scores existed prior to the restrictions to in-person instruction (Exhibit 3.3). For example:

- Asian students had the highest math and ELA scores.
- White students and students of two or more races had the next highest scores.
- American Indian/Alaskan Native and Native Hawaiian/Other Pacific Islander students had the lowest math and ELA scores.

⁷These percentages may differ from those in OSPI's State Report Card due to the student records JLARC staff used in this analysis.

⁸These percentages may differ from those in OSPI's State Report Card due to the student records JLARC staff used in this analysis.

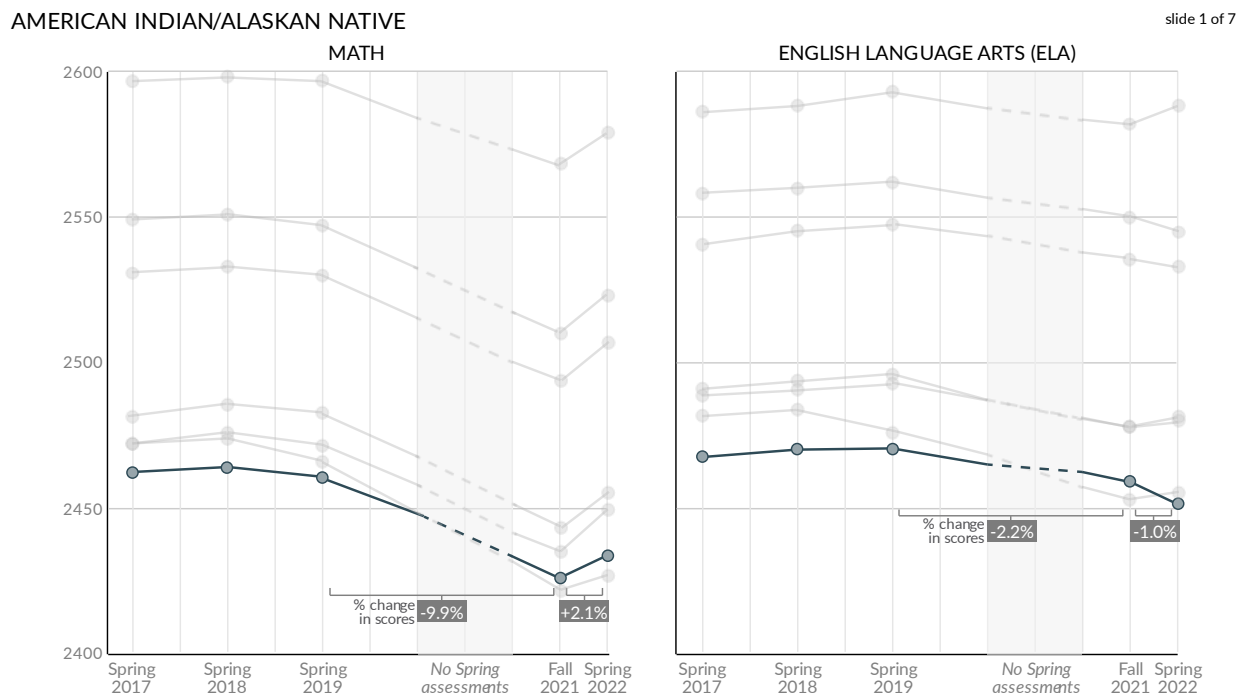
These racial disparities continued after restrictions to in-person instruction. Assessment scores declined for all groups from Spring 2019 to Fall 2021 and began increasing for some in Spring 2022.

The rate of change in assessment scores varied for students of different races and ethnicities (Exhibit 3.3).

- Asian students had the smallest decreases in Fall 2021.
- Native Hawaiian/Other Pacific Islander students had the largest decreases in Fall 2021.
- Math scores increased in Spring 2022 for all groups, but ELA scores continued to decline for students who were American Indian/Alaskan Native, two or more races, or White.

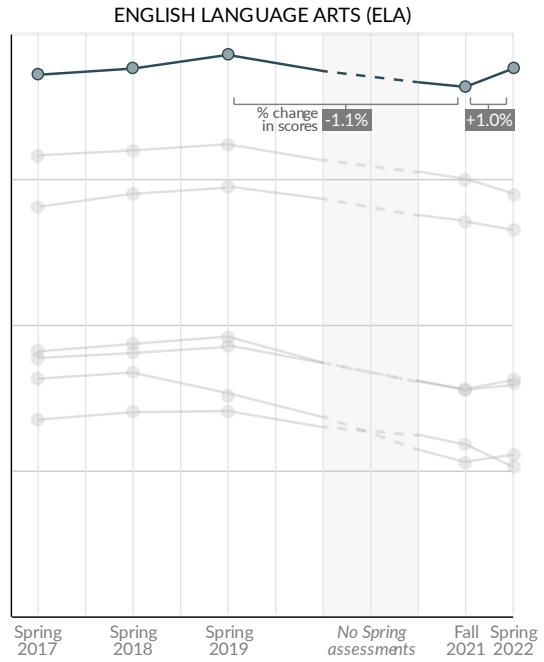
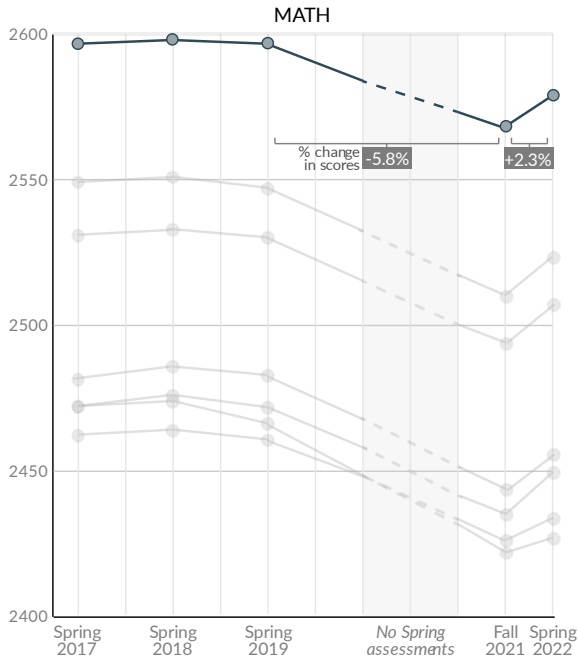
See Appendix A for an interactive dashboard of student assessment scores.

Exhibit 3.3: Math and ELA assessment scores declined for students of all races and ethnicities



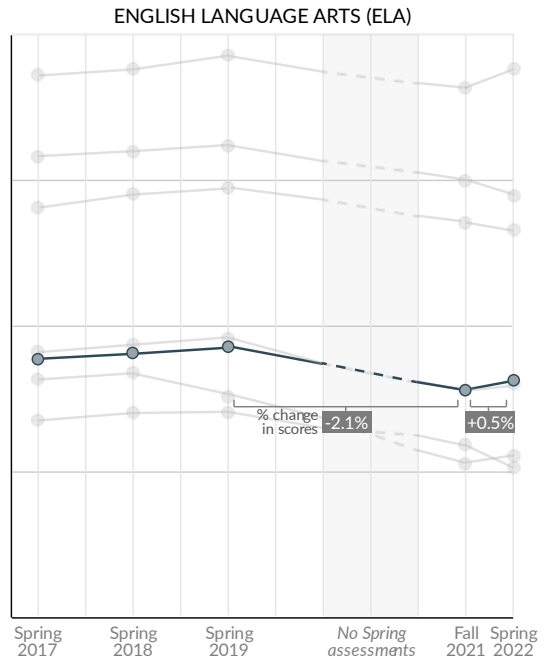
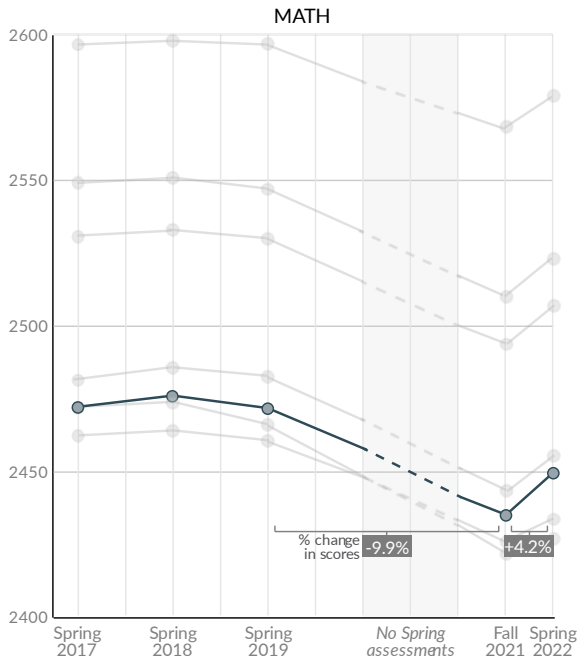
ASIAN

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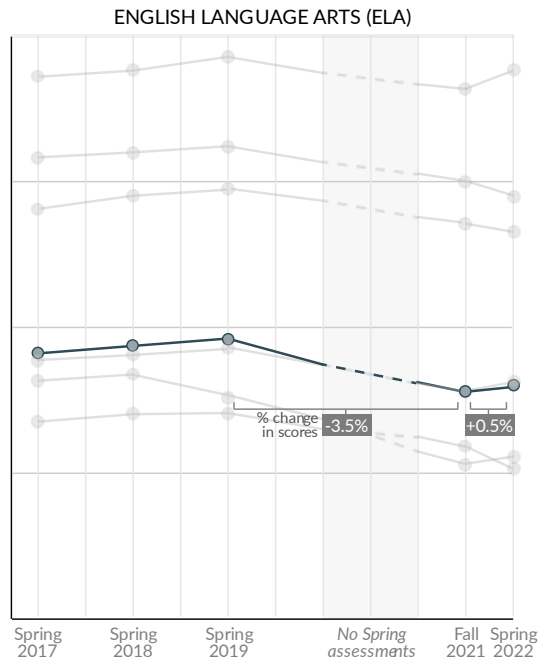
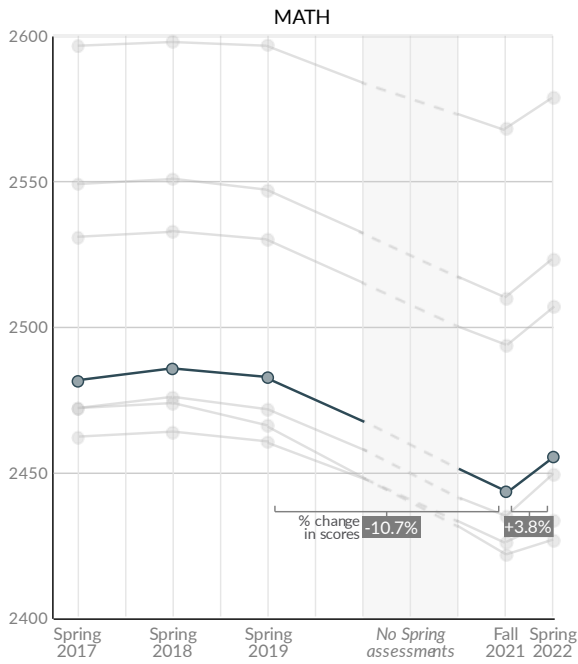
BLACK/AFRICAN AMERICAN

