
Education Committee

E2SSB 6696

Brief Description: Regarding education reform.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles; by request of Governor Gregoire).

Brief Summary of Engrossed Second Substitute Bill

- Provides authority and specifies a process for the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) to implement an accountability system that recognizes successful schools and requires certain actions by school districts with persistently lowest-achieving schools, according to federal definitions.
- Requires new classroom teacher and principal four-level rating evaluation systems with specified minimum criteria to be implemented according to a specified timeline.
- Extends provisional status for non-supervisory certificated staff from two to three years.
- Expands supplemental contracts by authorizing the inclusion of innovation activities, if focused on the achievement gap, science, technology, engineering, and mathematics, or arts education.
- Authorizes the Professional Educator Standards Board (PESB) to accept proposals for new preparation program providers that include community colleges and non-higher education providers.
- Requires public colleges of education that offer residency certification to submit a proposal to offer an alternative route program.
- Requires all teacher preparation programs to administer a new evidence-based assessment to all preservice candidates beginning in 2011-12.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires the SPI to adopt the Common Core Standards using a specified process and timeline.
- Invites feedback from parents on their experiences with the school.

Hearing Date: 2/17/10

Staff: Barbara McLain (786-7383).

Background:

System of School and District Accountability.

Introduction. In 2005 the Legislature directed the newly-reconstituted State Board of Education (SBE) to "implement a standards-based accountability system of academic achievement." Since that time, the SBE has worked extensively to consider and develop options for such a system. In 2009 the Legislature made the direction more specific by requiring the SBE to develop:

- an accountability index to identify exemplary schools that deserve recognition, as well as schools that need additional help to improve student achievement;
- a proposal and timeline for a voluntary system of support and assistance for schools and districts; and
- a proposal and timeline for a comprehensive system of improvement targeted to schools and districts that have not demonstrated sufficient improvement through the voluntary system.

The SBE submitted its report and recommendations to the Legislature on December 1, 2009.

Federal Accountability and School Improvement. Washington's approach to identifying schools and districts needing improvement has followed the requirements of the federal No Child Left Behind Act (NCLB) of 2001. The NCLB requires that schools and districts make "adequate yearly progress" (AYP) by meeting established annual goals for scores on state assessments in mathematics and reading, graduation rates, and unexcused absence rates, both for all students as well as for each identified subgroup of students.

State Assistance to Schools and Districts Needing Improvement. During the past six years, the Superintendent of Public Instruction (SPI) has established focused assistance programs for schools that need help improving student achievement. Federal funding is available for Title I schools; state funds have also been provided to extend the services to non-Title I schools. The total state and federal investment in focused assistance for 2009-10 was \$21 million, of which \$3 million was from state funds.

Participation of schools and districts in focused assistance, including Title I schools, has been entirely voluntary. Washington has had a law prohibiting the SPI or the SBE from intervening in a school or district unless the Legislature authorized a set of intervention strategies.

New Federal School Improvement Regulations. In December 2009 the U.S. Department of Education issued new regulations governing the use of federal funds for school improvement.

The American Recovery and Reinvestment Act of 2009 provides approximately \$42.5 million for school improvement to Washington over the next three years. Under the new regulations, significant resources and attention are focused on the lowest 5 percent of persistently lowest-performing schools that are eligible for Title I funds. To receive a school improvement grant, school districts will be required to implement one of four federal intervention models in persistently lowest-performing schools.

The four intervention models are:

1. Turnaround: A district would be required to replace the principal, rehire no more than 50 percent of the staff, adopt a new governance structure for the school, provide high quality professional development, and use data to identify and implement a research-based instructional program.
2. Restart: A district must close the school and reopen it either as a charter school or under the management of an external education management organization.
3. Closure: A district closes the school and enrolls the students in other schools in the district that are higher-performing.
4. Transformation: In addition to replacing the principal, a variety of required and optional activities are outlined. The activities are intended to develop teacher and leader effectiveness, implement comprehensive reform strategies, increase learning time and create community-oriented schools, and provide operational flexibility and sustained support to the new principal.

Educator Performance.

Teacher Evaluations. The SPI must establish minimum criteria for the evaluation of teachers and other certificated support staff. For classroom teachers, the criteria must be based on the following categories:

- instructional skill;
- classroom management;
- professional preparation and scholarship;
- effort toward improvement when needed;
- handling of student discipline and attendance problems;
- interest in teaching pupils; and
- knowledge of subject matter.

Timelines and procedures are specified in the law for the conduct of evaluations and the use of results. Teachers whose work is judged "unsatisfactory" may be placed on probation or, in the case of provisional employees, subject to non-renewal of an employment contract. There is a short-form evaluation (also called the professional growth option) for those who have received four consecutive satisfactory evaluations.

