

2 **E2SSB 5625** - S AMD 414
3 By Senators McAuliffe and Finkbeiner

4 ADOPTED 05/24/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** INTENT. The legislature intends to
8 continue to follow the findings and intent in RCW 28A.655.005.

9 **Sec. 2.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to
10 read as follows:

11 The powers and duties of the academic achievement and
12 accountability commission shall include, but are not limited to the
13 following:

14 (1) For purposes of statewide accountability, the commission shall:

15 (a) Adopt and revise:

16 (i) Performance improvement goals in reading, writing, science, and
17 mathematics by subject and grade level as the commission deems
18 appropriate to improve student learning, once assessments in these
19 subjects are required statewide. The goals shall be in addition to any
20 goals adopted in RCW 28A.655.050(~~. The commission may also revise any~~
21 goal adopted in RCW 28A.655.050));

22 (ii) Goals for dropout rates and reduction of dropout rates for
23 middle schools, junior high schools, and high schools, once common
24 definitions are developed;

25 (iii) Goals designed to accelerate the achievement of students who
26 are disproportionately academically underachieving.

27 The commission shall adopt the goals by rule. However, before each
28 goal is implemented, the commission shall present the goal to the
29 education committees of the house of representatives and the senate for
30 the committees' review and comment in a time frame that will permit the
31 legislature to take statutory action on the goal if such action is
32 deemed warranted by the legislature;

33 (b) Identify the scores students must achieve in order to meet the
34 standard on the Washington assessment of student learning and determine
35 student scores that identify levels of student performance below and

1 beyond the standard. The commission shall set such performance
2 standards and levels in consultation with the superintendent of public
3 instruction and after consideration of any recommendations that may be
4 developed by any advisory committees that may be established for this
5 purpose;

6 (c) Adopt objective, systematic criteria to identify successful
7 schools and school districts and recommend to the superintendent of
8 public instruction schools and districts to be recognized for two types
9 of accomplishments, student achievement and improvements in student
10 achievement. Recognition for improvements in student achievement shall
11 include consideration of one or more of the following accomplishments:

12 (i) An increase in the percent of students meeting standards. The
13 level of achievement required for recognition may be based on the
14 achievement goals established by the legislature under RCW 28A.655.050
15 and the commission under (a) of this subsection;

16 (ii) Positive progress on an improvement index that measures
17 improvement in all levels of the assessment; and

18 (iii) Improvements despite challenges such as high levels of
19 mobility, poverty, English as a second language learners, and large
20 numbers of students in special populations as measured by either the
21 percent of students meeting the standard, or the improvement index.

22 When determining the baseline year or years for recognizing
23 individual schools, the commission may use the assessment results from
24 the initial years the assessments were administered, if doing so with
25 individual schools would be appropriate;

26 (d) Adopt objective, systematic criteria to identify schools and
27 school districts in need of focused assistance ~~((and those in which))~~
28 due to significant numbers of students persistently failing to meet
29 state standards. In its deliberations, the commission shall ~~((consider~~
30 ~~the use of all))~~ use the statewide mandated criterion-referenced and
31 norm-referenced standardized tests as follows:

32 (i) Beginning in 2001, the reading and math assessments at the
33 elementary school level;

34 (ii) Beginning in 2004, the reading and math assessments at the
35 elementary, middle or junior high and high school levels;

36 (e) Identify schools and school districts in which state
37 intervention ~~((measures))~~ strategies will be needed ~~((and a range of~~
38 ~~appropriate intervention strategies))~~, beginning no earlier than ~~((June~~
39 ~~30, 2001, and after the legislature has authorized a set of~~

1 ~~intervention strategies))~~ November 1, 2002. Beginning no earlier than
2 ~~((June 30, 2001, and after the legislature has authorized a set of~~
3 ~~intervention strategies, at the request of))~~ November 1, 2002, the
4 superintendent of public instruction may recommend and the
5 commission((7)) may approve that the superintendent shall intervene in
6 the school or school district and ~~((take corrective actions. This~~
7 ~~chapter does not provide additional authority for the commission or the~~
8 ~~superintendent of public instruction to intervene in a school or school~~
9 ~~district))~~ implement state intervention strategies;

10 (f) Identify performance incentive systems that have improved or
11 have the potential to improve student achievement;

12 (g) Annually review the assessment reporting system to ensure
13 fairness, accuracy, timeliness, and equity of opportunity, especially
14 with regard to schools with special circumstances and unique
15 populations of students, and ~~((a recommendation))~~ recommend to the
16 superintendent of public instruction ~~((of))~~ any improvements needed to
17 the system;