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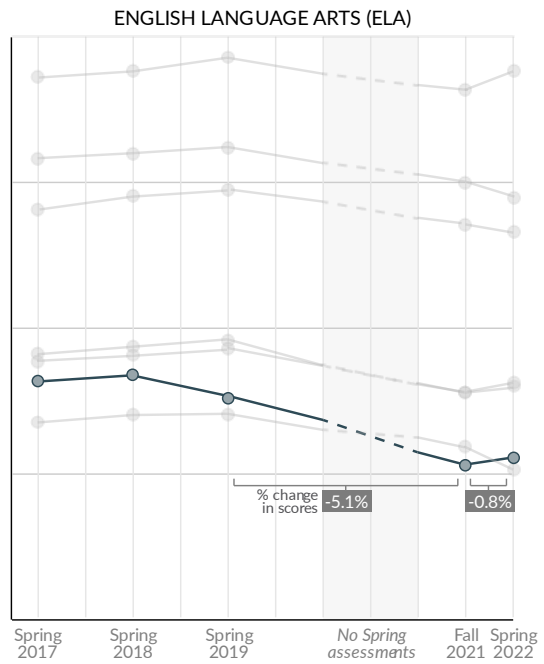
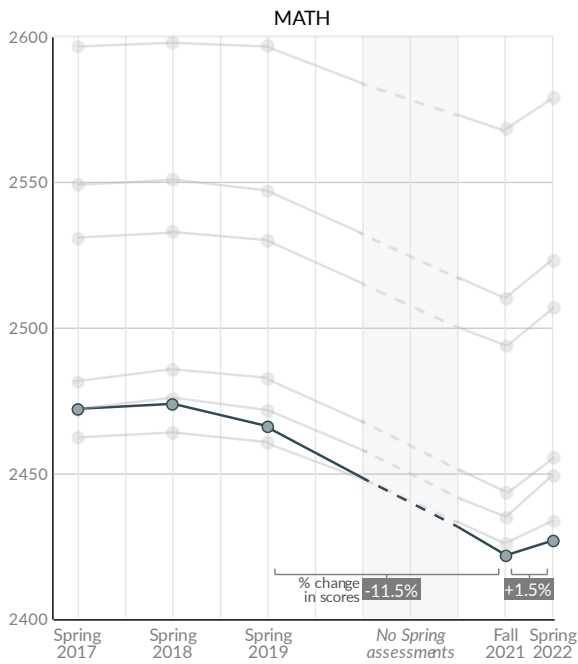
HISPANIC/LATINO

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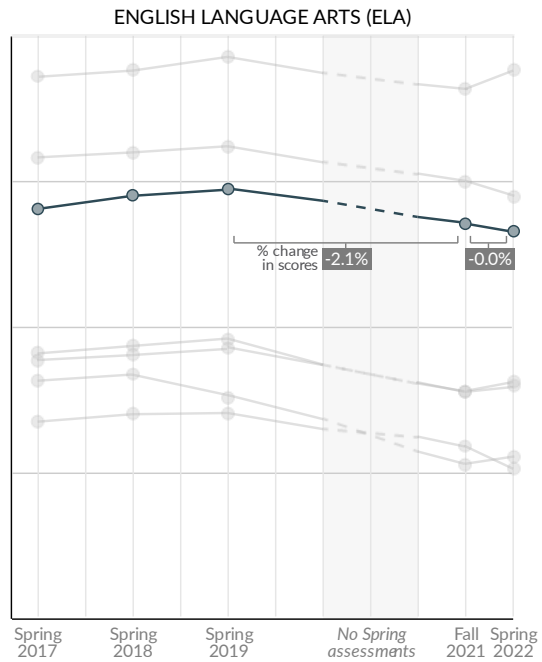
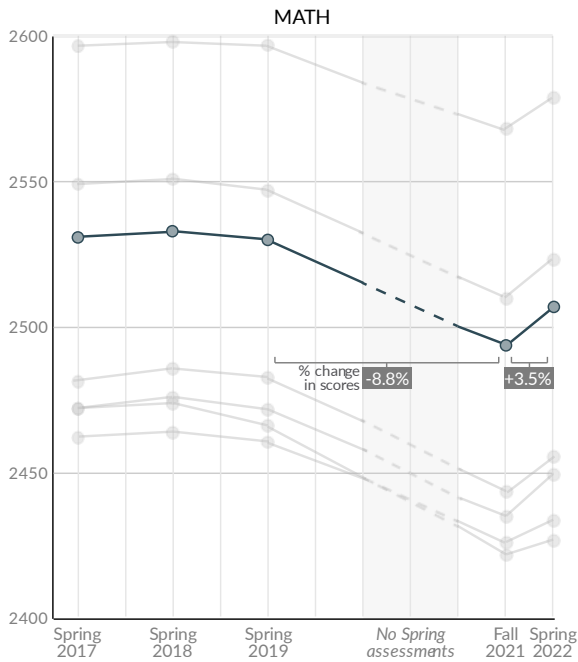
NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER

slide 5 of 7



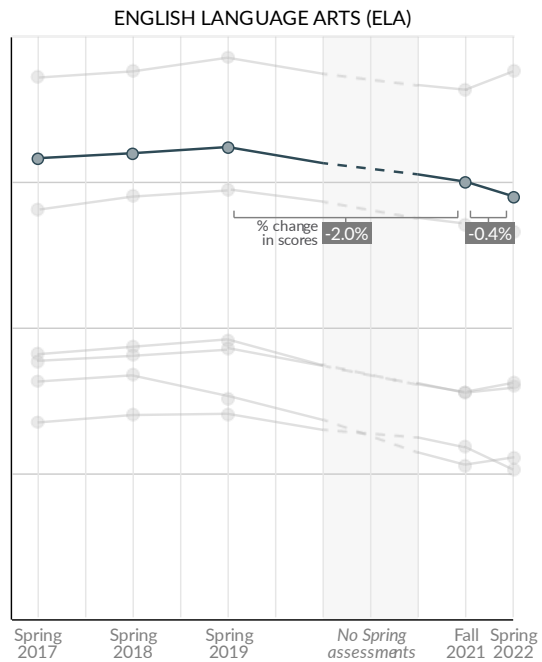
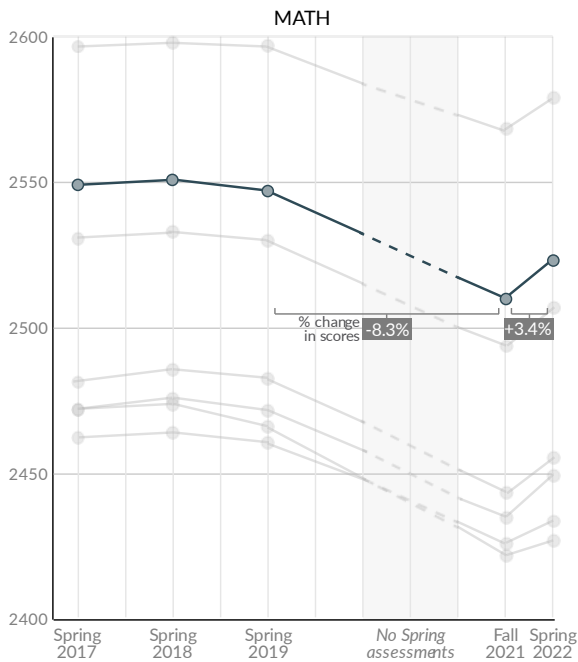
TWO OR MORE RACES

slide 6 of 7



WHITE

slide 7 of 7



Source: JLARC staff analysis of OSPI data. Student race and ethnicity categories are federal categories derived from OSPI data. To describe year-over-year changes, JLARC staff adjusted scores relative to the minimum possible score. Unadjusted scores are shown in the graph. Median scores include all grade levels.

Assessment scores varied by other school and student characteristics. School poverty level had the largest association with scores.

JLARC staff used linear modeling to assess how student and school variables affected variation in assessment scores. For a description of the methodology, see Appendix A. Key factors affecting assessment scores include school poverty level, whether a student was eligible for free and reduced-priced lunch (FRL)⁹, and instruction type.

- **School poverty level:** School poverty level (measured by the percentage of students eligible for free and reduced-price lunch) had the largest association with assessment scores. Prior to the restrictions to in-person instruction, students at schools with the highest poverty level scored 13% to 15% lower than students at schools with the lowest poverty levels. This association increased during the Fall 2021 and Spring 2022 assessments. Students at high poverty schools scored 17% to 22% lower than students at low poverty schools in Fall 2021.
- **Free and reduced-priced lunch:** Whether a student was eligible for free and reduced-priced lunch (FRL) also had a large association with assessment scores. Students eligible for FRL scored 10% to 12% lower than students who were not eligible for FRL. This association remained constant during the Fall 2021 and Spring 2022 assessments.
- **Instruction type:** Instruction type was associated with math assessment scores. Students at schools offering 100% in-person instruction during the 2020-21 school year scored 3% higher than students at schools offering only remote or hybrid instruction in the Fall 2021 assessment. The association of instruction type on math scores was outweighed by that of student race and ethnicity, student FRL eligibility, and school poverty level. Instruction type was not associated with ELA scores.

4. Little change in other equity indicators

Other educational equity indicators show no change or small improvement in racial disparities

JLARC staff evaluated racial disparities in other education equity indicators. Data was available for student substance use, mental health, and access to experienced teachers.

Substance use declined and mental health problems increased for students of all races and ethnicities

Student substance use and mental health problems are linked to lower grades, test scores, and educational achievement. To measure changes in substance use and mental health problems

⁹Free and reduced-priced lunch eligibility is a proxy indicator of household income

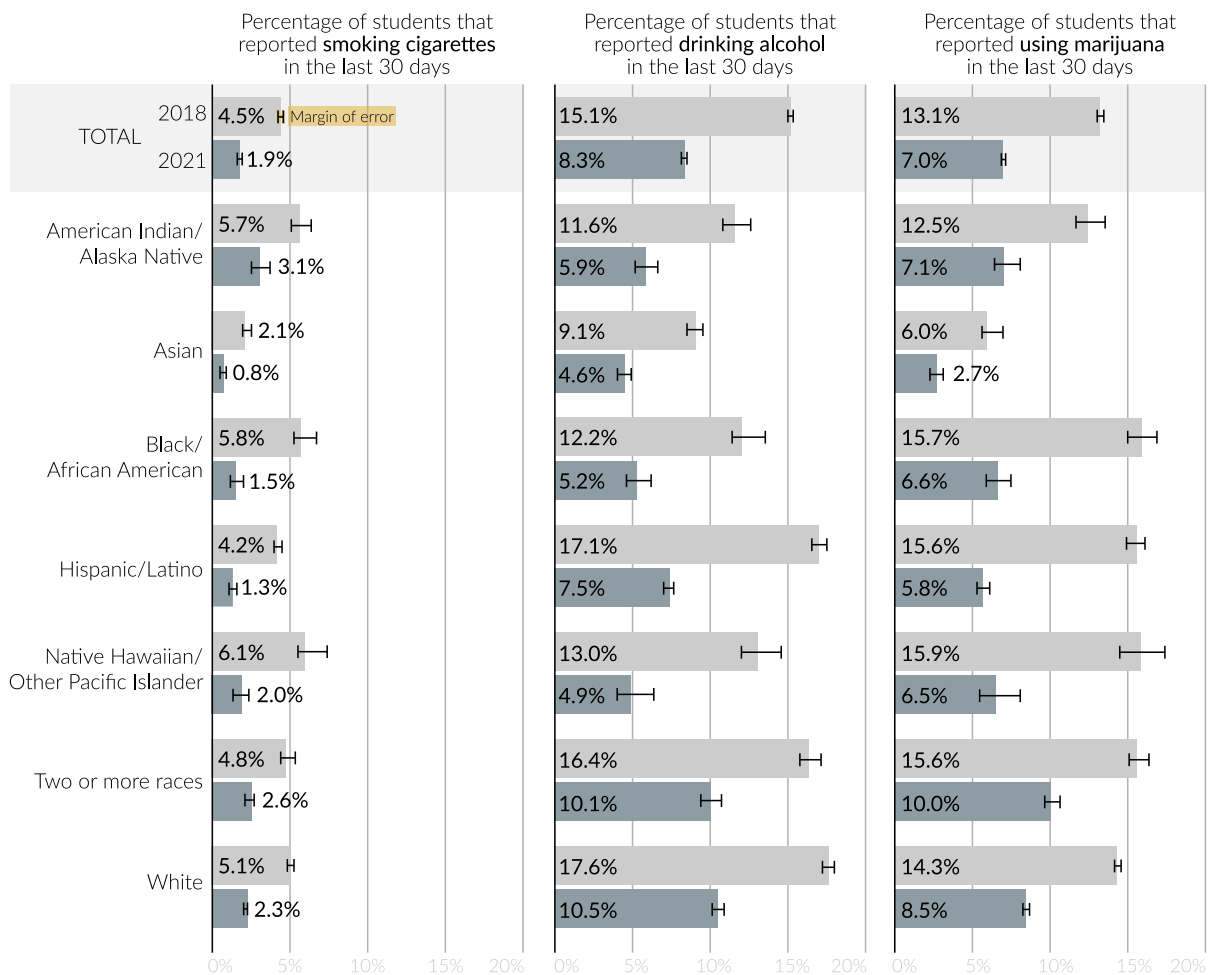
after restrictions to in-person education, JLARC staff analyzed student responses to the 2018 and 2021 [Washington State Healthy Youth Survey](#)¹⁰.

