
SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL 5625

State of Washington

57th Legislature

2001 Regular Session

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

READ FIRST TIME 03/30/01.

1 AN ACT Relating to an academic achievement and accountability
2 system; amending RCW 28A.655.030, 28A.655.100, and 28A.225.270; adding
3 new sections to chapter 28A.655 RCW; creating new sections; repealing
4 RCW 28A.655.050; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

14 (a) Adopt and revise:

15 (i) Performance improvement goals in reading, writing, science, and
16 mathematics by subject and grade level as the commission deems
17 appropriate to improve student learning, once assessments in these
18 subjects are required statewide(~~(. The goals shall be in addition to~~

1 ~~any goals adopted in RCW 28A.655.050. The commission may also revise~~
2 ~~any goal adopted in RCW 28A.655.050))~~;

3 (ii) Goals for dropout rates and reduction of dropout rates for
4 middle schools, junior high schools, and high schools, once common
5 definitions are developed;

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

8 The commission shall adopt the goals by rule. However, before each
9 goal is implemented, the commission shall present the goal to the
10 education committees of the house of representatives and the senate for
11 the committees' review and comment in a time frame that will permit the
12 legislature to take statutory action on the goal if such action is
13 deemed warranted by the legislature;

14 (b) Identify the scores students must achieve in order to meet the
15 standard on the Washington assessment of student learning and determine
16 student scores that identify levels of student performance below and
17 beyond the standard. The commission shall set such performance
18 standards and levels in consultation with the superintendent of public
19 instruction and after consideration of any recommendations that may be
20 developed by any advisory committees that may be established for this
21 purpose;

22 (c) Adopt objective, systematic criteria to identify successful
23 schools and school districts and recommend to the superintendent of
24 public instruction schools and districts to be recognized for two types
25 of accomplishments, student achievement and improvements in student
26 achievement. Recognition for improvements in student achievement shall
27 include consideration of one or more of the following accomplishments:

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

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

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

38 When determining the baseline year or years for recognizing
39 individual schools, the commission may use the assessment results from

1 the initial years the assessments were administered, if doing so with
2 individual schools would be appropriate;

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

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

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

13 (e) Identify schools and school districts in which state
14 intervention ~~((measures))~~ strategies will be needed ~~((and a range of~~
15 ~~appropriate intervention strategies))~~, beginning no earlier than ~~((June~~
16 ~~30, 2001, and after the legislature has authorized a set of~~
17 ~~intervention strategies))~~ November 1, 2002. Beginning no earlier than
18 ~~((June 30, 2001, and after the legislature has authorized a set of~~
19 ~~intervention strategies, at the request of))~~ November 1, 2002, the
20 superintendent of public instruction may recommend and the
21 commission~~((,))~~ may approve that the superintendent shall intervene in
22 the school or school district and ~~((take corrective actions. This~~
23 ~~chapter does not provide additional authority for the commission or the~~
24 ~~superintendent of public instruction to intervene in a school or school~~
25 ~~district))~~ implement state intervention strategies;

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

28 (g) Annually review the assessment reporting system to ensure
29 fairness, accuracy, timeliness, and equity of opportunity, especially
30 with regard to schools with special circumstances and unique
31 populations of students, and ~~((a recommendation))~~ recommend to the
32 superintendent of public instruction ~~((of))~~ any improvements needed to
33 the system;

34 (h) Annually report by December 1st to the legislature, the
35 governor, the superintendent of public instruction, and the state board
36 of education on the progress, findings, and recommendations of the
37 commission. The report may include recommendations of actions to help
38 improve student achievement;

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

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

8 (k) Seek advice from the public and all interested educational
9 organizations in the conduct of its work; ((and))

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

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

14 (2) Holding meetings and public hearings, which may include
15 regional meetings and hearings;

16 (3) Hiring necessary staff and determining the staff's duties and
17 compensation. However, the office of the superintendent of public
18 instruction shall provide staff support to the commission until the
19 commission has hired its own staff, and shall provide most of the
20 technical assistance and logistical support needed by the commission
21 thereafter. The office of the superintendent of public instruction
22 shall be the fiscal agent for the commission. The commission may
23 direct the office of the superintendent of public instruction to enter
24 into subcontracts, within the commission's resources, with school
25 districts, teachers, higher education faculty, state agencies, business
26 organizations, and other individuals and organizations to assist the
27 commission in its deliberations; ((and))

28 (4) Receiving per diem and travel allowances as permitted under RCW
29 43.03.050 and 43.03.060; and

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

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

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

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

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

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

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

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

15 (c) Include the school-level goals, student performance relative to
16 the goals, and a summary of school-level plans to achieve the goals in
17 each school's annual school performance report under RCW 28A.655.110.
18 The district also shall include this information on the district's
19 internet web site. The office of the superintendent of public
20 instruction shall provide a link on its web site to the school
21 district's web site.

