

# HOUSE BILL REPORT

## ESHB 3127

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### As Amended by the Senate

**Title:** An act relating to education.

**Brief Description:** Regarding the center for the improvement of student learning.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Santos, Hasegawa, McCoy, P. Sullivan, McDermott, Upthegrove, Pettigrew and Morrell).

#### **Brief History:**

##### **Committee Activity:**

Education: 1/26/06, 2/2/06 [DP];

Appropriations: 2/4/06 [DPS].

##### **Floor Activity:**

Passed House: 2/13/06, 57-41.

Senate Amended.

Passed Senate: 3/2/06, 28-15.

#### **Brief Summary of Engrossed Substitute Bill**

- Reactivates the Center for Improvement of Student Learning within the Office of the Superintendent of Public Instruction.
- The State Board of Education will establish the education ombudsman program and through the request for proposals process will select an entity to serve as the education ombudsman. The entity selected will contract with other entities to serve as regional ombudsmen.
- Creates an Education Advisory Committee to advise and make recommendations to the Legislature, the Governor, and the State Board of Education regarding the education ombudsman program and other issues.

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#### **HOUSE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass. Signed by 7 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Haigh, Hunter, McDermott, Santos and Wallace.

**Minority Report:** Without recommendation. Signed by 6 members: Representatives Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Priest, Shabro and Tom.

**Staff:** Sarah Ream (786-7303).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Linville, McDermott, Miloscia, Schual-Berke, P. Sullivan and Walsh.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Chandler, Hinkle, Pearson, Priest and Talcott.

**Staff:** Charlie Gavigan (786-7340).

### **Background:**

#### Establishment of the Center for Improvement of Student Learning (CISL)

In 1993, as part of education reform, the Legislature created the CISL under the auspices of the Office of the Superintendent of Public Instruction (OSPI). The Legislature directed the CISL to serve as an education information clearinghouse. The Legislature also created a non-appropriated account that was to be used for any gifts, grants, or endowments for the CISL. In 1996, the Legislature expanded the CISL's role to include providing best practices research on programs and practices to improving reading instruction.

#### CISL's Funding History

When the CISL was created in 1993, the Legislature appropriated \$400,000 from the State General Fund for the 1993-95 biennium to support its operations. An additional \$500,000 was appropriated in the 1994 supplemental budget. For each of the 1995-97, 1997-99, and 1999-01 biennia, the CISL received a dedicated appropriation of \$1.26 million. Each budget proviso stated that the funds were provided for technical assistance related to education reform through the OSPI, in consultation with the CISL.

In the 2001-03 biennial budget, the Legislature ceased providing dedicated funding for the CISL.

### **Summary of Engrossed Substitute Bill:**

#### The Center for Improvement of Student Learning (CISL)

The CISL is reactivated within the Office of the Superintendent of Public Instruction (OSPI).

The CISL is directed to: (1) be an information clearinghouse, including maintaining a website; (2) provide best practices research and advice; (3) help inform educators regarding school boards' powers; (4) provide training and consultation services; and (5) address methods

to improve success rates of students in certain ethnic and racial groups. The CISL may contract with others to help provide these services. The OSPI must report to the Legislature biennially regarding the CISL.

#### Creation of the Education Ombudsman's Office

The State Board of Education will create the Education Ombudsman's office. The State Board of Education, through a request for proposals, will select an entity to serve as the Education Ombudsman. The duties of the ombudsman include providing information to students, parents, and others regarding their rights and responsibilities relative to the public education system. The ombudsman is empowered to investigate complaints and to assist in the resolution of complaints lodged by parents and students. The ombudsman will contract with non-profit organizations, educational service districts, or federally recognized tribes to provide ombudsman services around the state.

The ombudsman and regional education ombudsmen will not be liable for acts associated with the good faith performance of the ombudsman's duties. The ombudsman must keep all matters under investigation confidential, except as necessary to perform the ombudsman's duties. Records regarding ombudsman investigations are not subject to public disclosure under the Public Records Act. If the ombudsman believes any public official, employee or other person has committed a crime, the ombudsman must report this fact to the appropriate authorities.

The Education Ombudsman Account is established in the custody of the state treasurer.

#### Creation of the Education Advisory Committee

The Governor will establish an education advisory committee. Of the committee members, five must be parents (one of these must have a student enrolled in special education and one must be a member of the Washington Parent Teacher Association), one member must be chosen from each of the four ethnic commissions, and one member must be a teacher or administrator. Committee members should represent the geographic and ethnic diversity of the state.

Biennially, the advisory committee will advise and make recommendations to the Legislature, Governor, and State Board of Education regarding, among other things, the education ombudsman's office, methods to increase community involvement, and ways to improve educational opportunities for all students.

#### **EFFECT OF SENATE AMENDMENT(S):**

The Senate's amendments do the following:

Remove the Education Ombudsman's direction and authority to conduct investigations, including criminal or disciplinary proceedings, and removes the requirement that the ombudsman retains a director. Delete the creation of the Education Advisory Committee. Delete the establishment of the ombudsman's account in the custody of the state treasurer. Requires the State Board of Education (SBE) to confer with the various state

commissions and the Governor's office of Indian affairs in developing the request for proposals to select an entity to act as the Education Ombudsman Allows the SBE to establish subcommittees with nonmembers to provide on-going consultation to the Education Ombudsman. Requires the SBE to report and make recommendations biennially to the Legislature and the Governor regarding the operation of the Education Ombudsman and other issues. Adds to the duties of the Center for Improvement of Student Learning (CISL), the requirement that CISL work with parents, teachers, and school districts to develop procedures to notify parents if their children miss a class or are absent from school. Puts an expiration date of June 30, 2008 on those sections of the bill that concern the Education Ombudsman. Provides a null and void clause for the section of the bill reactivating the Center for the Improvement of Student Learning (CISL). If specific funding is not provided in the appropriations bill for CISL, then the section regarding CISL's duties is null and void. This would not eliminate CISL, but would keep CISL's duties as they are currently defined in statute.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except section 11 relating to the exemption from public inspection a copying of investigative, law enforcement and crime victim information, which takes effect July 1, 2006.

**Testimony For:** (Education) This bill reintroduces a key piece of education reform the Center for Improvement of Student Learning (CISL). Reviving the CISL is in line with Washington Learns. Placing the CISL within the Governor's office provides it with more credibility. The advisory committee will help guide the process and provide communication between policy makers, parents and educators.

Parent involvement is essential to student success. However, not all parents have the same opportunities to be involved with their children's school. The ombudsman's office will provide parents with information and help them more quickly learn how to navigate the educational system. It will also help with statewide networking of parents.

**Testimony For:** (Appropriations) Families need a place to go for help navigating through the education system. The Center and Education Ombudsman can provide this help. The Center can help parents address anxiety about education reform and can facilitate greater involvement of parents in their children's education.

**Testimony Against:** (Education) None.

**Testimony Against:** (Appropriations) While this issue is important, it should be dealt with next year in conjunction with recommendations from Washington Learns and the State Board of Education.

**Persons Testifying:** (Education) Representative Santos, prime sponsor; Linda Hanson, Parent Washington State Parent Teacher Association; Bev Young Green and Brian Conlin,

Washington State Parent Teacher Association; Christie Perkins, Washington State Special Education Coalition; and Suzi Wright, Tulalip Tribes.

**Persons Testifying:** (Appropriations) (In support) Mary Kentiela, State PTA; and Donna Overseer, Washington State Special Education Coalition and parent.

(Opposed) Terry Bergeson, Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** (Education) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.