

HOUSE BILL REPORT

HB 1562

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to academic achievement and accountability commission accountability system recommendations.

Brief Description: Adopting recommendations of the academic achievement and accountability commission.

Sponsors: Representatives Talcott (co-prime sponsor), Quall (co-prime sponsor) and Keiser; by request of Governor Locke; Academic Achievement and Accountability Commission; State Board of Education.

Brief History:

Committee Activity:

Education: 2/8/01, 2/26/01 [DPS];

Appropriations: 3/7/01, 3/8/01 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- The A+ Commission may adopt goals to improve dropout rates and accelerate the achievement of different groups of students who are disproportionately underachieving academically.
- School districts with the lowest low-achieving schools will have an opportunity to receive focused assistance to help the schools improve student achievement.
- The A+ Commission will study and report on a set of state sanction strategies that may be imposed if focused assistance doesn't work. Three of the strategies are described and laws are amended to allow the strategies to be used after June 30, 2004 if state sanctions are imposed.
- The A+ Commission will prioritize schools in need of focused assistance and determine those eligible for focused assistance based on available appropriations.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Anderson, Republican Vice Chair; Haigh, Democratic Vice Chair; Cox, Ericksen, McDermott, Pearson, Rockefeller and D. Schmidt.

Minority Report: Do not pass. Signed by 4 members: Representatives Keiser, Santos, Schindler and Schual-Berke.

Staff: Susan Morrissey (786-7111).

Background:

Accountability is the term used to describe the means by which the Legislature and members of the public can evaluate the effectiveness of the state's education system. An accountability system usually includes rewards for success and assistance and sanctions for lack of success. Until recently, the Legislature depended on a series of input-measures for accountability purposes. For example, schools have been accountable for the number of hours students sit in classrooms, the types of classes offered to students, and the number of hours teachers spend in classrooms. Beginning with the 2001 school year, some of those measures have been repealed.

With the passage of the ESHB 1209, the 1993 Education Reform Act, the state embarked on a new system to evaluate the effectiveness of the state's public education system. Under the new system, schools and school districts will be evaluated on the level of student learning that can be demonstrated by students in the school or district. The state uses a series of standardized tests or assessments for the evaluation. Students take nationally normed tests in the third, sixth, and ninth grades to see how their level of academic achievement compares to the achievement of students in other schools, school districts, and states. The nationally normed tests are considered to be tests of basic skills. Students also take criterion referenced tests in the fourth, seventh, and 10th grades to see whether they have met the state's learning standard for students at that grade level. The criterion reference tests, also called the Washington Assessment of Student Learning (WASL), measures the students' achievement of the state's essential academic learning requirements. The new accountability system will use these test results and other data on student learning to determine the success of schools and school districts.

The accountability system is still under development. The system requires schools and school districts to report to parents and the community on test results. The system also requires schools to begin raising the level of student achievement in certain subjects. In addition, the system assigns a variety of responsibilities to the A+ Commission. These include the adoption and modification of improvement goals in reading, writing, mathematics, and other subjects in which a WASL has been developed. The commission will also adopt criteria to identify successful schools and school districts, those in need of

assistance, and those in which a significant number of students persistently fail to meet state standards. The commission will identify the scores that indicate how well students are performing on the WASL. Finally, in addition to its other duties, the commission will identify schools and districts in which state intervention is necessary and will describe a range of appropriate intervention strategies that might be used in those schools. The commission cannot intervene in a school or school district until the Legislature has authorized the intervention strategies that can be used in the system. Once the commission determines that intervention is necessary, the Office of the Superintendent of Public Instruction (OSPI) will work with the school or school district to implement any intervention strategies identified by the commission for that particular school or district.

The legislation that created the A+ Commission included the basic skeleton of the state's accountability system. However, it deferred some decisions pending further study by the newly created commission. By September 5, 2000, the A+ Commission was required to report to the Legislature with specific recommendations on four elements of the system. The commission was required to recommend rewards for successful schools and school districts and any additional assistance measures needed by students and schools to raise student achievement. The commission was also directed to recommend a series of increasingly intensive state intervention strategies. Finally, the commission was required to advise the Legislature on any statutory changes needed by the OSPI to implement the intervention strategies directed by the commission and authorized by the Legislature. The commission provided its report to the Legislature in November of 2000.

Summary of Substitute Bill:

The purpose of the education accountability system is to help fulfill the promise of the state's education improvement efforts for all Washington students.

Goal Setting

The A+ Commission may set goals to improve middle and high school dropout rates once common definitions and a system to follow students are in place. The commission may also adopt goals designed to accelerate the achievement of students from different demographic and socio-economic backgrounds who are disproportionately underachieving academically. The commission will adopt criteria to identify school districts that may be invited or directed to accept focused assistance. It may also identify schools in which state sanctions rather than intervention will be necessary. However, state sanctions may not be authorized before June 30, 2004. Finally, it may develop and analyze any information or data necessary to perform its responsibilities.

