

HOUSE BILL REPORT

HB 3073

As Reported by House Committee On:
Education

Title: An act relating to alignment of state and federal educational accountability systems.

Brief Description: Regarding alignment of state and federal educational accountability systems.

Sponsors: Representatives Quall, Talcott, Rockefeller, Sullivan and Upthegrove; by request of Academic Achievement and Accountability Commission.

Brief History:

Committee Activity:

Education: 2/4/04, 2/5/04 [DP].

Brief Summary of Bill

- Increases the number of statutory remedies available to the Office of the Superintendent of Public Instruction to use with schools and school districts in school improvement and corrective action.
- Adopts a few of the school improvement and corrective action remedies proposed in the federal "No Child Left Behind Act of 2001."

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 8 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Haigh, Hunter and Rockefeller.

Minority Report: Without recommendation. Signed by 3 members: Representatives Cox, McMahan and Santos.

Staff: Susan Morrissey (786-7111).

Background:

Under the federal "No Child Left Behind Act of 2001" (NCLB) each school and school district must ensure that all students are making adequate yearly progress (AYP) at a pace that will allow every child to meet state academic standards in 12 years. Results for all students and for subgroups of students are calculated separately and reported to the community and to the state and federal governments. School districts must also monitor and improve graduation rates for secondary students and one additional measurable indicator for elementary students,

which, in Washington, is attendance. The results for all districts and for the state must be reported.

Under the federal law, **Title I schools and districts** which do not achieve AYP will be identified for the following actions:

School Improvement: If a Title I school or district does not make AYP for two consecutive years, it will be identified as needing improvement and will become eligible for federal assistance funds. The list of the identified schools must be made public and each identified school or district must develop an improvement plan. The district must offer all students in the failing school or district the option to transfer, with transportation provided by the district. After one year, if the school is still not making AYP, the district must provide supplemental educational services to low income students from an Office of the Superintendent of Public Instruction (OSPI) approved provider, who has been chosen by the parents.

Corrective Action: If a Title I school or district in improvement does not make AYP for two consecutive years, the district must continue to provide supplemental services and the option for students to transfer to another school with transportation provided. In addition, at least one of the following corrective actions (consistent with State law) must be taken:

Corrective Actions for Title I Schools (consistent with state law)

1. Replace school staff;
2. Implement a new curriculum, including providing professional development for staff;
3. Significantly decrease school level management authority;
4. Provide an outside expert to advise the school;
5. Extend the school year or school day;
6. Change the school's internal organization; and
7. Provide public notice of schools in corrective action.

Corrective Actions for Title I Districts (consistent with state law)

1. Defer or reduce federal funding;
2. Implement a new curriculum, including providing professional development for staff;
3. Replace district personnel;
4. Remove schools from district jurisdiction;
5. Appoint a receiver or trustee to administer the district business in place of the superintendent and the school board; and
6. Abolish or restructure the school district.

Restructuring: If a Title I school in corrective action does not make AYP after one year then the district must continue to provide supplemental services and the option for students to transfer to another school. In addition, the district must implement an alternative governance model that includes one of the following measures (consistent with state law):

1. Reopening school as a public charter school;
2. Replacing all or most of the school staff, including the principal;

3. Contract with an entity to operate the school;
4. State take-over; and
5. Other major restructuring of the school's governance.

Release: If an identified Title I school or district makes AYP for two consecutive years then it is released from improvement, corrective action, or restructuring.

Summary of Bill:

At the request of the Academic Achievement and Accountability Commission (A+ Commission), the Superintendent of Public Instruction (SPI) will intervene in school districts that meet one of two criteria. Interventions are authorized in school districts in which a significant proportion of students persistently do not meet state academic standards although the district is served under Title I of the federal education laws. Interventions are also authorized for school districts that did not carry out their school improvement responsibilities under Title I of the "No Child Left Behind Act of 2001".

In consultation with the affected school district, the SPI will identify interventions that comply with state laws and will assist the district in removing obstacles and providing support necessary to improve student performance. The intensity of the interventions will be graduated, as provided under state law. The SPI will adopt rules to implement the requirements.

The term "intervention" is defined as a list of possible actions that may be taken in a school or school district if students persistently do not meet state academic standards. The actions must be taken in consultation with the affected school district.

Initial interventions include:

- The joint development of an educational audit and performance agreement designed to improve student achievement;
- The implementation of a new curriculum aligned to the content and achievement standards; and
- The provision of research-based professional development for all relevant staff.

If initial interventions do not result in improvement and a significant proportion continue to fail to meet state standards, then the following actions will be implemented, as appropriate:

- Deferral of programmatic funds or the reduction of administrative funds;
 - In consultation with the school board, the replacement of school personnel who are relevant to the failure to make adequate yearly progress; and
 - In consultation with the school board, restructuring the school district.
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Appropriation: None.

Fiscal Note: Requested on January 29, 2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The belief that all children can learn is at the heart of state and federal education reform efforts. Despite years of effort to raise student achievement, including a decade of effort under education reform, the achievement gap among different groups of students continues to grow. It is time to move forward and give the SPI a set of tools to help districts remove the gap and ensure that all children have a real chance to meet the state's academic standards. Under current law, the SPI is barred from the school house door. Keeping the door barred will not improve academic achievement for struggling students. It also puts at risk \$740,000,000 per year in federal funding for schools. This legislation allows the SPI to provide struggling Title I schools and districts with technical assistance, performance plans, and professional development. If those efforts don't work, the SPI, in cooperation with the school district, may take some additional steps to improve student learning. This is a modest step that provides some tools but does not go far enough to address the achievement gap.

Testimony Against: There is no reason to change state law to accommodate a flawed federal law. This bill fundamentally changes the relationship between the state and local districts and creates false expectations since the SPI doesn't have the staff to provide the assistance permitted under the bill. There is no need to act now. The federal funds are not yet at risk and may never be at risk since the state does not permit most of the corrective actions required under the federal law and the state is only required to take the actions permitted under state law. There are too many questions about effective ways to intervene in schools and districts to take action now. It would be better to study how well interventions work in other states and then to decide whether those types of efforts are appropriate in our state.

Persons Testifying: (In support) Representative Quall, prime sponsor; David Shaw, Academic Achievement and Accountability Commission; Terry Bergeson, Superintendent of Public Education; Thelma Jackson, African-American Think Tank; Steve Mullin, Washington Roundtable; and Rainer Houser, Washington Association of School Principals.

(Opposed) Karen Davis, Washington Education Association; Bill Keim, Educational Service District 113; Lorraine Wilson, Tacoma Public Schools, and Dan Steele, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.