

SENATE BILL REPORT

2E2SSB 5625

As Passed Senate, May 24, 2001

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

Brief Description: Creating the K-12 academic achievement and accountability act.

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].
Passed Senate: 4/11/01, 26-21.

First Special Session: Passed Senate: 5/24/01, 40-5.

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 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 Bill: A process is provided for focused 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 The current academic performance improvement goals are repealed. Beginning in 2001, when the commission adopts criteria to identify schools and district eligible for focused assistance, the commission must use the statewide mandated reading and mathematics assessment results at the elementary school level. Beginning in 2004, the commission must use the statewide mandated reading and mathematics assessment results at all school levels.

Focused Assistance: If at any time the school district does not act in good faith in this process, the Superintendent of Public Instruction (SPI) may recommend that intervention be imposed.

SPI uses the criteria established by the accountability commission to identify schools in need of focused assistance. SPI recommends and the commission determines which schools have the highest need for focused assistance. Over the next 120 days, the following must happen: SPI convenes a team of experts to conduct an educational audit of the school which will look at multiple indicators. The school district holds a public meeting to provide the findings of the educational audit and to solicit input. A team of school employees and the principal, convened by the school district and in consultation with SPI develop a school improvement plan based on the audit and input received. SPI and the school district jointly negotiate a two-year performance agreement to implement the school improvement plan. The commission may make recommendations for modifications to the performance agreement. The school district holds a public hearing to provide information about the improvement plan and the terms of the performance agreement.

SPI annually evaluates the implementation of the performance agreement and shares that information with the district and the commission. At the end of two years, the performance agreement shall either be: (1) ended because it was successful (to be successful a district must either meet the reading/math improvement goals established by the commission, make sufficient progress on the performance agreement, or meet a minimum score, set by SPI, on the ITBS); (2) extended with existing or new conditions; or (3) replaced with an intervention plan, if SPI finds the school is making insufficient progress.

Intervention: SPI writes, revises and oversees the implementation of an intervention plan which may contain any action authorized by law that SPI deems necessary to improve student learning. The same three criteria to determine success on a performance agreement determines success on an intervention plan.

Student Transfers: Class one school districts (i.e., districts with more than 2,000 students) must adopt a policy allowing automatic transfer of students within the district from schools under focused assistance or intervention. If the school district determines that the automatic transfer of a student is an undue hardship, the school district may appeal that transfer to the State Board of Education.

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); Marda Kirkwood; 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.