Data Analysis

The OSPI will analyze results on required criterion-referenced and norm-referenced assessments to identify successful schools and school districts and to identify schools that need focused assistance, each based on criteria adopted by the commission. The OSPI

will provide the commission with available data and information necessary to fulfill the commission's responsibilities.

Focused Assistance

Focused assistance will be provided to help eligible schools complete an academic audit, a needs assessment and a comprehensive school improvement plan. It will also provide assistance in the implementation of a performance agreement based on the audit, assessment, and plan. A process for providing focused assistance is described. School districts with eligible schools will be notified by the OSPI. The districts have one month to decide whether to accept the offer of assistance. If the district accepts the assistance, the OSPI, in cooperation with the district and with the assistance of education experts, will convene a team to conduct an academic audit of and a needs assessment for the eligible school. The team will report its findings and recommendations to the school directors and the OSPI. The school directors will hold a public hearing to share the results with the community and solicit input. Based on the audit, needs assessment, and community advice, the directors will develop a comprehensive school improvement plan. The school directors and the OSPI will negotiate and adopt a performance agreement based on the plan. Before the plan is adopted, it will be provided to the commission for its review and comment. Finally, the A+ Commission and the OSPI will monitor district progress in the implementation of the plan. The elements in the academic audit, needs assessment and performance agreement are described.

The process of creating the performance agreement may not last longer than 180 days. Once the agreement is finalized, school districts have two years to implement their school improvement plan and fulfill the terms of the agreement. The OSPI will evaluate the progress the district has made at the end of both years. The A+ Commission will work with the OSPI on the second year's evaluation. Based on that evaluation, the OSPI may recommend whether the agreement should lapse because the district no longer needs the assistance or whether it should be continued or modified since the district, while making progress, still needs the focused help. If the district is not making sufficient progress in raising achievement and implementing the agreement it may face state sanctions after June 30, 2004.

Requires analysis of the results of each performance agreement after one year and again after the second year of focused assistance. Requires an analysis of student performance after two years of focused assistance. Requires the commission or its designee to conduct a more in-depth evaluation, using multiple sources of information if it determines the school and district are not making sufficient progress. School districts that were invited but declined the invitation to accept focused assistance on behalf of an eligible school will have their test results analyzed after one year. If the school is not making enough progress, the district may be required to accept assistance. The district must follow the same process for focused assistance, but it will have one year instead of two to improve achievement and implement its performance agreement.

Study of Possible Sanctions

The A+ Commission will study intervention strategies used by other states and nations and recommend a process and specific strategies for the implementation of state sanctions. The process will include increasingly intensive sanction strategies and appropriate notice and due process provisions. Along with other strategies identified by the commission, state sanctions will include a required renegotiation of collective bargaining agreements, an automatic waiver of continuing contract laws for certificated employees, and automatic interdistrict and intradistrict transfers options for students assigned to the school in which sanctions are imposed. By November 30, 2002 the commission will report its findings and recommendations to the Governor and legislative education and fiscal committees.

Amendments to Existing Laws

The OSPI's authorities are amended to permit the agency to enter performance agreement contracts with school districts. Several laws are amended to permit certain actions if state sanctions are imposed after June 30, 2004. The OSPI will be authorized to implement the sanctions. The state's continuing contract law for certificated employees is amended to allow the waiver of the law if a state sanction is imposed. The law on the transfer of principals and administrators is amended to permit a waiver of the law if state sanctions are imposed. Collective bargaining laws are amended to require a renegotiation of an agreement if state sanctions are imposed and the sanction requires a renegotiated contract. New collective bargaining agreements will be subject to this requirement. Finally, school districts are required to adopt policies that permit students in sanctioned schools to transfer to other public schools in the district or in neighboring districts.

Finally, the law adopting improvement goals for fourth grade reading and fourth and seventh grade math is repealed.

Substitute Bill Compared to Original Bill:

The goal language is modified; the commission may develop necessary information and data; interventions will include focused assistance; and, if that is unsuccessful, state sanctions. No state sanctions may be imposed before June 30, 2004. The roles of the OSPI and the commission are clarified; the process of focused assistance is clarified; and the strategies in focused assistance are refined to remove controversial measures. The commission will continue to study intervention strategies in other states and will report back with a new set of possible state sanctions for Washington. The sanctions will include three strategies that are described. References are removed to possible intervention or focused assistance strategies such as reconstitution of schools, the abolition of school districts, and the withholding of funds. The intent section is revised and many amendments to existing laws are removed.

Appropriation: None.

Fiscal Note: Requested on January 30, 2001.