The percentage of students of all races and ethnicities reporting cigarette, alcohol, or marijuana use in the last 30 days declined from 2018 to 2021 (Exhibit 4.1).

- Reported cigarette use decreased by 58%.
- Reported alcohol use decreased by 45%.
- Reported marijuana use decreased by 47%.

Black/African American students reported the largest decrease in cigarette use (74%). Native Hawaiian/Other Pacific Islander students reported the largest decrease in alcohol use (62%). Hispanic/Latino students reported the largest decrease in marijuana use (63%).

Exhibit 4.1: The percentage of students reporting cigarette, alcohol, or marijuana use decreased by 45% or more



¹⁰The Department of Health (DOH) and other state agencies administer the Washington State Healthy Youth Survey to students in sixth, eighth, tenth, and twelfth grades. Changes made between the 2018 and 2021 surveys, in addition to the pandemic, may influence findings.

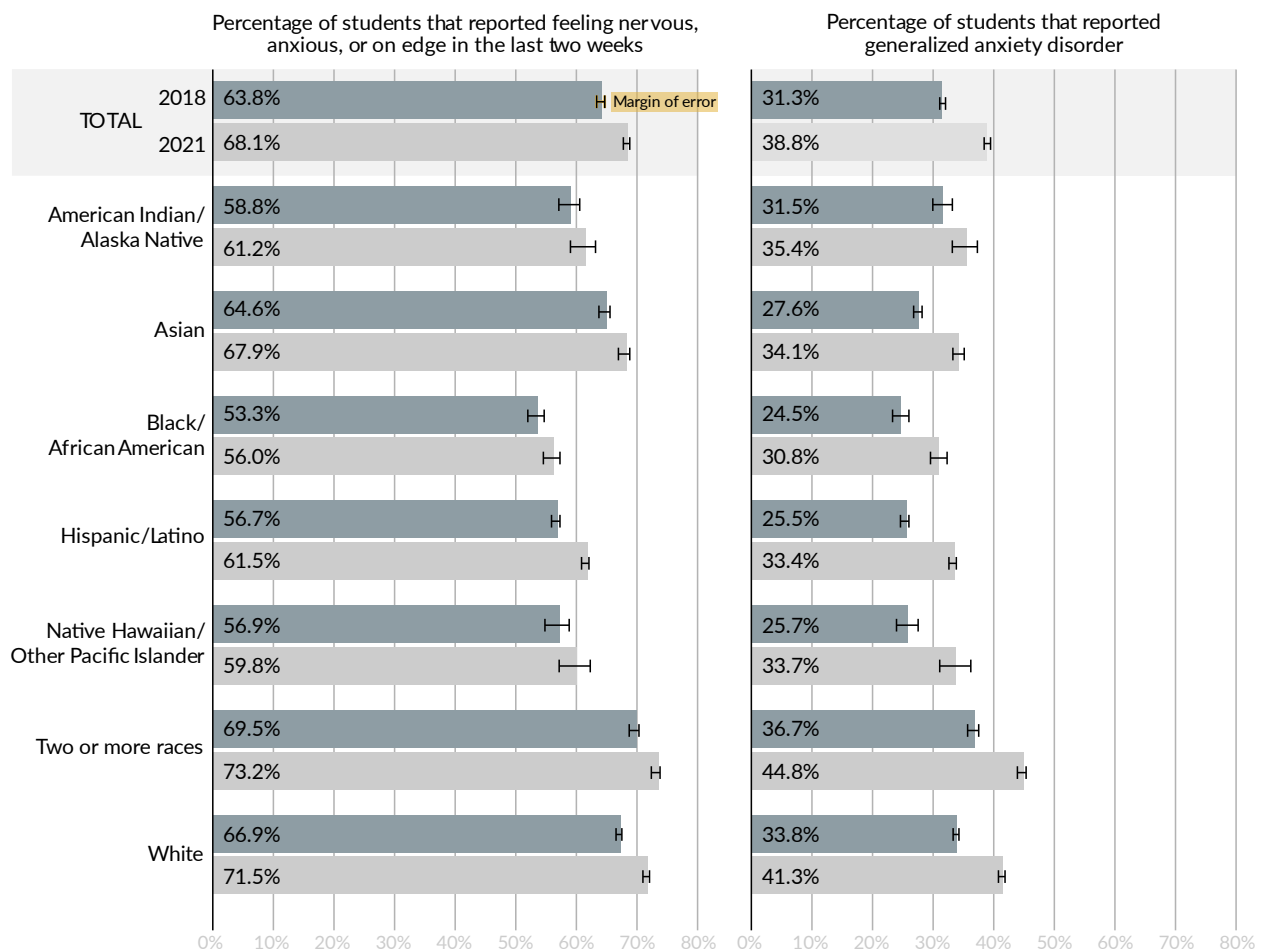
Source: JLARC staff analysis of Healthy Youth Survey data. Student race and ethnicity categories are federal categories derived from OSPI data.

Reported mental health problems increased for students of all races and ethnicities

The percentage of students in eighth, tenth, and twelfth grade who reported feeling nervous, anxious, or on edge increased from 64% in 2018 to 68% in 2021. Students reporting generalized anxiety disorder¹¹ also increased from 31% in 2018 to 39% in 2021. Students who were White or two or more races reported the highest rates of generalized anxiety disorder in 2018 and 2021.

Students in eighth, tenth, and twelfth grade reported a decrease in suicidal thoughts from 22% in 2018 to 20% in 2021. Suicidal thoughts among students in sixth grade increased from 22% in 2018 to 23% in 2021.

Exhibit 4.2: The percentage of students in eighth, tenth, and twelfth grade reporting nervousness or anxiety increased



¹¹Feeling nervous, anxious, on edge, or not being able to stop or control worrying.

Source: JLARC staff analysis of Healthy Youth Survey data. Students in sixth grade were not asked questions about hopelessness, anxiety, and worry. Student race and ethnicity categories are federal categories derived from OSPI data.

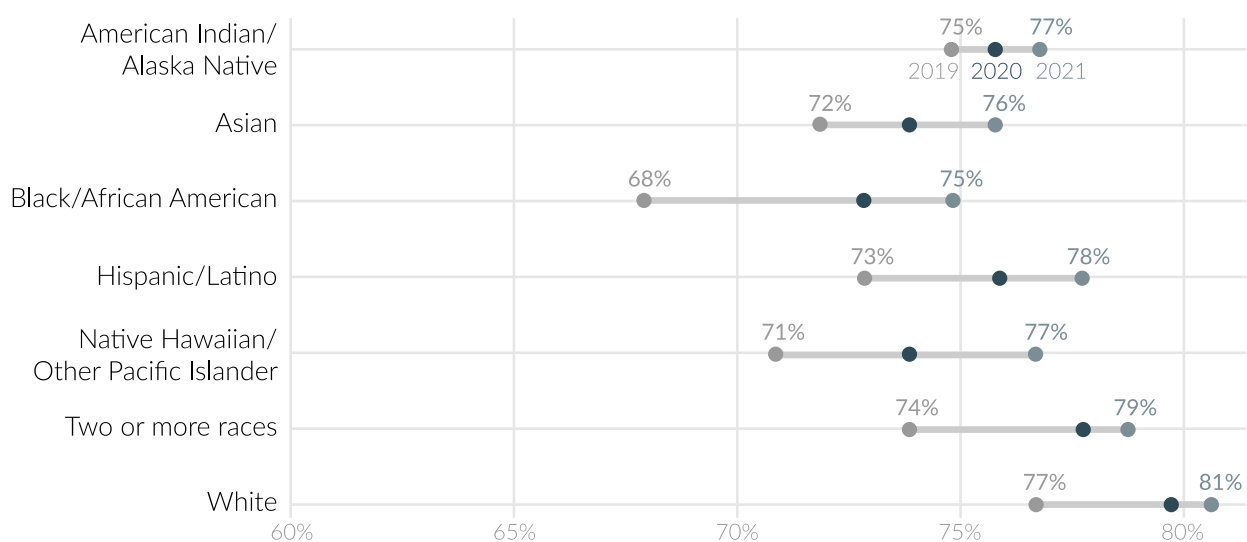
Access to experienced teachers increased from 2019 to 2021, reducing racial disparities

JLARC staff reviewed indicators of teacher quality to evaluate the pandemic's effect on racial disparities in access to education. As required by federal law, the Office of Superintendent of Public Instruction (OSPI) tracks whether students have equitable access to quality educators, defined by years of teaching experience, whether teachers have a full certification, and whether they teach in their field of endorsement. Due to delays in issuing certifications and endorsements during the pandemic, it was not possible to measure changes in access to teachers with full certifications or teaching in their field of endorsement.

JLARC staff compared the average percentage of experienced teachers¹² for students of each race and ethnicity. The percentage of experienced teachers statewide increased from 75% in the 2018-19 school year to 80% in the 2020-21 school year. Racial disparities improved as students of all races and ethnicities had greater access to experienced teachers.

- During the 2018-19 school year, 77% of teachers for White students and 68% to 75% of teachers for students of other races and ethnicities were experienced.
- During the 2020-21 school year, 81% of teachers for White students and 75% to 79% of teachers for students of other races and ethnicities were experienced.

Exhibit 4.3: The percentage of experienced teachers increased for all student races and ethnicities



Source: JLARC staff analysis of OSPI data. Student race and ethnicity categories are federal categories derived from OSPI data.

¹²OSPI defines experienced teachers as those with five or more years of experience.

5. Limited recovery monitoring

OSPI has not yet established processes to monitor districts' efforts to address the academic effects of restricted in-person instruction or outcomes of emergency spending

To address the effects of the COVID-19 pandemic, the Office of Superintendent of Public Instruction (OSPI) received \$2.9 billion in federal Elementary and Secondary School Emergency Relief (ESSER) funds. The federal government distributed three rounds of ESSER funding in July 2020, March 2021, and July 2021. Under federal law, 90% of these funds must be passed on to school districts. Districts must spend at least \$334 million of these funds to address "learning loss"¹³ and the disproportionate effects of the pandemic on certain student groups, including racial and ethnic groups.

School district plans for ESSER spending identify interventions to address learning loss

As required by state and federal law, districts submitted Academic and Student Well-being Recovery Plans to OSPI in 2021. The plans explain how districts intend to use emergency funding to address student needs resulting from school building closures and remote learning. Districts identified specific interventions, including:

- Social-emotional learning and mental health supports (94% of districts).
- Summer school (72% of districts).
- Additional instructional time before or after school (62% of districts).
- High-quality tutoring (42% of districts).

Districts used equity analysis tools to develop their plans

OSPI required districts to use equity analysis tools when developing their recovery plans. 79% of districts used a tool that specifically considered racial equity. Schools may also have included additional equity considerations for low-income students, students with disabilities, English language learners, students experiencing homelessness, and students in foster care.

OSPI has not yet established processes to monitor plan implementation or measure outcomes of ESSER spending

The 2021 Legislature (ESHB 1368) directed schools to report their progress implementing their Academic and Student Well-being Recovery Plans to OSPI. In a plan submitted to the United States Department of Education, OSPI committed to measuring and monitoring outcomes of ESSER spending. As of October 2022, OSPI had not identified a way for schools or school districts to report their progress, nor had it established a process to measure outcomes of ESSER spending.

¹³The academic effect of lost instructional time due to school closures.

Without monitoring districts' progress or measuring spending outcomes, there is limited information available about whether districts are achieving their goals or if they are addressing racial disparities in education. As school districts and OSPI determine how to target remaining recovery funds, the data in this JLARC report may help with monitoring changes in equity indicators for students of different races and ethnicities, school poverty level, and other factors.

There is insufficient detail at the state level to identify how much money is being spent on specific interventions

As of September 2022, districts spent about \$1.2 billion (45%) of federal ESSER funds.