18 (h) Annually report by December 1st to the legislature, the
19 governor, the superintendent of public instruction, and the state board
20 of education on the progress, findings, and recommendations of the
21 commission. The report may include recommendations of actions to help
22 improve student achievement;

23 (i) By December 1, 2000, and by December 1st annually thereafter,
24 report to the education committees of the house of representatives and
25 the senate on the progress that has been made in achieving the reading
26 goal under RCW 28A.655.050 and any additional goals adopted by the
27 commission;

28 (j) Coordinate its activities with the state board of education and
29 the office of the superintendent of public instruction;

30 (k) Seek advice from the public and all interested educational
31 organizations in the conduct of its work; ~~((and))~~

32 (l) Establish advisory committees, which may include persons who
33 are not members of the commission; and

34 (m) Develop and analyze any data or information necessary to
35 perform its accountability responsibilities;

36 (2) Holding meetings and public hearings, which may include
37 regional meetings and hearings;

38 (3) Hiring necessary staff and determining the staff's duties and
39 compensation. However, the office of the superintendent of public

1 instruction shall provide staff support to the commission until the
2 commission has hired its own staff, and shall provide most of the
3 technical assistance and logistical support needed by the commission
4 thereafter. The office of the superintendent of public instruction
5 shall be the fiscal agent for the commission. The commission may
6 direct the office of the superintendent of public instruction to enter
7 into subcontracts, within the commission's resources, with school
8 districts, teachers, higher education faculty, state agencies, business
9 organizations, and other individuals and organizations to assist the
10 commission in its deliberations; (~~and~~)

11 (4) Receiving per diem and travel allowances as permitted under RCW
12 43.03.050 and 43.03.060; and

13 (5) Adopting the criteria and standards in subsection (1)(b), (c),
14 and (d) of this section in accordance with RCW 34.05.010(16) and the
15 procedures in RCW 34.05.310 through 34.05.395. The commission shall
16 seek review and comment from the education committees of the house of
17 representatives and senate before adoption.

18 **Sec. 3.** RCW 28A.655.100 and 1999 c 388 s 302 are each amended to
19 read as follows:

20 Each school district board of directors shall adopt and revise, as
21 appropriate, district-wide and school-level plans to achieve the
22 performance improvement goals under RCW 28A.655.030 and shall:

23 (1)(a) Annually report to parents and to the community in a public
24 meeting and annually report in writing the following information:

25 (i) District-wide and school-level performance improvement goals;

26 (ii) Student performance relative to the goals; and

27 (iii) District-wide and school-level plans to achieve the goals,
28 including curriculum and instruction, parental or guardian involvement,
29 and resources available to parents and guardians to help students meet
30 the state standards;

31 (b) Report annually in a news release to the local media the
32 district's progress toward meeting the district-wide and school-level
33 goals; and

34 (c) Include the school-level goals, student performance relative to
35 the goals, and a summary of school-level plans to achieve the goals in
36 each school's annual school performance report under RCW 28A.655.110.
37 The district also shall include this information on the district's
38 internet web site. The office of the superintendent of public

1 instruction shall provide a link on its web site to the school
2 district's web site.

3 (2) School districts in which ten or fewer students in the district
4 or in a school in the district are eligible to be assessed in a grade
5 level are not required to report numerical improvement goals and
6 performance relative to the goals, but are required to report to
7 parents and the community their plans to improve student achievement.

8 NEW SECTION. Sec. 4. SUPERINTENDENT OF PUBLIC INSTRUCTION DUTIES.

9 (1) The superintendent of public instruction, based on the criteria
10 established by the academic achievement and accountability commission,
11 shall annually analyze student assessment results. The analysis shall
12 include, but need not be limited to, consideration of the levels of
13 achievement and levels of improvement on criterion-referenced and
14 norm-referenced assessments required to meet goals and achievement
15 levels determined by the academic achievement and accountability
16 commission. The purposes of the analysis shall be:

17 (a) To identify successful schools and school districts, based on
18 criteria adopted by the commission under RCW 28A.655.030;

19 (b) To identify schools in need of focused assistance, based on
20 criteria adopted by the commission under RCW 28A.655.030; and

21 (c) After November 1, 2002, to help the superintendent of public
22 instruction identify schools and school districts in which more
23 intensive state intervention may be needed.

24 (2) Annually by October 15th, based on the results of the analysis
25 in subsection (1)(b) of this section, the superintendent of public
26 instruction shall recommend to the commission and the commission shall
27 determine which schools shall be prioritized as having the highest need
28 for focused assistance.