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

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

28 (1) The superintendent of public instruction, based on the criteria
29 established by the academic achievement and accountability commission,
30 shall annually analyze student assessment results. The analysis shall
31 include, but need not be limited to, consideration of the levels of
32 achievement and levels of improvement on criterion-referenced and
33 norm-referenced assessments required to meet goals and achievement
34 levels determined by the academic achievement and accountability
35 commission. The purposes of the analysis shall be:

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

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

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

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

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

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

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

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

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

29 (6) The superintendent of public instruction shall report annually
30 to the legislative committees on education regarding the implementation
31 of the performance agreements and intervention plans, including any
32 barriers to improving student learning that school districts have
33 encountered.

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

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

4 (a) The superintendent of public instruction or the
5 superintendent's designee, in cooperation with the district, shall
6 convene a team of experts to conduct an educational audit of the
7 school. The educational audit shall include but need not be limited
8 to:

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

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

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

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

18 (v) The roles and contributions of the school's employees, and the
19 level of experience and subject matter expertise, including
20 endorsements, of the school's certificated employees;

21 (vi) The needs and characteristics of the school's students,
22 including student mobility and poverty indicators; attendance rates;
23 dropout and graduation rates, if applicable and available; posthigh
24 school indicators, if applicable and available; and the percent of
25 students in special programs;

26 (vii) School district management practices;

27 (viii) School climate and safety indicators; and

28 (ix) Other barriers to student learning.

29 (b) The superintendent of public instruction, or the
30 superintendent's designee, shall formally present the findings of the
31 educational audit to the school district board of directors, and shall
32 share the results with the academic achievement and accountability
33 commission.

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

38 (d) Based on the results of the educational audit and input from
39 parents, teachers, staff, and the community, a team of school employees

1 and the principal that is convened by the school district in
2 cooperation with the superintendent of public instruction or the
3 superintendent of public instruction's designee shall develop a
4 comprehensive school improvement plan within one hundred twenty days of
5 being notified by the superintendent of public instruction of focused
6 assistance eligibility. The plan shall address items identified in the
7 educational audit and shall include, but not be limited to, the
8 following:

9 (i) Student performance goals and expectations;

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

11 (iii) How identified barriers to student learning will be
12 addressed;

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

14 (v) Who is responsible for implementing the specific actions in the
15 plan;

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

19 (vii) Whether waivers of state laws or local policies and
20 agreements are needed. Waiver provisions in existence before January
21 1, 2001, are to be used to obtain the waivers, under an expedited
22 decision-making process if necessary.

23 (e) The superintendent of public instruction, or the
24 superintendent's designee, and the school district shall jointly
25 negotiate the terms of a performance agreement to address the issues
26 identified in the educational audit and to implement the school
27 improvement plan. The agreement shall be developed in consultation
28 with the school's staff and parents. In addition to the items
29 addressed in the school improvement plan, the performance agreements
30 shall include, but not be limited to, a description of:

31 (i) How additional focused assistance resources, if any, will be
32 used;

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

34 (iii) Who is responsible for implementing the specific actions in
35 the agreement; and

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

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

4 (g) If the superintendent of public instruction determines that the
5 school district is failing to complete the process in a timely fashion
6 or is failing to conduct the process in good faith, the superintendent
7 of public instruction shall recommend to the academic achievement and
8 accountability commission that intervention strategies be imposed.

9 (h) The duration of a performance agreement shall be two school
10 years.

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

15 NEW SECTION. **Sec. 6.** FOCUSED ASSISTANCE OPTIONS AND ACTIONS. (1)
16 Focused assistance, as outlined in this chapter, shall be available to
17 a school district on behalf of an eligible school to complete an
18 educational audit, develop a school improvement plan, and implement a
19 performance agreement. Focused assistance for performance agreement
20 implementation may not be provided to a school district in a given
21 academic year unless the agreement is approved within one hundred
22 eighty calendar days of the date the district is notified by the
23 superintendent of public instruction of focused assistance eligibility.
24 Assistance may be obtained from third parties, such as personnel from
25 colleges or universities, independent contractors, statewide education
26 organizations, and educational service districts.

