

# SENATE BILL REPORT

## E2SSB 5841

---

---

As Amended by House, April 17, 2007

**Title:** An act relating to enhancing student learning opportunities and student achievement.

**Brief Description:** Enhancing student learning opportunities and achievement.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/08/07, 2/21/07 [DPS-WM, w/oRec].

Ways & Means: 2/26/07, 3/05/07 [DP2S, w/oRec].

Passed Senate: 3/09/07, 48-0.

---

### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Holmquist, Ranking Minority Member; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Zarelli.

**Staff:** Susan Mielke (786-7422)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5841 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Honeyford and Roach.

**Staff:** Bryon Moore (786-7726)

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** In 2005, the Legislature created a steering committee (Washington Learns) comprised of legislators, the Governor, and others, and three sector advisory committees on which legislators and others served. The steering and advisory committees were directed to conduct a comprehensive study of early learning, K-12, and higher education; to develop recommendations on how the state can best provide stable funding for early learning, public schools, and public colleges and universities; and to develop recommendations on specified policy issues. The steering committee submitted an interim and a final report with recommendations to the Legislature.

Safety net funding is available to school districts with a demonstrated need for special education funding in excess of state and federal funding otherwise provided. Actual awards are based upon the cumulative need demonstrated on individual high-need student's worksheets. A state oversight committee for the special education safety net is established by rule and members are appointed by the Office of the Superintendent of Public Instruction.

In the most recent annual verification process for a 3 percent random sample of students eligible for free or reduced price lunch (FRPL), a significant percentage were determined to be ineligible because the parents or guardians did not respond to the school district's request for income verification or because the information provided did not support the level of FRPL eligibility initially determined.

**Summary of Engrossed Second Substitute Bill:** The Washington Learns recommendations addressing the phase-in of voluntary all-day kindergarten programs, demonstration projects in grades K-3 and English as a Second Language programs are implemented.

The goal of the Basic Education Act for public schools is expanded to include the development of a public school system that focuses more on educational performance of students and includes high expectations for all students.

Beginning in the 2007-08 school year, funding for phasing-in voluntary all-day kindergarten is required, beginning with the schools with the highest percentages of students qualifying for a free or reduced lunch. Funding is provided for all day kindergarten for students that qualify for the free and reduced-price lunch program in each school. Program requirements are specified, including providing at least 1,000 instructional hours, providing a rich curriculum, and having connections with community early learning programs and parents. The all day kindergarten program is not part of the Legislature's definition of "basic education."

Four demonstration projects, selected by the Superintendent of Public Instruction (SPI) based on criteria provided, will implement a comprehensive kindergarten through grade three foundation learning program. The resources provided for the program will be used to implement full-day kindergarten, class sizes of 18 students to one teacher, and the use of an instructional coach. At least two of the demonstration projects must be in schools participating in the Thrive-by-Five early learning partnerships in the Highline and Yakima school districts and one must be in the Spokane school district. The Washington State Institute for Public Policy (WSIPP) will evaluate the projects, make recommendations for continued implementation and expansion of the program, and report to the Legislature in November 2008 and December 2009.

English as a Second Language demonstration projects will be used to develop recommendations regarding competencies for teachers to be included in teacher preparation programs, professional development, and in job-embedded practices. WSIPP will conduct a literature review, a field study, and a project. The field study will be of an ongoing project in schools and school districts where Spanish is the predominate language other than English. The project will provide professional development and planning time in three schools, selected by SPI, where there are many first languages among the students. WSIPP must report in November 2008 and December 2009.

A new special education safety net category is created for school districts that attract a large number of special education students. OSPI is required to review and streamline the application process to access safety net funds. OSPI is required to provide technical assistance to school districts and annually survey school districts regarding improvement to the process. The safety net oversight committee is directed to study the excess cost accounting method and explore options for a possible replacement, including an option that reflects the full amount of special education funding.

The State Auditor's Office, in consultation with the Office of Financial Management and the Joint Legislative Audit and Review Committee, is required to complete an audit and review of the process for determining eligibility for free or reduced price lunch. The audit and review is to be completed by September 1, 2008.