29 (3) The superintendent of public instruction shall provide the
30 commission with available data in a timely manner, including raw
31 student data, and other information the commission deems appropriate in
32 pursuit of the fulfillment of its responsibility to provide oversight
33 and monitoring of the state's educational accountability system.

34 (4) To the extent funds are appropriated for this specific purpose,
35 the superintendent of public instruction shall make available to
36 schools information on models of excellence in instruction, management,
37 capacity building, parent involvement, and other research-based
38 strategies to improve student achievement.

1 (5) The superintendent of public instruction shall adopt a minimum
2 percentile score on the statewide mandated norm-referenced standardized
3 achievement tests to be used as follows:

4 (a) One criterion to determine if a school has successfully
5 completed a performance agreement and therefore shall be released from
6 receiving state assistance under section 7 of this act; and

7 (b) One criterion to determine if a school shall be released from
8 intervention under section 7 of this act.

9 (6) The superintendent of public instruction shall report annually
10 to the legislative committees on education regarding the implementation
11 of the performance agreements and intervention plans, including any
12 barriers to improving student learning that school districts have
13 encountered.

14 NEW SECTION. **Sec. 5.** FOCUSED ASSISTANCE PROCESS. (1) If a school
15 is eligible for focused assistance, annually by November 1st, the
16 superintendent of public instruction shall notify the school district
17 within which the school is located of such eligibility.

18 (2) The superintendent of public instruction, in cooperation with
19 the school district in which the school is located, shall oversee the
20 following process:

21 (a) The superintendent of public instruction or the
22 superintendent's designee, in cooperation with the district, shall
23 convene a team of experts to conduct an educational audit of the
24 school. The educational audit shall include but need not be limited
25 to:

26 (i) An evaluation of the things that are working well in the school
27 and those that need reexamination and redirection;

28 (ii) Resources available to the school, the use of those resources,
29 and how current funds can be used more effectively;

30 (iii) The relationship of the school to its local district,
31 parents, and the community;

32 (iv) The curriculum and instructional materials available and the
33 extent to which those materials are aligned with the state's essential
34 academic learning requirements;

35 (v) The roles and contributions of the school's employees, and the
36 level of experience and subject matter expertise, including
37 endorsements, of the school's certificated employees;

1 (vi) The needs and characteristics of the school's students,
2 including student mobility and poverty indicators; attendance rates;
3 dropout and graduation rates, if applicable and available; posthigh
4 school indicators, if applicable and available; and the percent of
5 students in special programs;

6 (vii) School district management practices;

7 (viii) School climate and safety indicators; and

8 (ix) Other barriers to student learning.

9 (b) The superintendent of public instruction, or the
10 superintendent's designee, shall formally present the findings of the
11 educational audit to the school district board of directors, and shall
12 share the results with the academic achievement and accountability
13 commission.

14 (c) The school directors shall hold a public meeting to inform
15 parents, teachers, staff, and the local community of the findings of
16 the educational audit, and to solicit input on ways to address the
17 issues identified.

18 (d) Based on the results of the educational audit and input from
19 parents, teachers, staff, and the community, a team of school employees
20 and the principal that is convened by the school district in
21 cooperation with the superintendent of public instruction or the
22 superintendent of public instruction's designee shall develop a
23 comprehensive school improvement plan within one hundred twenty days of
24 being notified by the superintendent of public instruction of focused
25 assistance eligibility. The plan shall address items identified in the
26 educational audit and shall include, but not be limited to, the
27 following:

28 (i) Student performance goals and expectations;

29 (ii) How existing funds will be used more effectively;

30 (iii) How identified barriers to student learning will be
31 addressed;

32 (iv) What actions are needed to assist the school;

33 (v) Who is responsible for implementing the specific actions in the
34 plan;

35 (vi) Whether students attending the school should have the choice
36 of transferring to other public schools in the district, and whether
37 this choice includes free bus transportation; and

38 (vii) Whether waivers of state laws or local policies and
39 agreements are needed. Waiver provisions in existence before January

1 1, 2001, are to be used to obtain the waivers, under an expedited
2 decision-making process if necessary.