OSPI tracks district spending using broad categories consistent with state and federal requirements. These categories do not provide sufficient detail to identify the amount spent on specific educational interventions. For example, the third round of ESSER funding included funds allocated for addressing learning recovery. Districts report learning recovery expenditures in five categories: one-time contracts for staff, professional learning for educators, real-time data systems, other direct supports, or other uses not included above. As of September 2022, districts reported 74% of expenditures as "other direct supports" or "other." This means it is not possible to determine how much districts have spent on the interventions identified in their plans, such as tutoring, additional instructional time before school, or social-emotional learning.

Legislative Auditor Recommendation #2

OSPI should establish a process to monitor school districts' implementation of their Academic and Student Well-being Recovery Plans, in accordance with 2021 state legislation.

OSPI partially concurs with this recommendation. View the Legislative Auditor's response to agency comments. You can find additional information in Recommendations.

Interactive assessment score dashboard

Assessment score dashboard

This interactive dashboard shows scores on the Smarter Balanced Assessment from 2017 to 2022. The dashboard may be filtered by district and by test (English Language Arts or Math) to show median assessment scores by race and ethnicity.

In accordance with federal privacy laws, any data with fewer than ten students is not viewable.

[VIEW INTERACTIVE DASHBOARD >](#)

Appendix A: Assessment score analysis

Regression analysis identified variables associated with changes in student assessment scores

JLARC staff used linear regression to analyze how certain student and school variables affected math and English language arts (ELA) scores on the Spring 2019, Fall 2021, and Spring 2022 assessments.

Regression analysis estimates relationships between variables and an outcome

Regression analysis is a statistical technique that estimates the quantitative relationships between multiple factors (independent variables) and a particular outcome (dependent variable). For example, regression analysis can measure how in-person instruction is associated with a student's assessment scores. When there are many factors that affect an outcome, regression can "control for," or take into consideration, the other factors. For this study, JLARC staff used regression analysis to measure how in-person instruction was associated with a student's assessment score, while separately taking into consideration other factors such as the student's race and ethnicity or their eligibility for free and-reduced price lunch (FRL).

JLARC staff conducted several regression analyses to estimate how much variation in scores can be attributed to other factors. We analyzed two dependent variables:

- Math scores on the Spring 2019, Fall 2021, and Spring 2022 assessments.
- ELA scores on the Spring 2019, Fall 2021, and Spring 2022 assessments.

Source data

JLARC staff analyzed data from two datasets maintained by the Office of Superintendent of Public Instruction (OSPI): the Comprehensive Education Data and Research System (CEDARS) and School District Reopening Timeline data.

CEDARS: OSPI provided JLARC staff with student-level data from their Comprehensive Education Data and Research System (CEDARS). CEDARS is a longitudinal data warehouse of education data. Districts report data about courses, students, and teachers. Student data includes demographics, enrollment information, and assessment scores. The regression analysis included assessment scores for roughly 600,000 students.

School District Reopening Timeline data: OSPI collected data from school districts about the instruction mode for elementary, middle, and high schools in each district during the 2020-21 school year. This data was collected monthly in 2020 and weekly in 2021.

Dependent variables

The dependent variable in the linear regression is students' Smarter Balanced Assessment (SBA) scores in math and English language arts (ELA) in Spring 2019, Fall 2021, and Spring 2022. The SBA is a standardized test and scores fall on a continuous scale from 2,000 to 3,000.

Independent variables

JLARC staff identified independent variables that may affect assessment scores based on a review of existing research and interviews with academic researchers. Research supports the

effect of the following variables on academic outcomes. OSPI's CEDARS data includes these variables for each student or school.

- **Student race and ethnicity (categorical):** A student's race or ethnicity as defined by federal categories.
- **Student FRL status (binary):** Whether a student was eligible for free or reduced-price lunch (FRL).
- **School poverty level (continuous):** The proportion of students eligible for FRL at a school.
- **In-person instruction (continuous):** The proportion of the school year a student's school offered fully in-person instruction.
- **School level (categorical):** Whether a student was in elementary, middle, or high school. JLARC staff used this variable to control for differences in assessment scores between grade levels.

Results

Exhibits A1 and A2 below present the results of the linear regression for the three assessments. The adjusted r-squared statistics in the table represent the amount of variation in the dependent variable (assessment score) that is accounted for by the independent variables. The adjusted r-squared statistic ranged from 0.227 to 0.242 for ELA scores and from 0.231 to 0.269 for math scores.

JLARC staff used White students as the baseline of comparison for students of other races and ethnicities because White students comprise roughly half of Washington students.

Exhibit A1 presents the results of the regression analysis for the ELA assessments. The results show how the independent variables affected ELA scores on each assessment. For example:

- American Indian/Alaskan Native students' average assessment scores were 9.8% **lower** than White students' scores in Spring 2019, 8.9% **lower** in Fall 2021, and 9.2% **lower** in Spring 2022.
- Asian students' average assessment score were 4.1% **higher** than White students' scores in Spring 2019, 4.8% **higher** in Fall 2021, and 5.8% **higher** in Spring 2022.
- Students eligible for FRL had assessment scores 10.4% **lower**, on average, than students who were not eligible for FRL in Spring 2019.
- Students at schools where 100% of the students were eligible for FRL had assessment scores 13.1% **lower**, on average, than students at schools where 0% of the students were eligible for FRL in Spring 2019.
- Students at schools where in-person instruction was provided for 100% of the school year had assessment scores 0.1% **higher**, on average, than students at schools where in-person instruction was used for 0% of the school year in Fall 2021, and 1.4% **higher** in Spring 2022.

Exhibit A1: Results of the linear regression on ELA assessment scores

Variable	Estimated Association		
	Spring 2019	Fall 2021	Spring 2022
American Indian/Alaskan Native	-9.8%	-8.9%	-9.2%
Asian	+4.1%	+4.8%	+5.8%
Black/African American	-6.7%	-6.9%	-6.0%
Hispanic/Latino	-4.8%	-5.6%	-5.0%
Native Hawaiian/Other Pacific Islander	-7.9%	-9.8%	-8.6%
Two or more races	-0.4%	-0.6%	-0.3%
Student FRL status	-10.4%	-9.8%	-10.2%
School poverty level	-13.1%	-17.2%	-16.6%
Traditional instruction	N/A	+0.1%	+1.4%

Source: JLARC staff statistical analysis of OSPI assessment data. Student race and ethnicity categories are federal categories derived from OSPI data.

Exhibit A2 presents the results of the regression analysis for the math assessments. The results show how the independent variables affected math scores on each assessment. For example:

- Black/African American students average assessment scores were 8.8% **lower** than White students in Spring 2019.
- Hispanic/Latino students average assessment score were 5.1% **lower** than White students in Spring 2019, 5.9% **lower** in Fall 2021, and 6.0% **lower** in Spring 2022.
- Students eligible for FRL had assessment scores 11.7% **lower**, on average, than students who were not eligible for FRL in Spring 2019.
- Students at schools where 100% of the students were eligible for FRL had assessment scores 15.0% **lower**, on average, than students at schools where 0% of the students were eligible for FRL in Spring 2019, 21.9% **lower**, on average, in Fall 2021, and 20.5% **lower**, on average, in Spring 2022.
- Students at schools where in-person instruction was provided for 100% of the school year had assessment scores 3.3% **higher**, on average, than students at schools where in-person instruction was used for 0% of the school year in Fall 2021, and 2.7% **higher** in Spring 2022.

Exhibit A2: Results of the linear regression on math assessment scores

Variable	Estimated Association		
	Spring 2019	Fall 2021	Spring 2022
American Indian/Alaskan Native	-9.9%	-9.3%	-10.2%
Asian	+9.9%	+12.4%	+10.6%
Black/African American	-8.8%	-9.3%	-8.8%
Hispanic/Latino	-5.1%	-5.9%	-6.0%
Native Hawaiian/Other Pacific Islander	-8.6%	-10.4%	-11.2%
Two or more races	-0.9%	-0.9%	-1.2%
Student FRL status	-11.7%	-12.0%	-11.9%
School poverty level	-15.0%	-21.9%	-20.5%
Traditional instruction	N/A	+3.3%	+2.7%

Source: JLARC staff statistical analysis of OSPI assessment data. Student race and ethnicity categories are federal categories derived from OSPI data.

Appendix B: Teacher survey

JLARC staff surveyed teachers about their experiences during the pandemic

JLARC staff contracted with the Social Development Research Group at the University of Washington (UW) to administer an online survey to Washington state teachers. The survey was administered from March to June 2022. A link to the survey was emailed to 35,273 teachers whose professional email addresses were available in the Office of Superintendent of Public Instruction’s (OSPI’s) professional development system. The UW surveyor team emailed teachers and, when possible, contacted them by telephone to encourage survey response. JLARC staff also emailed school administrators and professional organizations to encourage survey responses and to make the survey available to teachers whose email addresses were not available through OSPI.

The survey consisted of 11 questions about teachers’ experiences and perceptions during the COVID-19 pandemic. Topics included:

- Training and professional development.
- Staffing.
- Grading policies.

- Curriculum coverage.
- Instructional activities.
- Problems teachers faced.
- Barriers to learning opportunities.
- Time spent reviewing material after returning to in-person instruction.

Nearly 7,000 teachers responded from across the state

In total, 6,692 teachers from 228 school districts and 1,475 schools responded to the survey. Responses by grade level and Educational Service District (ESD) are summarized below.

Exhibit B1: Teachers from all grade levels responded to the survey

Grade Level	Number of Respondents
Elementary	3,083
Middle	1,479
High	2,046
Not identifiable	84

Source: JLARC staff analysis of survey data. Some responses could not be linked to a school level (this includes multilevel schools and some charter and tribal compact schools). Some respondents did not provide sufficient information to attribute their responses to a school.

The highest number of responses came from Puget Sound ESD 121 and the lowest number of responses came from ESD 105 (see Exhibit).

Exhibit B2: Responses by ESD

ESD	Counties	Number of Respondents
Northeast Washington ESD 101	Ferry, Lincoln, Pend Oreille, Spokane, Stevens, Whitman, and part of Adams	931
ESD 105	Kittitas, Yakima, and parts of Grant and Klickitat	217
ESD 112	Clark, Cowlitz, Pacific, Skamania, Wahkiakum, and part of Klickitat	743
Capital Region ESD 113	Grays Harbor, Lewis, Mason, Pacific, and Thurston	538
Olympic ESD 114	Clallam, Jefferson, and Kitsap	568
Puget Sound ESD 121	King and Pierce	2,188

ESD	Counties	Number of Respondents
ESD 123	Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla, and part of Adams	469
North Central ESD 171	Chelan, Douglas, Okanogan, and part of Grant	375
Northwest ESD 189	Island, San Juan, Skagit, Snohomish, and Whatcom	639
Unknown		24

Source: JLARC staff analysis of survey data. Some respondents did not provide sufficient information to attribute their responses to an ESD.

Responses were grouped by instruction type (in-person or remote) and school demographics

For analysis, teacher responses were grouped into quantiles for the following categories:

- School enrollment by student race and ethnicity.
- School poverty level, defined by the percentage of students eligible for free and reduced-price lunch (FRL).
- Instruction type, grouped by the percentage of the 2020-21 school year that schools offered fully remote learning or fully in-person learning.

Responses were also grouped by Educational Service Districts (ESDs).

Teachers reported teaching less of their normal curriculum and other challenges during the pandemic

Most teachers reported that they did not receive sufficient training or support to teach remotely

Teachers were asked to rate how strongly they agreed or disagreed with the following statement: "I received sufficient training and support to teach online."

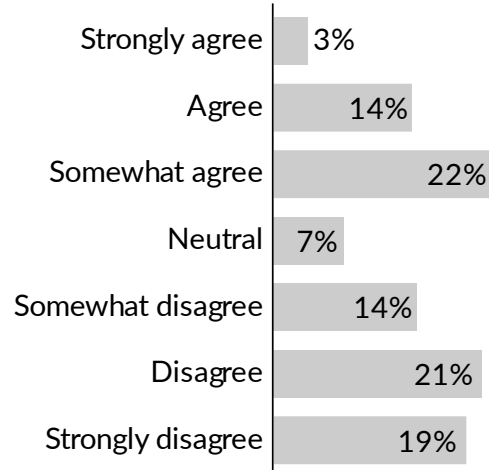
39% of teachers who provided remote instruction agreed (strongly agreed, agreed, and somewhat agreed) that they had received sufficient training and support to teach remotely, compared to 54% who disagreed (strongly disagreed, disagreed, and somewhat disagreed), and 7% were neutral.

