

# SENATE BILL REPORT

## ESSB 5625

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As Reported By Senate Committee On:  
Education, March 29, 2001

**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:** Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles; by request of Governor Locke; Academic Achievement and Accountability Commission; State Board of Education).

**Brief History:**

**Committee Activity:** Education: 2/8/01, 2/27/01 [DPS]; 3/28/01, 3/29/01 [DP2S, DNP].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Second Substitute Senate Bill No. 5625 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

**Minority Report:** Do not pass.

Signed by Senator Hochstatter.

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

**Background:** In 1999, the Legislature created the Academic Achievement Accountability Commission (Commission) to develop and provide oversight of an educational accountability system. The Commission submitted recommendations for a process providing assistance and intervention in November 2000.

**Summary of Second Substitute Bill:** A process is provided for assistance and intervention.

Commission's duties: The commission may adopt additional goals addressing dropout rates and goals designed to accelerate the achievement of students who are disproportionately underachieving academically. The current academic performance improvement goals are repealed as of September 1, 2001. The Commission must review state interventions that have taken place in other states and identify state intervention strategies that have been successful.

School improvement plan: Beginning in September 2001, school districts will use the criteria developed by the Commission to analyze assessment results of elementary, middle and junior high schools to identify successful schools and schools in need of assistance. Beginning in 2003, school districts will include the high schools in the analysis. School districts will

conduct a needs assessment of the schools in need of assistance using multiple indicators. School districts will use the needs assessment to develop a school improvement plan with school employees and input from students, parents and the community. The plan may include selected waivers of law, policies, and bargaining agreements if the employee bargaining representative organization shows evidence of support of the waiver. The completed plan must be presented at a public meeting. The school district reports to the Superintendent of Public Instruction (SPI) and the Commission on the implementation of the improvement plan.

Performance agreement: Beginning in September 2003, the SPI and the Commission will review the school district efforts. Using criteria developed by the Commission, the SPI and the Commission will identify schools with the greatest need for assistance. SPI will notify the school districts that have identified schools. School districts with identified schools may request assistance. If the district requests assistance then SPI has one year to conduct a needs assessment of the school and to develop a performance agreement. The needs assessment must seek input from school employees, students, parents, and the community and analyze multiple indicators. Based on the needs assessment the school district and the SPI will enter into a two-year performance agreement. The agreement may replace staff if the employee bargaining representative organization that represents the individual staff person shows evidence of support of the action. The SPI will present the performance agreement to the Commission. The Commission must either accept or reject it, without changes. If the Commission rejects the agreement, then the SPI and the district have one year to resubmit. Once a performance agreement has been accepted then the district will hold a meeting to notify the public of the agreement components.

If a school district declines assistance and shows no progress in improving student learning the following year, and under the Commission's criteria the district has a school identified as having the highest need for assistance then the SPI will conduct a needs assessment and direct the school district to enter into a performance agreement for one year. If the district does not make a good faith effort to complete the needs assessment and performance agreement then the SPI will develop an intervention plan to be implemented.

At the end of the first year of the two- year performance agreement, SPI evaluates the progress and reports to the school district and the Commission. At the end of the performance agreement, the SPI conducts an evaluation to determine whether each party to the agreement complied with the agreement, whether the agreement requirements were met and whether student learning was improved. If student learning was not improved then the SPI must determine why it was not improved. The SPI will report these findings to the Commission. Then the SPI will recommend and the commission will decide whether: the performance agreement will be ended because it was successfully completed; extended with existing or new conditions; or ended because intervention is required.

Intervention: Intervention strategies will be implemented if SPI and the Commission determine that the parties to the performance agreement complied with the agreement but student learning was not improved and that the assessments being used are reliable and valid. SPI notifies the district of the intent to implement interventions. The school district may appeal the decision to the Commission according to a timeline. If an intervention is undertaken then the SPI must design and implement an intervention plan that addresses the improvement of student learning. The SPI and the Commission must report to the Legislature on all interventions.

**Waivers:** Specific statutes are amended to provide authority to waive those statutory requirements when it is necessary to improve student learning under a school improvement plan, a performance agreement, or an intervention plan, including statutes that address a school district's general authority to make decisions to promote education and the effective, efficient or safe management and operation of the schools; changing a principal; changing classified or certificated staff; and contracting for services. The employee bargaining representative organizations must show evidence of support of the waiver included in a school improvement plan. The performance agreement or intervention plan may also include waivers regarding changing the school district superintendent or the duties of the superintendent. If the waiver enables a staff to be replaced under a performance agreement then the employee bargaining representative organization must show evidence of support of the replacement action. Under an intervention plan, the SPI may withhold non-basic education state funds and students must be allowed to transfer if the State Board of Education determines that the education of the student would reasonably be improved and there is space at the school.