3 (e) The superintendent of public instruction, or the
4 superintendent's designee, and the school district shall jointly
5 negotiate the terms of a performance agreement to address the issues
6 identified in the educational audit and to implement the school
7 improvement plan. The agreement shall be developed in consultation
8 with the school's staff and parents. In addition to the items
9 addressed in the school improvement plan, the performance agreements
10 shall include, but not be limited to, a description of:

11 (i) How additional focused assistance resources, if any, will be
12 used;

13 (ii) What actions the district will take to assist the school;

14 (iii) Who is responsible for implementing the specific actions in
15 the agreement; and

16 (iv) Measurable benchmarks for actions in the performance agreement
17 with a timeline for completion.

18 (f) The school directors shall hold a public hearing to inform
19 parents, teachers, staff, and the local community about the school
20 improvement plan and the terms of the performance agreement.

21 (g) If the superintendent of public instruction determines that the
22 school district is failing to complete the process in a timely fashion
23 or is failing to conduct the process in good faith, the superintendent
24 of public instruction shall recommend to the academic achievement and
25 accountability commission that intervention strategies be imposed.

26 (h) The duration of a performance agreement shall be two school
27 years.

28 (i) Before final adoption, the performance agreement shall be
29 submitted to the academic achievement and accountability commission in
30 a time frame that permits the commission to make recommendations for
31 modifications to the terms of the agreement.

32 NEW SECTION. **Sec. 6.** FOCUSED ASSISTANCE OPTIONS AND ACTIONS. (1)
33 Focused assistance, as outlined in this chapter, shall be available to
34 a school district on behalf of an eligible school to complete an
35 educational audit, develop a school improvement plan, and implement a
36 performance agreement. Focused assistance for performance agreement
37 implementation may not be provided to a school district in a given
38 academic year unless the agreement is approved within one hundred

1 eighty calendar days of the date the district is notified by the
2 superintendent of public instruction of focused assistance eligibility.
3 Assistance may be obtained from third parties, such as personnel from
4 colleges or universities, independent contractors, statewide education
5 organizations, and educational service districts.

6 (2) Focused assistance options and actions available to the school,
7 school district, and superintendent of public instruction in a
8 performance agreement may include, but are not limited to:

9 (a) Changes in the school's curriculum and instructional practices,
10 including implementing a whole school reform model;

11 (b) Staff collaboration, planning, and training;

12 (c) New or revised instructional materials;

13 (d) Supplemental contracts subject to RCW 28A.400.200(4);

14 (e) Extended learning opportunities for students;

15 (f) Providing students attending the school with the choice of
16 transferring to other public schools in the district;

17 (g) Revising school district personnel assignments;

18 (h) Reallocation of financial resources;

19 (i) Increasing fiscal flexibility at the school site;

20 (j) Hiring a short-term principal-teacher replacement team that
21 would provide free time for the principal and teachers for staff
22 collaboration, planning, and training;

23 (k) Restructuring of the management, budget, organization, and
24 instructional or programmatic approaches;

25 (l) Any other action authorized by law that the superintendent of
26 public instruction deems necessary to improve student learning.

27 (3) In a class I school district, the parent or guardian of a
28 student in a school identified for focused assistance may enroll the
29 student in a different public school in the district. Each class I
30 school district shall adopt a policy allowing the automatic
31 intradistrict release and acceptance of students from schools that are
32 in focused assistance under this section. If the school district board
33 of directors determines that the automatic intradistrict transfer of a
34 student under this section is an undue hardship, the school district
35 may appeal that intradistrict transfer to the state board of education.

36 (4) The superintendent of public instruction may use focused
37 assistance funds to assist a school if the superintendent of public
38 instruction finds that funds currently available to the school are

1 being used effectively, or will be reallocated to be used effectively
2 under the terms of the performance agreement.

3 NEW SECTION. **Sec. 7.** EVALUATION AND INTERVENTION. (1) The
4 superintendent of public instruction, or the superintendent's designee,
5 shall analyze the implementation of a performance agreement after the
6 agreement has been in effect for one year. Upon completion, the
7 superintendent shall provide the analysis to the school district and
8 academic achievement and accountability commission. The focus of the
9 analysis shall be the degree to which implementation benchmarks and
10 timelines in the agreement have been met.

11 (2) Two years after a performance agreement is approved, the
12 superintendent of public instruction shall evaluate progress on the
13 performance agreement implementation benchmarks and the degree to which
14 students in the school have met or exceeded the student performance
15 expectations described in the agreement. The superintendent of public
16 instruction shall provide the analysis to the school district and
17 academic achievement and accountability commission.