On average, teachers reported that they had received four hours of training in how to use virtual learning management platforms and technology, three hours in how to provide remote instruction that is engaging and motivating to students, and two hours in how to address diversity, equity, and inclusion in instruction. Teachers who taught at schools with lower percentages of White students reported receiving more training hours in providing remote instruction that was engaging and accessible and in how to use virtual learning management platforms.

Exhibit B4: Average training hours by school enrollment (percentage of White student population by school)

Training Topic	0-25% White Students	25-50% White Students	50-75% White Students	75-100% White Students
How to provide remote instruction that is engaging and motivating to students	3.7	2.8	2.6	2.0
How to provide remote instruction that support students' social and emotional well-being	2.3	1.7	1.7	1.3

Exhibit B3: Most teachers disagreed that they received sufficient training and support for remote instruction



Source: JLARC staff analysis of survey data.

Training Topic	0-25% White Students	25-50% White Students	50-75% White Students	75-100% White Students
How to use virtual learning management platforms and technology	4.3	3.8	3.8	3.1
How to provide remote instruction that will be accessible to all students, regardless of resources at home (e.g., device or internet access)	1.9	1.3	1.3	0.9
How to make instruction culturally relevant to students	1.8	1.3	1.4	0.8
How to engage parents or guardians in home learning	0.7	0.6	0.6	0.5
How to address diversity, equity, and inclusion in your instruction	2.1	2.2	2.0	1.2
Other	1.8	1.8	1.6	1.1

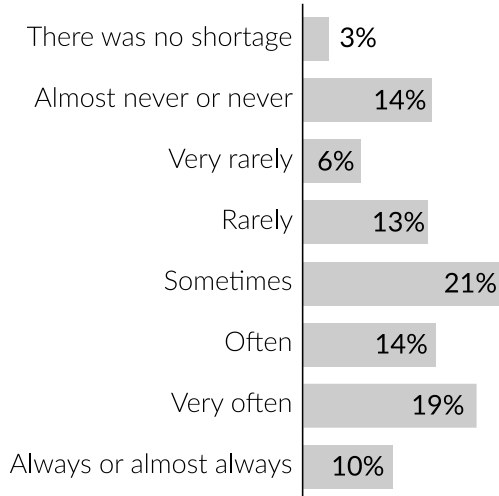
Source: JLARC staff analysis of survey data.

Teachers whose schools spent more time in person reported more staffing shortages

43% of teachers responded that staffing shortages always, almost always, very often, or often affected their teaching, 21% responded that staffing shortages sometimes affected their teaching, and 36% responded that staffing shortages rarely, very rarely, almost never, or never affected their teaching or responded that there was no staffing shortage. Teachers whose schools spent more time in person were more likely to respond that staffing shortages affected their teaching, compared to teachers whose schools spent more time in remote instruction.

Nearly three quarters of teachers reported that policies prohibited

Exhibit B5: Teachers reported how frequently staffing shortages affected their teaching



Source: JLARC staff analysis of survey data.

failing grades during remote instruction

74% of teachers responded that their schools adopted a policy prohibiting awarding failing grades to students. Responses by ESD are summarized below.

Exhibit B6: Grading policies varied by ESD

Did your school adopt a policy prohibiting issuing failing grades?	ESD 101	ESD 105	ESD 112	ESD 113	ESD 114	ESD 121	ESD 123	ESD 171	ESD 189
Yes	71%	72%	73%	77%	78%	78%	62%	62%	81%
No	29%	28%	27%	23%	22%	22%	38%	38%	19%

Source: JLARC staff analysis of survey data.

As noted in Section 1, it was not possible to analyze some indicators of educational equity, such as course passage rates or on-time grade level progression, due to grading policy changes.

Teachers reported covering 59% of their normal curriculum

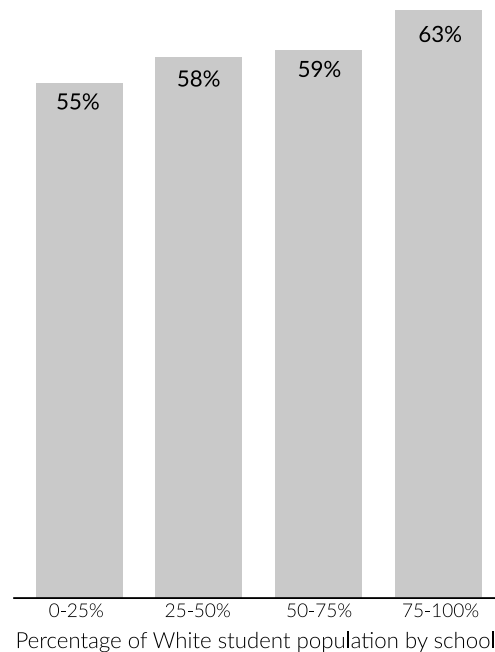
During the 2020-21 school year, teachers reported covering 59% of the material they would have covered in a typical school year. Responses varied by instruction type (see Section 2) and by student race and ethnicity. Teachers at schools with higher percentages of White students reported covering more of their normal curriculum than teachers at schools with lower percentages of White students.

Students missing class was the most frequently reported problem

Teachers were asked to identify problems they faced during the 2020-21 school year. The problems listed in the survey included:

- Students missing some or all of class.
- Students not completing homework assignments.
- Lack of class participation.
- Students dropping out.
- Student apathy.

Exhibit B7: Teachers at schools with higher percentages of White students reported greater curriculum coverage than schools with lower percentages of White students



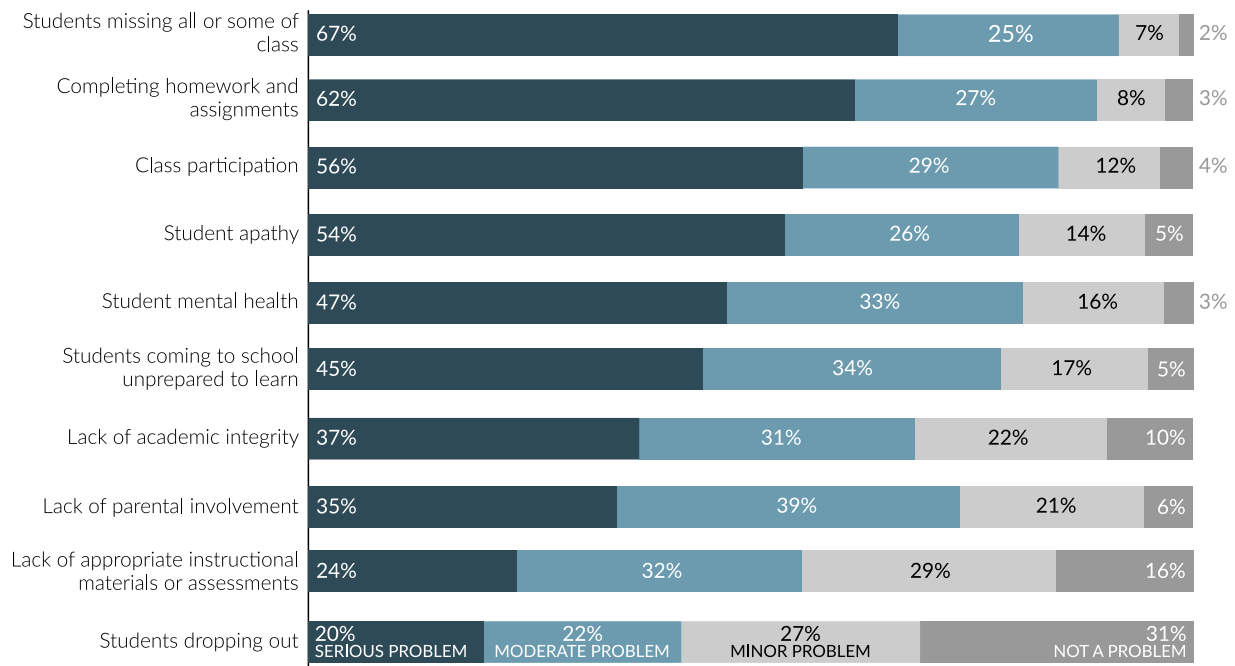
Source: JLARC staff analysis of survey data.

- Lack of parental involvement.
- Students unprepared to learn.
- Poor student mental health.
- Lack of academic integrity.
- Lack of appropriate instructional materials.

Teachers selected if each was “not a problem,” a “minor problem,” a “moderate problem,” or a “serious problem.” Teachers were also provided an opportunity to identify other problems they encountered.

As noted in Section 2, more than half of teachers responded that students missing class, completing homework, class participation, and apathy were serious problems (Exhibit B8).

Exhibit B8: Most teachers reported that students missing class was a serious problem



Source: JLARC staff analysis of survey data.

Responses varied by school poverty level and student race and ethnicity (see Section 2) and school poverty level. For example, 74% of teachers at high-poverty schools reported that students missing class was a serious problem compared to 52% of teachers at low-poverty schools.

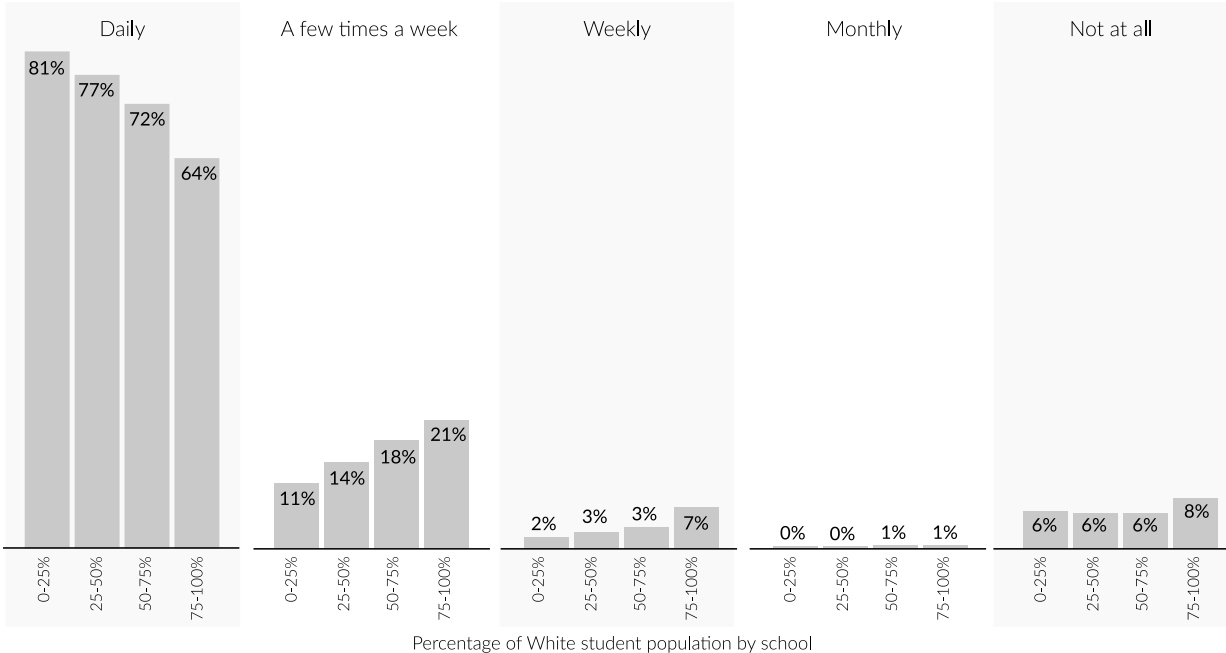
Nearly three quarters of teachers reported daily live instruction during remote learning

Teachers were asked how frequently they performed the following instructional activities:

- Held live class/instruction.
- Provided pre-recorded videos of instruction to students.
- Provided other types of asynchronous content (e.g., emails, worksheets, online learning platforms).

