

SENATE BILL REPORT

ESHB 3127

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 24, 2006
Ways & Means, February 27, 2006

Title: An act relating to education.

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

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

Brief History: Passed House: 2/14/06, 57-41.

Committee Activity: Early Learning, K-12 & Higher Education: 2/22/06, 2/24/06 [DPA-WM, w/oRec].

Ways & Means: 2/27/06 [DPA(EKHE), w/oRec].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Schmidt, Ranking Minority Member; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller and Shin.

Minority Report: That it be referred without recommendation.

Signed by Senators Pflug and Schoesler.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Early Learning, K-12 & Higher Education.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

Minority Report: That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Parlette, Pflug, Roach and Schoesler.

Staff: Bryon Moore (786-7726)

Background: In 1993, as part of education reform, the Legislature created the Center for the Improvement of Student Learning (CISL) in the Office of the Superintendent of Public Instruction (OSPI). The Legislature directed the CISL to serve as an education information

clearinghouse and provide best practices and advice on improving the instruction and learning of the essential academic learning requirements (EALRs), and increasing parent and community involvement. The Legislature also created a non-appropriated account that was to be used for any gifts, grants, or endowments for the CISL. In 1999, the Legislature expanded CISL's role to work with the Academic Achievement and Accountability Commission (A+ Commission) and stakeholder organizations, and directed CISL to develop and maintain an internet website to increase access to information and research. The A+ Commission was abolished in 2005.

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 stopped providing dedicated funding for the CISL.

Summary of Amended Bill: The CISL is reactivated within the Office of the Superintendent of Public Instruction (OSPI). The former legislative direction for CISL to act as an information clearinghouse and provide best practices research is maintained. The direction to provide advice is removed. Also removed is the direction to work with the A+ Commission on parental involvement materials and identifying obstacles to greater parent and community involvement.

The stakeholders that the CISL must work with is expanded to include parents. Additionally, CISL must identify strategies for improving the success rates of ethnic and racial student groups with disproportionate academic achievement. Beginning September 1, 2007, OSPI will biennially report on the effectiveness of the CISL, how CISL's services were used and by whom, and recommendations to improve the accessibility and application of CISL's information to improve student learning and increase family and community involvement in the public education system.

The State Board of Education (SBE) is directed to establish an Education Ombudsman to provide information, advocate on behalf of students, develop parental involvement materials, identify obstacles to greater parent and community involvement, identify and recommend strategies for improving the success rates of student groups with disproportionate academic achievement. The SBE, through a request for proposals (RFPs), will select an entity to operate the education ombudsman's program. When developing the RFPs, the SBE will confer with the Washington state Commission on Hispanic Affairs, the Commission on African-American Affairs, the Commission on Asian-Pacific American Affairs and the Governor's Office of Indian Affairs. The SBE will contract with the entity selected. The ombudsman will contract to provide regional ombudsman services. The ombudsman and regional ombudsmen must have specified training or experience in specified areas.

The SBE may establish subcommittees and invite nonmembers to serve on the subcommittees to provide ongoing consultation to the ombudsman. Beginning September 1, 2007, the SBE will biennially report to the Legislature and the Governor regarding how the education ombudsman's services were used and by whom, methods to increase and recommendations to

eliminate barriers to community involvement, and strategies to improve educational opportunities for all students.

The ombudsman and regional ombudsmen are not liable for good faith performance. The ombudsman must keep all matters under investigation confidential, except as necessary to perform the ombudsman's duties.

Amended Bill Compared to Original Bill: A null and void clause is provided for the section reactivating the CISL. The authority or support for the ombudsman to conduct any investigations, including criminal or disciplinary proceedings, is removed, however, the ombudsman does have the authority to facilitate the resolution of complaints made by parents and students. The requirement that the ombudsman retains a director is removed. The establishment of the ombudsman's account in the custody of the State Treasurer is removed. The advisory committee to the ombudsman, appointed by the Governor, is removed. When the SBE develops the RFP for the ombudsman position, the SBE will confer with the various state commissions and the Governor's Office of Indian affairs. The SBE may establish subcommittees with nonmembers to provide on-going consultation to the ombudsman. The State Board, rather than the advisory committee, will report biennially on the operation of the ombudsman and other issues.

Appropriation: Section 2, addressing the Center for the Improvement of Student Learning, is null and void if specific funding is not provided in the omnibus appropriations act.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: (Early Learning, K-12 & Higher Education) The substance of this legislation has been a state policy since 1993 when the Center for Improvement of Student Learning was created in House Bill 1209 as part of education reform. This bill renews the commitment made then to honor a commitment to our parents as the primary partners in their children's education. One of the duties of CISL was to make recommendations on how to close the achievement gap, which is something we still need today. There are reporting requirements for SPI to inform how CISL is used and a Governor created advisory committee, both of which act as accountability measures. Additionally, a resource and advocate arm is created through the ombudsman program in the State Board of Education. This program is modeled on the Washington long-term care ombudsman program that has been successful for 20 years. This bill takes a comprehensive approach to help connect schools and homes, help parents to support student achievement, involve parents and families in schools in a meaningful way so as to create a team that will support students, and provide an avenue for parents when they are not getting assistance at the local level.

Testimony Against (Early Learning, K-12 & Higher Education): None.

Testimony Other (Early Learning, K-12 & Higher Education): We support the intent and concept to provide ways to help families navigate the system and fully access the schools.

Our concern is with the investigatory and discipline sections of the bill. There is currently a convoluted system that addresses investigations and discipline actions and concerned that adding another layer will lead to the confusion. This bill is very complex, legalistic, and appears to duplicate current efforts. Washington Learns is currently doing a comprehensive study of education including increasing parent involvement. These issues should be turned over to Washington Learns to make the decision how best to address these issues.

Who Testified (Early Learning, K-12 & Higher Education): PRO: Representative Sharon Tomiko Santos, prime sponsor; Mary Kenfield, Washington PTA; Brian Conlin, Washington PTA; Christie Perkins, Washington State Special Education Coalition.

OTHER: Lucinda Young, Washington Education Association; Leslie Goldstein, Office of the Superintendent of Public Instruction; Barbara Mertens, Washington Association of School Administrators.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): No one.