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

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

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

33 (c) New or revised instructional materials;

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

35 (e) Extended learning opportunities for students;

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

38 (g) Revising school district personnel assignments;

- 1 (h) Reallocation of financial resources;
- 2 (i) Increasing fiscal flexibility at the school site;
- 3 (j) Hiring a short-term principal-teacher replacement team that
- 4 would provide free time for the principal and teachers for staff
- 5 collaboration, planning, and training;
- 6 (k) Restructuring of the management, budget, organization, and
- 7 instructional or programmatic approaches;
- 8 (l) Any other action authorized by law that the superintendent of
- 9 public instruction deems necessary to improve student learning.

10 (3) In a class I school district, the parent or guardian of a

11 student in a school identified for focused assistance may enroll the

12 student in a different public school in the district. Each class I

13 school district shall adopt a policy allowing the automatic

14 intradistrict release and acceptance of students from schools that are

15 in focused assistance under this section. If the school district board

16 of directors determines that the automatic intradistrict transfer of a

17 student under this section is an undue hardship, the school district

18 may appeal that intradistrict transfer to the state board of education.

19 (4) The superintendent of public instruction may use focused

20 assistance funds to assist a school if the superintendent of public

21 instruction finds that funds currently available to the school are

22 being used effectively, or will be reallocated to be used effectively

23 under the terms of the performance agreement.

24 NEW SECTION. **Sec. 7.** EVALUATION AND INTERVENTION. (1) The

25 superintendent of public instruction, or the superintendent's designee,

26 shall analyze the implementation of a performance agreement after the

27 agreement has been in effect for one year. Upon completion, the

28 superintendent shall provide the analysis to the school district and

29 academic achievement and accountability commission. The focus of the

30 analysis shall be the degree to which implementation benchmarks and

31 timelines in the agreement have been met.

32 (2) Two years after a performance agreement is approved, the

33 superintendent of public instruction shall evaluate progress on the

34 performance agreement implementation benchmarks and the degree to which

35 students in the school have met or exceeded the student performance

36 expectations described in the agreement. The superintendent of public

37 instruction shall provide the analysis to the school district and

38 academic achievement and accountability commission.

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

4 (a) Ended because the agreement was successfully completed. An
5 agreement is successfully completed when one of the following criteria
6 is met:

7 (i) The school, for two years, has successfully met or exceeded the
8 student performance improvement goals as established by the academic
9 achievement and accountability commission under RCW
10 28A.655.030(1)(a)(i);

11 (ii) The school has made sufficient progress on the performance
12 agreement; or

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

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

18 (c) Replaced with an intervention plan. The superintendent of
19 public instruction shall recommend the implementation of an
20 intervention plan if the superintendent finds that the school district
21 and school are making insufficient progress in improving student
22 learning or insufficient progress in implementation of the performance
23 agreement.

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

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

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

34 (b) The school district shall implement each component of the
35 intervention plan and report at least annually to parents, the
36 community, the academic achievement and accountability commission, and
37 the superintendent of public instruction on the district's progress in
38 raising student achievement and on the implementation of the
39 intervention plan; and

1 (c) The superintendent of public instruction shall recommend and
2 the commission shall approve whether the school district shall be
3 released from the intervention plan when any of the following criteria
4 are met:

5 (i) The school, for two consecutive years, has successfully met or
6 exceeded the student performance improvement goals as established by
7 the academic achievement and accountability commission under RCW
8 28A.655.030(1)(a)(i);

9 (ii) The school has made sufficient progress on the intervention
10 plan;

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

15 (6) In a class I school district, the parent or guardian of a
16 student in a school under intervention may enroll the student in a
17 different public school in the district. Each class I school district
18 shall adopt a policy allowing the automatic intradistrict release and
19 acceptance of students from schools that are in intervention under this
20 section. If the school district board of directors determines that the
21 automatic intradistrict transfer of a student under this section is an
22 undue hardship, the school district may appeal that intradistrict
23 transfer to the state board of education.

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

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

30 (1) Each school district in the state shall adopt and implement a
31 policy allowing intradistrict enrollment options no later than June 30,
32 1990. Each district shall establish its own policy establishing
33 standards on how the intradistrict enrollment options will be
34 implemented.

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

1 NEW SECTION. **Sec. 9.** REPORT ON INTERVENTIONS. By November 30,
2 2002, the academic achievement and accountability commission shall
3 analyze and report to the governor and the legislative education
4 committees on the intervention strategies used by other states and
5 nations, including the success of those strategies in improving student
6 achievement.

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

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

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

15 NEW SECTION. **Sec. 13.** RCW 28A.655.050 (Reading goals--Mathematics
16 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

17 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

--- END ---