74% of teachers responded that they had held live class/instruction daily when their schools were in remote learning. Responses varied by student race and ethnicity. For example, teachers at schools with lower percentages of White students were more likely to hold daily live instruction.

Exhibit B9: Teachers at schools with lower percentages of White students were more likely to report holding live class daily when their schools were in remote learning



Source: JLARC staff analysis of survey data.

Teachers identified barriers to equitable learning opportunities

Teachers were asked the extent to which the following issues were a barrier to providing equitable learning opportunities to students during the 2020-21 school year:

- Access to digital devices (e.g. a computer or tablet).
- Access to reliable internet connection.

- Capacity of family members to support student learning at home.

Responses are presented in the table below.

Exhibit B10: Teachers reported barriers to equitable learning opportunities

Barriers	Access to Digital Devices (e.g. a computer or tablet)	Access to Reliable Internet Connection	Capacity of Family Members to Support Student Learning at Home
Not a barrier	43%	8%	2%
A barrier for few	28%	37%	12%
A barrier for some	26%	48%	57%
A barrier for all	3%	7%	30%

Source: JLARC staff analysis of survey data.

Responses varied by student race and ethnicity (see Section 2) and by school poverty level. Teachers were also provided the opportunity to identify other barriers to student learning.

Many teachers reviewed material from the previous year

During the 2021-22 school year, 38% of teachers reported that their time was evenly split between teaching new material and reviewing material that would ordinarily have been covered in the previous year. 45% reported teaching mostly or all new material.

Exhibit B11: Teachers reported how much time they spent reviewing the previous years material or teaching new material during the 2021-22 school year

Reviewing Previous Year Material vs New Material	Percentage of Teachers
All or almost all review	6%
Mostly review	11%
About evenly split	38%
Mostly new	35%
Almost all or all new	10%

Source: JLARC staff analysis of survey data.

Appendix C: Applicable statutes and proclamations

RCW 28A.300.042, Proclamation 20-09, Proclamation 20-09.1, Proclamation 20-09.2, Proclamation 21-05.1

Collection and submittal of student-level data—Student data-related reports—Disaggregation of data by subgroups—Modification of statewide student data systems.

RCW 28A.300.042

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the sub-racial and sub-ethnic categories within those guidelines, with the following modifications:

- (a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;
- (b) Further disaggregation of countries of origin for Asian students;
- (c) Further disaggregation of the White category to include sub-ethnic categories for Eastern European nationalities that have significant populations in Washington; and
- (d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom sub-racial and sub-ethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;

- (e) School;
 - (f) Grade level;
 - (g) Behavior infraction code, including:
 - (i) Bullying;
 - (ii) Tobacco;
 - (iii) Alcohol;
 - (iv) Illicit drug;
 - (v) Fighting without major injury;
 - (vi) Violence without major injury;
 - (vii) Violence with major injury;
 - (viii) Possession of a weapon; and
 - (ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;
 - (h) Intervention applied, including:
 - (i) Short-term suspension;
 - (ii) Long-term suspension;
 - (iii) Emergency expulsion;
 - (iv) Expulsion;
 - (v) Interim alternative education settings;
 - (vi) No intervention applied; and
 - (vii) Other intervention applied that is not described in this subsection (4)(h);
 - (i) Number of days a student is suspended or expelled, to be counted in half or full days; and
 - (j) Any other categories added at a future date by the data governance group.
- (5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:
- (a) School and district;
 - (b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;
 - (c) Behavior infraction code; and
 - (d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

[2016 c 72 § 501; 2013 2nd sp.s. c 18 § 307; 2009 c 468 § 4.]

NOTES:

Finding—Intent—2016 c 72: See note following RCW 28A.600.015.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Findings—Intent—2009 c 468: See note following RCW 28A.300.136.

Statewide K-12 School Closures

Proclamation 20-09

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, and 20-08 exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the spread of COVID-19 has been classified by the World Health Organization as a pandemic that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the COVID-19 disease has spread quickly across the state of Washington, beyond the original community outbreaks in King, Pierce, and Snohomish counties, significantly increasing the threat of significant associated health risks statewide; and

WHEREAS, confirmed cases of COVID-19 have now spread to 15 counties in Washington State, which represents 75% of the State's population, and the number of positive test results have increased 29% in the last four days; and

WHEREAS, while we do not fully understand the role children have in transmitting the virus, we do know they have a significant role in transmitting other respiratory viruses; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, it is necessary to implement additional stringent measures to limit opportunities for disease transmission statewide beyond King, Pierce, and Snohomish counties; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a state of emergency continues to exist in all counties of Washington State, that Proclamations 20-05, 20-06, 20-07, and 20-08 remain in effect, and that Proclamation 20-08, pertaining to activities by public school districts, charter schools, and private schools, is amended to expand its application to all counties of the state of Washington, and shall continue to remain in effect from 12:01 a.m. on March 17, 2020, until 12:00 p.m. on April 24, 2020, unless extended beyond that date.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 13th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

Statewide K-12 School Closures

Proclamation 20-09.1

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, 20-27, 20-28, 20-29, 20-30, 20-31, 20-32, 20-33, 20-34, 20-35, 20-36, 20-37, 20-38, 20-39, 20-40, 20-41, and 20-42, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, as a result of increasing rates of COVID-19 related infections, hospitalizations and death, I issued Proclamation 20-25.1 on April 2, 2020, extending Proclamation 20-25 “Stay Home – Stay Healthy”, continuing the prohibitions on all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein, until May 4, 2020; and

WHEREAS, there are currently at least 7,984 cases of COVID-19 in Washington State with 338 associated deaths, and models predict that many hospitals in Washington State may reach capacity or become overwhelmed with COVID-19 patients within the next few weeks unless we significantly slow its spread throughout the State; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, protect our people from its effects, and reduce the impact on our health care system, it is necessary to continue stringent social distancing and sanitation requirements, restrictions on gatherings and personal interactions, and closure of our K-12 schools statewide; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department

of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08 and 20-09 (Statewide K-12 School Closures) are amended to extend the prohibitions and expiration dates therein, unless modified herein, until 11:59 p.m. on June 19, 2020. All other provisions of Proclamations 20-08 and 20-09 shall remain in full force and effect. Although all prohibitions in 20-08 and 20-09 are extended by this order, the following prohibitions that apply in all counties of the state of Washington are repeated here as a convenience to the reader:

- Each public school district, charter school, and private school is prohibited from conducting in-person educational, recreational, and other K-12 school programs using their school facilities; and
- The Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind are prohibited from conducting student educational and outreach services.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

ADDITIONALLY, although all other provisions of Proclamations 20-08 and 20-09 are extended by this order, the following provisions in 20-08 and 20-09 are repeated here as a convenience to the reader:

- Nothing in this order shall be construed as precluding a public school district, charter school, or private school from using their school facilities to provide childcare, nutrition programs, and other social services necessary to preserve and maintain life, health, property or the public peace.

- Further, nothing in this order shall be construed as precluding public school districts, charter schools, or private schools from providing supports to students necessary to meet course and credit requirements for high school graduation.

FURTHERMORE, if a public school or private school determines that the provision of in-person educational services on the premises of a school facility is essential and necessary under state or federal law, nothing in this order precludes the school from providing the services on site. However, schools are prohibited from providing these essential and necessary services unless state Department of Health guidelines for social distancing and proper hygiene practices are followed at all times.

FURTHERMORE, I strongly encourage all K-12 schools subject to this extension of Proclamations 20-08 and 20-09 to continue providing distance learning services through June 19, 2020, to the extent reasonably possible.

ADDITIONALLY, consistent with receiving ongoing school apportionment funding, I strongly encourage school districts, and the exclusive representatives of school employees, to continue to work together to ensure distance learning opportunities for all students during the duration of the school closure.

ADDITIONALLY, I encourage all K-12 schools subject to this extension of Proclamations 20-08 and 20-09 to immediately plan for the potential extension of these prohibitions into the summer and fall of 2020, should it be determined necessary to help preserve and maintain life, health, property or the public peace in response to the COVID-19 State of Emergency.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 6th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

Phased Re-Opening of K-12 Schools

Proclamation 20-09.2

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53 and 20-55 through 20-57, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, 20-25.1, 20-25.2 and 20-25.3 (Stay Home – Stay Healthy), and 20-25.4 (Safe Start WA), all of which limit people in Washington State from leaving their homes except to participate in certain permitted activities; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system;

WHEREAS, health professionals and epidemiological modeling experts indicated that continued operation of schools could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, 20-09, and 20-09.1, I prohibited public school districts, charter schools, and private schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, schools are the foundation of Washington's communities, and in addition to traditional classroom education, schools provide a variety of vital services to students, families and communities that play a vital role in students' ability to succeed, including academic supports, special education supports, health therapies, mental/behavioral supports, access to nutritious food, and other community services; and

WHEREAS, closing our schools has been stressful for all Washingtonians, and has been particularly difficult for children with heightened social, physical, developmental, or emotional needs, and those who rely on our schools to provide services, structure, and positive social interactions; and

WHEREAS, although parents, students, school teachers, and administrators have made tremendous efforts to continue to function through distance learning, and I recognize their extraordinary resilience, strength, adaptability, and courage, all agree that re-opening our schools and restarting face-to-face learning as soon as can be safely accomplished will benefit our children, families and communities; and

WHEREAS, although the Department of Health indicates that on June 1, 2020, there were 21,977 cases of COVID-19 in Washington State with 1,124 associated deaths and as of June 11, 2020, there currently are 24,652 cases of COVID-19 with 1,190 associated deaths, demonstrating the ongoing, present threat of this lethal disease, health professionals and epidemiological modeling experts predict that we have passed the peak of the first wave of COVID-19 in the state and we have made adequate progress against COVID-19 as a state to modify statewide closure of K-12 school facilities; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to re-open schools only through a careful, phased, flexible, and science-based approach; and

WHEREAS, the science suggests that by ensuring safe social distancing and hygiene practices, and modifying procedures and facilities, many school functions can be conducted with limited risk of exposure and spread of COVID-19; and

WHEREAS, school programs, activities, and services offered during the summer generally involve fewer students than school-year programs, activities, and services, and accordingly are well-suited to operate with the modified procedures and facilities necessary for a safe opening; and

WHEREAS, all schools must engage in planning for fall programs, activities, and services, and they must do so well in advance of the fall; and

WHEREAS, schools will continue to need to prepare to be flexible to pivot in whole or in part to distance learning if there is an outbreak of COVID-19 in their county or within their school community and to follow guidance from the Department of Health, the Department of Labor and Industries, and the Superintendent of Public Instruction to help mitigate risk to students, teachers, and the community; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), Proclamations 20-08, 20-09, and 20-09.1 are amended to extend all of the prohibitions and each expiration date therein until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, except as amended to allow re-opening as provided in this order and subject to the requirements in the K-12 Schools Summer 2020 Guidance document found here and the Re-opening K-12 Fall 2020-2021 Guidance document found here.

FURTHERMORE, until there is an effective vaccine, effective treatment or herd immunity, it is crucial, and therefore ordered, that schools implement and require all personal protective behaviors set forth in the K-12 Summer 2020 Services During the COVID-19 Outbreak and the COVID-19 School Worksite K-12 Fall 2020 Services guidance documents.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect on June 20, 2020, and will remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Signed and sealed with the official seal of the state of Washington on this 11th day of June, A.D., Two Thousand and Twenty at Olympia, Washington.