18 (3) Based on the results of the evaluation, the superintendent of
19 public instruction shall recommend, and the commission shall approve,
20 whether the performance agreement shall be:

21 (a) Ended because the agreement was successfully completed. An
22 agreement is successfully completed when one of the following criteria
23 is met:

24 (i) The school, for two years, has successfully met or exceeded the
25 student performance improvement goals as established by the academic
26 achievement and accountability commission under RCW 28A.655.030;

27 (ii) The school has made sufficient progress on the performance
28 agreement; or

29 (iii) The school has successfully met or exceeded the minimum
30 percentile score on the statewide mandated norm-referenced standardized
31 achievement tests set by the superintendent of public instruction under
32 section 4 of this act;

33 (b) Extended with existing or newly negotiated conditions; or

34 (c) Replaced with an intervention plan. The superintendent of
35 public instruction shall recommend the implementation of an
36 intervention plan if the superintendent finds that the school district
37 and school are making insufficient progress in improving student

1 learning or insufficient progress in implementation of the performance
2 agreement.

3 (4) The superintendent of public instruction shall formally notify
4 the school directors of the district of the results of the evaluation
5 and the superintendent's recommendations to the commission.

6 (5) When the academic achievement and accountability commission has
7 approved the superintendent of public instruction's recommendation to
8 replace a performance agreement with an intervention plan:

9 (a) The superintendent of public instruction shall write, revise as
10 necessary, and oversee the implementation of an intervention plan that
11 may contain any action authorized by law that the superintendent of
12 public instruction deems necessary to improve student learning;

13 (b) The school district shall implement each component of the
14 intervention plan and report at least annually to parents, the
15 community, the academic achievement and accountability commission, and
16 the superintendent of public instruction on the district's progress in
17 raising student achievement and on the implementation of the
18 intervention plan; and

19 (c) The superintendent of public instruction shall recommend and
20 the commission shall approve whether the school district shall be
21 released from the intervention plan when any of the following criteria
22 are met:

23 (i) The school, for two consecutive years, has successfully met or
24 exceeded the student performance improvement goals as established by
25 the academic achievement and accountability commission under RCW
26 28A.655.030;

27 (ii) The school has made sufficient progress on the intervention
28 plan;

29 (iii) The school, for two consecutive years, has successfully met
30 or exceeded the minimum percentile score on the statewide mandated
31 norm-referenced standardized achievement tests set by the
32 superintendent of public instruction under section 4 of this act.

33 (6) In a class I school district, the parent or guardian of a
34 student in a school under intervention may enroll the student in a
35 different public school in the district. Each class I school district
36 shall adopt a policy allowing the automatic intradistrict release and
37 acceptance of students from schools that are in intervention under this
38 section. If the school district board of directors determines that the
39 automatic intradistrict transfer of a student under this section is an

1 undue hardship, the school district may appeal that intradistrict
2 transfer to the state board of education.

3 (7) One year after a school district has been released from an
4 intervention plan, the school district shall report to the
5 superintendent of public instruction on the district's progress in
6 continuing to improve student achievement.

7 **Sec. 8.** RCW 28A.225.270 and 1990 1st ex.s. c 9 s 205 are each
8 amended to read as follows:

9 (1) Each school district in the state shall adopt and implement a
10 policy allowing intradistrict enrollment options no later than June 30,
11 1990. Each district shall establish its own policy establishing
12 standards on how the intradistrict enrollment options will be
13 implemented.

14 (2) After the effective date of this section, each school district
15 in the state shall amend its intradistrict enrollment policy regarding
16 student transfers from schools in focused assistance or intervention
17 consistent with section 6 and 7 of this act.

18 NEW SECTION. **Sec. 9.** REPORT ON INTERVENTIONS. By November 30,
19 2002, the academic achievement and accountability commission shall
20 analyze and report to the governor and the legislative education
21 committees on the intervention strategies used by other states and
22 nations, including the success of those strategies in improving student
23 achievement.

24 NEW SECTION. **Sec. 10.** CAPTIONS NOT LAW. Captions used in this
25 act are not any part of the law.

26 NEW SECTION. **Sec. 11.** Sections 4 through 7 of this act are each
27 added to chapter 28A.655 RCW.

28 NEW SECTION. **Sec. 12.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately."

3 **E2SSB 5625** - S AMD 414

4 By Senators McAuliffe and Finkbeiner

5 ADOPTED AS AMENDED 05/24/01

6 On page 1, line 2 of the title, after "system;" strike the
7 remainder of the title and insert "amending RCW 28A.655.030,
8 28A.655.100, and 28A.225.270; adding new sections to chapter 28A.655
9 RCW; creating new sections; and declaring an emergency."

--- END ---