**Appropriation:** None.

**Fiscal Note:** Requested on March 6, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Early Learning & K-12 Education):** PRO: This bill supports the vision of Washington Learns to create an education system that gives all students the opportunity to compete in the global economy. Specifically this bill focuses on the additional programs and efforts that are needed to help students succeed in school, including targeted programs for students who are struggling the most, such as students in poverty and those for whom English is a secondary language. The phase-in of the all-day kindergarten program is the capstone of this bill. Investing in children early in their life pays off. The demonstration primary grade programs will address educating the whole child. It is important for the basic education goal to address the system and have high expectations for all students. School districts should focus on how they spend their funds and when they get increases under I-728 and should consider using that money for lowering class size. There are some school districts that have very challenging demographics but are experiencing success nonetheless. We need to study them and determine the best practices that work so that other districts can do the same. The health-related career pathway will allow students to see the application of their learning to work and support goals for students to understand the importance of work. This is especially important since the opportunities in health-related fields are growing and trained people are in high-demand. We support more training for staff who teach English Language Learners (ELL) students to address the over-identification of such students as needing special education. Reducing class size can be accomplished by

increasing the number of teachers but also by increasing the number of classified staff in the classroom.

OTHER: We would like to have shorter timelines. We are concerned with demonstration projects or experiments and would rather have a phase-in effort of the programs. It would be better to fully fund basic education, reduce class size, and pay our teachers and classified staff well, then we will see changes. We would like to broaden the ELL projects and the healthcare academies would be stronger if they were linked to the career and technical education programs.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Hobbs, prime sponsor; Leslie Goldstein, Governor's Policy Office; Judy Hartmann, Governor's Policy Office; Rick Cole, Sunnyside school district; Steve Meyers, Toppenish school district; Troy Hutson, Washington State Hospital Association; Rick Spiller, Washington Health Foundation, Wes Pruitt, Workforce Training and Education Coordinating Board; Randy Dorn, Public School Employees; Donna Obermeyer, Washington State Special Education Coalition.

OTHER: Lucinda Young, Washington Education Association; Kyra Kester, Office of SPI.

**Staff Summary of Public Testimony (Ways & Means):** PRO: This bill is part of the recommendations of Washington Learns. The components of this package are important steps in improving the educational system. The establishment of the all day kindergarten program starting with high poverty schools is the right step. Research shows the benefits of early learning opportunities.

OTHER: The all day kindergarten program should be phased-in over six years rather than ten years. The English Language Learners pilot is important but could be better used in providing instruction rather than establishing a new pilot program. The Legislature should look at restoring the health care career academy provisions which were removed in policy committee.

**Persons Testifying (Ways & Means):** PRO: Senator Hobbs, prime sponsor; Judy Hartmann, Governor's Policy Office.

OTHER: Lucinda Young, Washington Education Association.

**House Amendment(s):** The goals of the Basic Education Act are expanded to include references to students becoming respectful global citizens, exploring and understanding diverse perspectives, and providing all students opportunities to achieve personal and academic success. The learning goals are expanded to include references to different cultures, participation in representative government, and finance. A fifth student learning goal to "understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society" is removed.

Funding to support all-day kindergarten supports all students, not just low-income students, and is not considered part of basic education. If funds are provided, the SPI must designate "lighthouse" programs to provide technical assistance to school districts. The four K-3 demonstration projects are subject to funding and the Northwest Regional Educational Laboratory (NWREL) will evaluate the projects instead of WSIPP. The NWREL will evaluate the ELL demonstration projects instead of the WSIPP.

Removes the audit of the process for determining eligibility for federal free and reduced price lunch programs. Removes the provisions establishing the special education safety net process in statute and directing a review of the special education excess cost accounting procedures. The SPI must streamline the safety net application process and annually survey districts regarding improvements.

The Washington Community Learning Center Program is established, subject to funding, to provide students with tutoring and educational enrichment when school is not in session. Subject to funding, grants are provided to high school partnerships to create Career Pathways Programs in high-demand fields. Requires a world language supervisor at OSPI, subject to funding. The supervisor's duties are specified.