Children and Youth Mental Health Crisis

Proclamation 21-05.1

WHEREAS, on February 29, 2020, I proclaimed a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations; and

WHEREAS, I issued many amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including prohibiting most schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, as well as certain student educational and outreach services; and

WHEREAS, closing school facilities contributed to Washington's efforts to minimize the spread and impact of COVID-19, but the closure of schools has also been stressful for many

Washingtonians, particularly for many children and youth; and for many Washington children, it is feared that the lack of in-person learning and other school-based supports may result in gaps in students' learning and development that may last a lifetime; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) noted that schools provide numerous benefits beyond education, including school meal programs and social, physical, behavioral, and mental health services, and because of their critical role for all children and the disproportionate impact that school closures can have on those with low incomes, K-12 schools should be the last settings to close after all other COVID-19 mitigation measures have been employed and the first to reopen when they can do so safely; and

WHEREAS, hospitals and health professionals who specialize in the treatment of children indicate that many of Washington's children and youth are experiencing a significant mental and behavioral health crisis as a result of the ongoing pandemic, which has been exacerbated by continued isolation, difficulty engaging with virtual learning, and lack of regular in-person interaction with educators, school personnel, mentors and peers; and

WHEREAS, early school-age children are at a critical juncture for social and emotional learning, such as formation of positive relationships, peer interaction, self-awareness and self-management, development of social skills, and decision-making, and these domains are essential for school success but are not readily learned in the absence of in-person interaction; and

WHEREAS, pediatric physicians have recently observed the following:

- Since the physical closure of schools, pediatricians are seeing a significant increase in youth with eating disorders, anxiety, mood disorders, and depression with suicidal thoughts or self-harm behaviors; and
- Most families experience long wait times and limited access to mental health services; and
- LGBTQ2+ youth have specific challenges navigating limited social support when affirmation and support is particularly important, resulting in sleep disturbances, decreased physical activity leading to unhealthy weight gain, and abuse of substances; and
- A significant number of previously stable youth have experienced now-onset or exacerbated eating disorders, depression, or anxiety, with some requiring increased use of medications, hospitalization, or other higher levels of care; and
- Children are experiencing a significant sense of isolation and loss, which is negatively impacting their learning and grades; and
- Although we have, for the time being, averted the crisis of overwhelming hospital capacity related to COVID-19 cases, we are in the midst of another crisis related to the mental health of many of our children; and

WHEREAS, at nearly every data point, Sacred Heart Children's Hospital in Spokane has reported a substantial increase in pediatric patients with behavioral health diagnoses as a primary concern

during COVID-19, despite the general tendency to avoid health care settings to avoid exposure to COVID-19, including the following:

- Acute care admissions to its Inpatient Adolescent Psychiatric Unit increased 73% in 2020 as compared to 2019, and
- Acute care admissions to its General Pediatric Floor for behavioral health issues increased 68% in 2020 compared to 2019; and

WHEREAS, Seattle Children's Hospital has reported that:

- The Psychiatric Unit is currently the most over-capacity/over-stressed part of the hospital; and
- Unlike before the COVID-19 pandemic, it is now normal for 1 to 2 children to be admitted every night at Seattle Children's for attempted suicide; and
- Parent calls seeking referrals to outpatient mental health providers have significantly increased in 2020 compared to 2019; and

WHEREAS, Swedish Medical Center has reported that, despite a lack of designated pediatric inpatient psychiatry beds:

- The percentage of pediatric inpatient admissions in its hospital for behavioral health reasons and/or suicide attempt has dramatically increased from 7.5% in 2018, 6.2% in 2019, 10.8% in 2020, to 24.5% in the first 2 months of 2021; and
- During COVID-19, pediatric hospital physicians are seeing many more children and adolescents with new-onset depression and anxiety, initial suicide attempts, and new-onset need for behavioral health treatment; and

WHEREAS, Mary Bridge Children's Hospital has reported:

- The 14-day medical admission rate for mental health reasons increased approximately 67% from March 2020 to February 2021; and
- 60% of patients admitted to medical wards for mental health reasons are age 15-18 and 40% of these patients are age 14 and younger; and

WHEREAS, University of Washington Medicine reports that for patients under the age of 27, depression and anxiety are now the two most common diagnoses, and, when compared against 2019 data, it has seen 1,723 more patients with depression and 2,968 more patients with anxiety in 2021; and

WHEREAS, recent data from the CDC also shows that the proportion of emergency department visits related to mental health crises has increased for young children and adolescents since the pandemic started, reaching levels in late-March through October 2020 substantially higher than during the same period in 2019; and in Washington State, preliminary data suggest the relative reported emergency department visit count for suicidal ideation, suspected suicide attempt, and psychological distress are higher in the first few weeks of 2021 than the rates in corresponding weeks of 2019 and 2020 and show an increase from the end of 2020; and

WHEREAS, the children and adolescents presenting in mental health crises to hospitals or emergency rooms are the most severe cases and represent just a small portion of the entire population of youth in Washington who are suffering from increased mental and behavioral health needs, educational setbacks, and developmental concerns; and

WHEREAS, the Office of Superintendent of Public Instruction reports that student absences increased by 60% for middle school students in January 2021 compared to January 2020. Across all grades, for students receiving English learner services and students whose families are experiencing poverty, absences doubled in that same timeframe. In addition, 25% of all high school students did not receive credit in at least one course this school year. This is a 42% increase from the 2019-2020 school year. The increase in not receiving credit in courses is most significant for students experiencing poverty, and disproportionately impact students who are American Indian/Alaskan Native, and students who are Latino; and

WHEREAS, while school-age child care and youth development programs have been able to provide basic supports to some children, many programs and facilities that offer vital support to children and youth facing physical, mental, or socio-economic crises have been and remain unavailable due to restrictions imposed in response to the COVID-19 pandemic; and

WHEREAS, the multiple, overlapping effects on our children of continuing school facility closures on our children and adolescents constitutes an emergency related to and amplified by, but distinct from, the threat posed by the COVID-19 pandemic; and

WHEREAS, epidemiologists and infection prevention physicians, including those associated with the Washington Chapter of the American Academy of Pediatrics and the Washington Department of Health, believe that each region of our state has made adequate progress to reduce community levels of COVID-19 such that, by implementing multi-layered infection prevention protocols, K-12 school facilities can safely reopen for, at a minimum, hybrid learning; and

WHEREAS, on-campus, in-person instruction can be done safely, as evidenced by the demonstrated success of over 1,400 Washington schools that have experienced minimal in-school transmission; and

WHEREAS, on March 19, 2021, the CDC issued updated K-12 education guidance revising physical distancing recommendations to reflect at least 3 feet between students in classrooms, and providing clearer guidance when a greater distance, such as 6 feet, is recommended; and

WHEREAS, on March 25, 2021, the Washington Department of Health issued updated K-12 guidance that aligns with CDC's physical distancing recommendations and the science on COVID-19 transmission in K-12 schools; and

WHEREAS, on March 25, 2021, the Department of Labor and Industries' updated its health and worker safety protocols and measures, which must be followed to protect staff, students, and families; and

WHEREAS, increasing the option to return to school facilities for all K-12 students will help to prevent or curtail mental and behavioral health issues for many students by reducing isolation

and improving in-person access to educators, school personnel, mentors and peers, but it is not a panacea for the long-standing need for accessible behavioral health services and supports for our children and youth. It is only a part of the solution to addressing mental and behavioral health issues for children and youth, many of whom will also need greater access to and availability of behavioral health services and supports, in and outside of schools, in order to forestall lifelong impacts from this pandemic; and

WHEREAS, teachers have been creative and have worked very diligently to provide remote learning, and some students and families have benefited from remote learning. But student/parental choice with regard to in-person learning must be respected during the ongoing pandemic, and remote-learning options must be preserved to serve those students; and

WHEREAS, the lack of statewide in-person K-12 schooling affects the life and health of our people as well as the economy of Washington State, and remains a public disorder or disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to alleviate the impacts to people, property, and infrastructure from the COVID-19 emergency and the new emergency developing from the lack of statewide in-person K-12 schooling; and

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency exists in all counties of Washington State due to the current status of the mental and behavioral health of many of Washington's children and youth, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from this mental health crisis.

As a result of this event, I also hereby order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the crisis. Additionally, I direct the Washington State Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h) to help preserve and maintain life, health, property or the public peace, I hereby prohibit all public school districts, including charter schools, in the state of Washington from failing to offer all K-12 students the opportunity to engage in both remote/on-line instruction and on-campus/in-person instruction, otherwise known as a hybrid model of K-12 instruction, and I also hereby prohibit all public school districts, including charter schools, in the state of Washington

from offering or continuing to offer a remote/online instruction option without also offering an on-campus/in-person instruction option that is consistent with Department of Health guidance, found here, and the Department of Labor and Industries' requirements for employee safety as dictated by the School Employer Health and Safety Requirements found here, and as further provided below:

- By April 5, 2021, all elementary grade students (K-5 or K-6, depending on the district) must be provided with an opportunity to engage in a hybrid model of instruction; and
- By April 19, 2021, all remaining K-12 students must be provided with an opportunity to engage in a hybrid model of instruction. School districts may stagger/phase-in grades to achieve this requirement by April 19, 2021; and
- By April 19, 2021, all school districts must offer at least 30% of average weekly instructional hours as on-campus, in-person instruction for all K-12 students who wish to attend in-person.
- In addition:
 - All school districts are permitted, but not required, to follow the CDC's guidance for reopening K-12 schools, found here, which provide, in part, that it is generally safe to reduce distance between students in the classroom from 6 feet to 3 feet. School districts are permitted, but not required, to follow the CDC's guidance immediately; and
 - Under no circumstances may a student be offered less than 2 days (which may be partial days) of on-campus, in-person instruction per week; and
 - All school districts must continue to work to exceed the 30% minimum instructional hours; and
 - Subject to the physical distancing parameters implemented by the school district, all school districts must reach the school's maximum capacity and maximum frequency of on-campus, in-person instruction that the school can provide, when all health and safety recommendations and requirements are applied, as soon as possible; and
 - If a school district currently provides or proposes to adopt a hybrid instruction model that deviates from the parameters specified above, the Office of Superintendent of Public Instruction may approve the schedule of any such school district operating unique hybrid learning models that meets the intent of the prohibitions in this order.

FURTHERMORE, I also hereby direct our Health Care Authority and Department of Health to immediately begin work on recommendations on how to support the behavioral health needs of our children and youth over the next 6 to 12 months and to address and triage the full spectrum of rising pediatric behavioral health needs.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

This order goes into effect immediately and will remain in effect until the end of this mental health emergency or until rescinded.

Signed and sealed with the official seal of the state of Washington on this 26th day of March, A.D., Two Thousand and Twenty-One at Olympia, Washington.

RECOMMENDATIONS & RESPONSES

Legislative Auditor Recommendations

The Legislative Auditor makes two recommendations regarding data collection and monitoring

Recommendation #1: OSPI should finish collecting more detailed race and ethnicity data for all students, in accordance with 2016 state legislation

RCW 28A.300.042 requires OSPI to collect student race and ethnicity data that is more detailed than federal law requires.

OSPI should use a quality control system to ensure accurate and complete race and ethnicity data is collected. The collected data should be validated for accuracy, consistency, and comparability, and be delivered transparently to inform timely policymaking.

As directed by RCW 28A.300.042(6), OSPI shall provide training to school staff on best practices in collecting student race and ethnicity data.

Legislation Required: None

Fiscal Impact: None

Implementation Date: October 2023

Agency Response: OSPI concurs with this recommendation.

Recommendation #2: OSPI should establish a process to monitor school districts' implementation of their Academic and Student Well-being Recovery Plans, in accordance with 2021 state legislation

The 2021 Legislature (ESHB 1368) directed schools to report their progress implementing their Academic and Student Well-being Recovery Plans to OSPI. As it establishes a process to monitor districts' implementation, OSPI should consider:

- Collecting data to determine how much districts are spending on specific interventions to help students recover academically.
- Assisting districts in the three-phase continuous improvement process, involving planning, data collection, analysis, progress monitoring, strategy, and implementation, that OSPI described in its state plan for American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) funds submitted to the US Department of Education.
- Establishing systems to evaluate the impacts of school districts' ESSER spending, including oversight, monitoring, performance measurement, or outcome evaluation of districts' ESSER-funded investments to ensure that funds are achieving districts' goals.
- Ensuring that district interventions address the disproportionate impact of the COVID-19 pandemic on underserved students, including students from racial and ethnic groups.

OSPI should report to the Legislature on districts' progress implementing their plans.

Legislation Required: None

Fiscal Impact: None

Implementation Date: June 2023 for initial plan, and ongoing to monitor

Agency Response: OSPI partially concurs with this recommendation.