**Second Substitute Bill Compared to Substitute Bill:** A step is added at the beginning of the process requiring the local school district to assess and assist its schools before the state becomes involved.

Changes are made to the assistance component of the bill, including who notifies the district about eligibility for assistance, and who and which information is considered during a needs assessment before assistance is provided. High schools are eligible in 2005. The Commission does not approve the performance agreement for assistance but instead accepts or rejects the agreement without changes. The school district must hold a public hearing to notify the public of the components of the performance agreement.

After the end of the first year of a two-year performance agreement, the SPI must evaluate the performance agreement and report to the Commission. At the end of a performance agreement, the SPI must determine whether each party complied with the agreement and if it was successful and report to the Commission. If the student performance did not improve then the SPI must determine why and report to the Commission.

Interventions may take place if the parties to the performance agreement complied with the performance agreement but there was no student progress and the assessments have been determined to be valid and reliable. School districts may appeal the decision to intervene. If intervention is chosen decided by the Commission then the SPI will develop a plan that addresses improving student learning. The SPI and Commission must report to the Legislature on any interventions.

The Commission must review state interventions that have taken place in other states and identify state interventions that have been successful.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. Section 31 of this act takes effect on September 1, 2001.

**Testimony For (on original bill):** Goal setting and a focus on continuous improving is working to help school districts to achieve improvement. Accountability is the next important step to be taken. The focus of the bill is the targeted assistance for low-performing schools that are not showing signs of improvement. The ITBS and WASL scores are a red flag for the commission to take a closer look at what is really happening in a school. Multiple indicators will be used to do that. The school district is integrally involved in developing the plan to improve student learning. To accomplish student improvement, the SPI and the district need to be empowered to take proven, cost-effective actions that will improve student achievement, with resources and checkpoints along the way.

**Testimony Against (on original bill):** Achievement is improving not because of a law but because of the educators who are working with the students. Accountability should focus on enabling success, not on punishments. The use of multiple indicators occurs too late in the process. This is a costly endeavor and is there enough money to do this correctly? Financial resources should be dedicated to provide focused assistance for all schools in need, not just some. Oppose the ability to waive a collective bargaining agreement. If a waiver is provided, it should be with the agreement of the employees involved. The SPI is a constitutionally elected official and should not be subservient to an appointed commission. No one wants to abolish a school district but if it comes to that, then the Legislature should be the entity to do so, not the commission. This bill takes away local control.

**Testified (on original bill):** PRO: Lynn Nixon, Steve Mullin, Agilent Technologies and AEA; Wes Pruitt, Workforce Board; Gary Kipp, Association of Washington School Principals; Kristin Bunce, Governor's Office; Larry Davis, State Board of Education; Dwayne Slate, WSSDA (concerns); Barbara Mertons, WASA (concerns); Christie Perkins, Washington State Special Education Coalition (concerns); CON: Lisa Bond, Washington State PTA; Karen Davis, WEA; Dan Wilson, Edmonds teacher; Doug Nelson, PSE; Terry Bergeson, Superintendent of Public Instruction (neutral); Patrick Patrick, Jose Gaitan, David Fisher, Academic Achievement and Accountability Commission (neutral).

**Testimony For:** Accountability is the next step in education reform and this bill has the essential elements of an effective accountability bill. The front end provides a self-examination opportunity for schools and school districts which is a local component that is consistent with the recommendations of the commission. We like the use of multiple indicators at each level of the process to determine the barriers to student learning. We also like the inclusion of parents and the community in the process. We appreciate the inclusion of the employee organizations at the school improvement plan level. We support the concept of the public meetings along the way.

**Testimony Against:** We are concerned with the delay of two years and the lack of money for focused assistance to fix the problem. There is no specific list of interventions and that is a concern. There needs to be a clear and viable intervention process with flexibility to implement it. Concern remains over the delineation of roles of the SPI and the commission. The standard for assistance or intervention is "no progress" in student learning. This standard is insufficient.; it should be that the students have persistently failed. The performance agreement development does not sufficiently include employee organizations. You should not permit a collective bargaining agreement to be superceded. The employee organizations are given too much power because they have veto power under this bill. There is concern with the appeal and due process procedures of the bill. This bill is a violation of

the Constitution and of civil rights because it gives too much power and stature to an appointed commission.

**Testified:** Dr. Terry Bergeson, Superintendent of Public Instruction; Kristin Bunce, Governor's Office; Cris Shardelman, CURE; David Westberg, AFL-CIO; Dwayne Slate, WSSDA; Martharose Laffey, WSSDA; Rainer Houser, AWSP; Steve Mullin, Washington Business Roundtable; Terry Byington, ACA; Doug Nelson, PSE; Karen Davis, WEA; Patrick Patrick, AAAC; Wendy Rader-Konofalski, WFT; Carol Taylor Cann, PTA.