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

Testimony For: (Original bill) The bill reflects the A+ Commission's best judgment for a system of focused assistance and intervention to help struggling schools raise student achievement. It includes multiple indicators to determine whether a school is in need of focused attention and help. It provides a structure and set of strategies to help school districts improve the education in struggling schools. It is a balanced practical approach of assistance, tailored to local needs, respecting of local school boards, but ultimately focused on the needs of the students in those struggling schools. It allows local school boards to have time and tools to improve very low performing schools, but it will finally step in to give the children in those schools a chance to succeed academically if the school board proves unable to improve the situation. The bill is focused around goal setting and continuous improvement; only in the most egregious situations will the state intervene with strong remedies. The state needs a system of accountability, and the legislature needs to adopt the system this session so the OSPI can begin to work with local districts to turn around the lowest achieving schools in the state.

(Concerns with original bill) The system of school assistance should be permanent and regionally based. The roles of the OSPI and the A+ Commission in focused assistance should be clarified and the constitutional role of the OSPI should be respected. The commission's role should be limited to policy adoption; the OSPI should implement the policies. Focused assistance should be viewed by districts as a balanced, fair, and positive form of help, so some of the assistance strategies in the legislation should be removed. Some of the intervention strategies should also be removed, including the possibility of abolishing school districts and withholding funds. The possible removal of school employees should also be considered with great care, if at all; the decision almost always leads to lengthy and expensive litigation. Local control should be respected. The focused assistance process in the legislation needs to be reordered to evaluate a district's circumstances before an agreement is signed. Many educators and school directors wonder whether the state is providing a system of general support for high student achievement, so also wonder whether it is appropriate to intervene in low performing schools. The tone of the intent section and the bill should be revised to become more positive and less punitive. Reconstitution of schools should be an intervention, not a focused assistance, strategy.

Testimony Against: The WASL is an invalid and unreliable testing instrument, it should not be used to make decisions, especially decisions that may adversely impact local control of schools. The legislation contains draconian measures to try and turn struggling schools around. It should instead use a surgeon's approach. The legislation should not permit the removal of school employees under any circumstances.

Testified: (In support) Patrick Patrick, Academic Achievement and Accountability Commission; Kristen Bunce, Governor's Office; Larry Davis, State Board of Education; Jose Gaitan, Academic Achievement and Accountability Commission; Terry Bergeson, Superintendent of Public Instruction; Steve Mullin Washington Roundtable; Lynn Nixon, Agilent Technologies; Dwayne Slate, Washington State School Directors' Association; and Wes Pruitt, Workforce Board.

(With concerns) Lisa Bond, Washington State PTA; Madeline Beery, Slingerland Institute; Barbara Mertens, Washington Association of School Administrators; Dan Wilson, Edmonds School District; Gary Kip, Association of Washington School Principals; and Christie Perkins, Washington State Special Education Coalition;.

(Against) Marta Kirkwood, Citizens United for Responsible Education; Doug Nelson, Public School Employees; and Karen Davis, Washington Education Association.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 28 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Benson, Boldt, Buck, Clements, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Kenney, Kessler, Lambert, Linville, Mastin, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Talcott and Tokuda.

Minority Report: Without recommendation. Signed by 3 members: Representatives Cody, Keiser and Schual-Berke.

Staff: Denise Graham (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

The substitute bill did not limit the amount of focused assistance that could be provided. The second substitute bill limits the amount of focused assistance to the amount appropriated for this purpose. The A+ Commission will determine which schools are eligible for focused assistance from the list of schools in need of focused assistance provided by OSPI. The second substitute bill also contains a null and void clause.

Appropriation: None.

Fiscal Note: Requested on March 5, 2001.

Effective Date of Second Substitute Bill: Ninety days after adjournment of session in

which bill is passed. However, this bill is null and void unless funded in the budget.

Testimony For: Strong accountability legislation is the next logical step in education reform. Objective analysis of low-performing schools is needed, and then we need to help them improve. If targeted assistance doesn't help, there needs to be additional tools for intervention. Accountability is supported throughout the state. There is a correlation between low-performing students and prison population.

(With Concerns) Focused assistance is key to making accountability work. Passing the bill and not providing adequate funding is the worst thing the Legislature could do. Incentives are needed to encourage the best employees to go to the worst-performing schools. This bill works against that by taking away collective bargaining protections in those schools. Without intervention tools, this will be just another means of providing money to schools without demanding accountability. The Governor does not support the bill as written; we must give OSPI the authority to intervene and a list of possible intervention strategies. The OSPI still has concerns with the intervention provisions pertaining to collective bargaining rights and waiving continuing contract provisions.

Testimony Against: None.

Testified: Representative Talcott, prime sponsor; Steve Mullin, Washington Roundtable; and Patrick Patrick, A+ Commission.

(With concerns) Robert Butts, Office of the Superintendent of Public Instruction; Karen Davis, Washington Education Association; Doug Nelson, Public School Employees; and Kristin Bunce, Office of the Governor.