OSPI Response

Old Capitol Building
PO Box 47200
Olympia, WA 98504-7200

k12.wa.us



Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

March 14, 2023

Mr. Eric Thomas, Legislative Auditor
Joint Legislative Audit and Review Committee
106 11th Ave. SW
Olympia, WA 98504-0910

Dear Mr. Thomas:

Thank you for the opportunity to provide a response to the Joint Legislative Audit and Review Committee (JLARC) report, "Racial Equity Effects of Restricting In-Person Education During the COVID-19 Pandemic" on behalf of the Office of Superintendent of Public Instruction (OSPI).

Over the past several months, OSPI has sought to clarify the recommendations outlined in JLARC's report by providing extensive documentation in a technical review document, multiple emails, multiple meetings with staff, and through public testimony during the Committee's hearing for the preliminary report.

It is critically important to recognize that public K–12 schools are the most accountable system within the education sector, with multiple state and federal processes and reporting mechanisms in place to monitor and report on expenditures and student outcomes. In addition, Congress was very intentional to make the Elementary and Secondary School Emergency Relief (ESSER) dollars incredibly flexible, so schools were able to quickly respond to the emerging and changing needs of their students and staff throughout the COVID-19 pandemic.

As a result of this unprecedented flexibility, local educational agencies (LEAs) used ESSER funds in combination with state and local dollars to ensure health and safety, as well as to maintain continuous learning. It was critical that LEAs were granted this substantial flexibility as the pandemic morphed from a massive public health response (masks, sanitization, thermometers, laptops, etc.) to one of learning and well-being recovery and acceleration (tutoring, summer and after-school learning, mental health supports, and much more).

Further, attempting to distinguish the specific impacts of ESSER dollars—which averaged **just 5%** of the investments in our schools per year in fiscal years 2022 and 2023—from schools' permanent funding sources (state, federal, and local dollars) is not practical or reasonable, given the intertwined nature of the provision of supports and activities within the school environment.

Mr. Eric Thomas, Legislative Auditor
 March 14, 2023
 Page 2

OSPI does not fully concur with the JLARC recommendations, and additional detail about the agency’s position is provided below.

JLARC RECOMMENDATION	OSPI POSITION	COMMENTS
OSPI should establish a process to monitor school districts’ implementation of their Academic and Student Well-being Recovery Plans, in accordance with 2021 state legislation.	Partially concur.	Multiple systems already exist for reporting expenditures, school progress, and outcomes following recovery plans. If the U.S. Department of Education requires additional monitoring of American Rescue Plan (ARP) ESSER plans with published templates and guidelines, OSPI will move expeditiously to add additional monitoring to the existing system.
OSPI should finish collecting more detailed race and ethnicity data for all students, in accordance with 2016 state legislation.	Concur.	The more detailed race and ethnicity data collection is already complete. As required by the law, all districts will be in compliance by the end of the 2022–23 school year.

Accountability Monitoring

The JLARC recommendation states, “OSPI should establish a **process to monitor** school districts’ implementation of their Academic and Student Well-being Recovery Plans.” Meanwhile, House Bill 1368 (2021) stated, “Schools must report **progress on implementing** the plan in a manner identified by OSPI.”

First, it is necessary to again recognize the unprecedented flexibility of ESSER dollars. After listing multiple specific allowable use categories including safety, air quality, professional learning, facility upgrades, and more, the federal guidance concluded with the following allowable use:

“Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies (LEAs) and continuing to employ existing staff of the LEA.” ([Coronavirus Response and Relief Supplemental Appropriations Act, Section 313\(d\)](#))

OSPI has monitored LEAs consistent with state and federal law. And, consistent with federal law, LEAs maintained real-time local flexibility to deploy their emergency relief dollars as necessary, consistent with federal law, to meet the needs of their students, staff, and communities.

Mr. Eric Thomas, Legislative Auditor
March 14, 2023
Page 3

Second, in Washington's State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund, which was approved by the U.S. Department of Education on November 24, 2021, OSPI specified progress monitoring and data collection requirements defined by the Department (see attached table: Summary of OSPI Monitoring – House Bill 1368 and Washington State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund).

Multiple progress monitoring systems are and have been in place for tracking expenditures, student outcomes, and student progress. These include:

- Revenue and Expenditure codes specific to the distinct separate ESSER funding streams were added to the school district accounting structure prior to the 2021–22 school year.
- The student-level data collected and reported within the Comprehensive Education Data and Research System (CEDARS) on student demographics, characteristics, and outcomes; including absences, exclusionary discipline, dual credit course-taking, and credits earned.
- The [Washington State Report Card](#), Washington's school-, district-, and state-level data system on students, educators, and schools for public use.
 - Student data: Annually reported student measures, by school and student groups. These measures include assessment, absence, dual credit, 9th grade on track, and graduation.
 - Educator data: Annually reported classroom teacher measures by school, including demographics, credentials, teaching assignments, and qualifications.
 - Fiscal data: Actual expenditures by accounting codes and per pupil expenditures.
- The [Washington School Improvement Framework](#) (WSIF), the state's federal accountability system for all schools. (Note: OSPI will release the next identification of schools in need of supports in March 2023.) WSIF data are available on [Report Card](#).
- The National Assessment of Educational Progress (NAEP), the nation's only representative cross-state comparison of student achievement.
- OSPI monitors LEAs under the Elementary and Secondary Education Act (ESEA) through the agency's Comprehensive Program Review (CPR) process. This process fulfills OSPI's compliance monitoring requirements under federal regulations (2 CFR 200).

In addition, under the federal Every Student Succeeds Act (ESSA-(§1111(c)(4)(b))), states are required to report on various performance measures. These include student academic achievement, student growth, English language proficiency progress, graduation rates, and indicators of school quality and student success (i.e., attendance rates, 9th graders on track, and dual credit participation).

During the COVID-19 pandemic, across the nation, the [federal government suspended state assessments and accountability](#) during spring of 2020. State assessments resumed across the nation in the spring and fall of 2021. Due to the suspension in 2020, the Washington School Improvement Framework (WSIF) was also suspended until there was sufficient data to calculate the index. In March 2023, OSPI will publish the updated WSIF scores, and carry out any

Mr. Eric Thomas, Legislative Auditor
March 14, 2023
Page 4

additional monitoring of ARP ESSER funds that may be required by the U.S. Department of Education by way of revised templates and additional guidance.

Race and Ethnicity Data Collection

In the second recommendation, JLARC asserts that OSPI should collect more detailed race and ethnicity data for all students, in accordance with 2016 state legislation.

The more detailed race and ethnicity data collection is already complete. The Race and Ethnicity Student Data Task Force made recommendations and OSPI incorporated the more detailed race and ethnic categories into the CEDARS data collection. Districts had four years to implement the new detailed student level data reporting. These were phased in over the 2018–19 through 2021–22 school years. Effective for the 2022–23 school year, districts must use the new codes.

Thank you for the opportunity to provide final feedback on your recommendations. As a reminder, as part of our previous submissions, we have sent you the following documents:

1. Summary of OSPI Monitoring - HB 1368 and Washington State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund
2. JLARC Report: OSPI Technical Review
3. Comprehensive Summary of ARP ESSER Monitoring

Please do not hesitate to reach out to my office with additional questions.

Sincerely,



Chris Reykdal
Superintendent of
Public Instruction

cc: Aaron Cavin, Research Analyst, JLARC
Vivien Chen, Demographer Research Analyst, JLARC
Joshua Karas, Quantitative Research Analyst, JLARC
Stephanie Seto, Research Analyst, JLARC

OFM Response

The Office of Financial Management (OFM) was given an opportunity to comment on this report. OFM responded that it does not have any comments.

Legislative Auditor's Response to Agency Comments

OSPI partially concurs with our recommendation to develop a process to monitor school districts' implementation of Academic and Student Well-being Recovery Plans.

Although OSPI has developed systems to monitor expenditures and outcomes, it has not established a process for districts to report their progress implementing these plans or evaluate outcomes. Its response suggests that it will act if required by the US Department of Education, despite 2021 legislative direction to identify how schools will report progress.

The lack of information from districts about their implementation of recovery plans limits OSPI's ability to help them adapt learning recovery strategies and interventions based on district results, as anticipated in OSPI's plan for ESSER funding.

OSPI should implement the recommendation to fulfill legislative direction. Doing so will also position it to respond to expected federal requirements for additional information about interventions for students disproportionately impacted by the pandemic.



Eric Thomas
Legislative Auditor

Current Recommendation Status

JLARC staff follow up on the status of Legislative Auditor recommendations to agencies and the Legislature for four years. The most recent responses from agencies and status of the recommendations in this report can be viewed on our [Legislative Auditor Recommendations page](#).

MORE ABOUT THIS REVIEW

Audit Authority

The Joint Legislative Audit and Review Committee (JLARC) works to make state government operations more efficient and effective. The Committee is comprised of an equal number of House members and Senators, Democrats and Republicans.

JLARC's nonpartisan staff auditors, under the direction of the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the Committee.


The statutory authority for JLARC, established in [Chapter 44.28 RCW](#), requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

Committee Action to Distribute Report

On May 10, 2023 this report was approved for distribution by the Joint Legislative Audit and Review Committee. Action to distribute this report does not imply the Committee agrees or disagrees with Legislative Auditor recommendations.

Study Questions

Click image to view PDF of proposed study questions.



PROPOSED STUDY QUESTIONS


How Restricting In-Person K-12 Education Due to COVID-19 Impacted Racial Equity

State of Washington Joint Legislative Audit and Review Committee December 2021

Study will analyze whether restricting in-person K-12 education during the pandemic had different impacts across racial groups

On February 29, 2020, Governor Inslee declared a state of emergency for all counties in Washington due to COVID-19. Subsequent proclamations restricted in-person education for the remainder of the 2019-20 school year.

School districts were allowed to reopen their buildings in the early part of the 2020-21 school year if they met certain conditions. These included rules and guidance from local health officers, the Department of Health, the Office of the Superintendent of Public Instruction, and the Department of Labor and Industries. Districts reopened on varied timelines and used different modes of instruction, including online learning and hybrid learning. All districts were required to offer at least some in-person instruction by mid-April 2021.



At its June 2021 meeting, the Joint Legislative Audit and Review Committee directed staff to analyze how restricting in-person education impacted educational opportunities and outcomes across racial groups.





Districts are receiving additional federal funding to address the pandemic's impact on student learning

In response to the pandemic, the federal government provided \$2.9 billion to the Office of the Superintendent of Public Instruction to distribute to local school districts. The districts must use a percentage of this funding to address the potential disproportionate impact of the pandemic on learning for certain subgroups of students. Districts must spend the additional money by September 2024.

This study will address the following questions:

1. Did restricting in-person K-12 education due to the COVID-19 pandemic have different impacts across racial groups?
 - a. What educational opportunities did Washington's school districts provide between March 2020 and June 2021 (e.g. access to instruction and qualified teachers, rigorous coursework, learning tools such as laptops and internet)?
 - b. Which modes of instruction were used (e.g. online, in-person, hybrid)?
 - c. Were there impacts to K-12 educational outcomes, such as test scores, on-time grade-level progression, graduation rates, and drop-out rates?
2. How are school districts addressing any impacts of the COVID-19 pandemic on racial disparities in education?

Districts did not administer annual statewide assessments at the end of the 2019-20 or 2020-21 school years. This may limit JLARC staff's analysis of educational outcomes.

 **JOINT LEGISLATIVE AUDIT & REVIEW COMMITTEE** 106 11th Ave SW, Olympia, WA 98501
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Study Timeframe

Preliminary Report: September 2022 Proposed Final Report: November 2022

Study Team

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JLARC Study Process



Methodology

The methodology JLARC staff use when conducting analyses is tailored to the scope of each study, but generally includes the following:

- **Interviews** with stakeholders, agency representatives, and other relevant organizations or individuals.
- **Site visits** to entities that are under review.
- **Document reviews**, including applicable laws and regulations, agency policies and procedures pertaining to study objectives, and published reports, audits or studies on relevant topics.
- **Data analysis**, which may include data collected by agencies and/or data compiled by JLARC staff. Data collection sometimes involves surveys or focus groups.
- **Consultation with experts** when warranted. JLARC staff consult with technical experts when necessary to plan our work, to obtain specialized analysis from experts in the field, and to verify results.

The methods used in this study were conducted in accordance with Generally Accepted Government Auditing Standards.

More details about specific methods related to individual study objectives are described in the body of the report under the report details tab or in technical appendices.

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