Beyond the minimums provided in statute, the details of the process and criteria for evaluation are subjects of collective bargaining. Each school district must have a process and criteria.

Principal Evaluations. School boards are also required to establish criteria and procedures for evaluating administrators. Depending on the job description, evaluation criteria include:

- knowledge of, experience in, and training in recognizing good professional performance, capabilities, and development;

- school administration and management;
- school finance;
- professional preparation and scholarship;
- effort toward improvement when needed;
- interest in pupils, employees, patrons, and subjects taught in school;
- leadership; and
- ability and performance of evaluation of school personnel.

Provisional Status. Except for superintendents, all school district employees are hired on a one-year contract. With one exception, all certificated instructional and administrative staff are offered a contract renewal for the following year unless there is a probable cause that the contract should not be renewed. The exception is for non-supervisory certificated staff who have provisional status during the first two years of employment (one year if they worked at least two years in another district). While there are some procedures and due process requirements for non-renewal of a provisional employee's contract, it is not necessary for the district to show probable cause as a justification.

Supplemental Contracts.

Salaries paid to certificated instructional staff can exceed the limitations imposed by laws pertaining to the statewide salary allocation schedule only through a supplemental contract for "time, additional responsibilities, or incentives." The supplemental contracts must be paid with non-state funds and cannot be for basic education services.

Educator Preparation.

Program Approval. The Professional Educator Standards Board (PESB) is the state agency charged with establishing qualifications for educator certification, including approval of teacher and administrator preparation programs offered by colleges and universities.

Preservice Performance Assessment. Candidates for a residency teaching certificate are evaluated during their student teaching using a performance-based assessment developed by the colleges of education. In 2009 the Legislature directed the PESB to submit a proposal for a uniform, statewide, valid, and reliable means of assessing candidate performance before granting a teaching certificate. In April 2009 the PESB joined a multi-state consortium to pilot a preservice performance assessment based on an instrument used in California. According to a timeline proposed by the PESB, a statewide field test could be implemented in 2011-12.

Alternative Routes to Certification. In 2001 the Legislature authorized a partnership grant program where one or more school districts and a college of education could develop and offer a teacher preparation program with certain characteristics:

- individualized teacher development plan;
- between one-half to one year of intensive mentored internship in the classroom; and
- coursework to provide knowledge and skills needed for certification (usually offered during the summer before the internship and/or on evenings and weekends during the school year).

There are various alternative routes intended to attract different possible candidates. Initially, grant funds were appropriated to partnerships to pay intern and mentor stipends as well as provide conditional scholarships for interns to cover tuition and fees. In 2003 funding was shifted almost entirely to conditional scholarships for interns. The alternative route programs are still operated and authorized as a "partnership grant program" even though they do not receive grant funds. There are currently 10 approved programs, none of which are offered by a public four-year institution of higher education. In 2008-09, 125 candidates received a teaching certificate through one of the programs.

In 2007 a program called Retooling to Teach Math and Science was created to offer conditional scholarships for currently employed teachers or unemployed elementary teachers to earn a math or science endorsement.

Student Teaching Centers. Legislation enacted in 1991 created networks of student teaching centers through the Educational Service Districts (ESDs) to coordinate student teaching placements in rural communities not served by higher education institutions. Funding for the centers was eliminated in the 2003-05 biennial budget.

Educator Workforce.

There are no coordinated efforts to project demand for teachers on a regional or statewide basis or for the higher education system to use this information in planning for degree programs. The Higher Education Coordinating Board (HECB) is assigned to conduct a needs assessment for teacher preparation in mathematics, science, and technology, but the regular needs assessment process used by the HECB for additional degrees and programs does not specifically include educator workforce data.

Common Core Standards.

The SPI is responsible for developing, adopting, and periodically revising the state learning standards. If requested, the SPI must provide opportunities for the Education committees of the Legislature to review any proposed modifications to the standards before they are adopted.

In the spring of 2009 Washington signed a Memorandum of Understanding (MOU) to join the Common Core Standards Initiative (Initiative) along with 47 other states. The Initiative is an effort to develop a single, common set of standards for English language arts and mathematics in K-12. The standards are anticipated to be released in February 2010. The Initiative's definition of "adoption" is that a state adopts the standards either in their entirety or with no more than 15 percent additional content within three years. The MOU does not obligate Washington to adopt the standards.

Parents and Community.

Each school is required to publish an annual school performance report, deliver it to parents of children in the school, and make it available to the community. The minimum content of the report includes enrollment statistics and student demographics, student achievement data, an annual budget report, and a description of learning improvement plans for the school.

One of the responsibilities of the Center for the Improvement of Student Learning (CISL) within the OSPI is to serve as a clearinghouse for information regarding successful parent involvement programs in schools and districts.

Achievement Gap.

Legislation enacted in 2009 created the Achievement Gap Oversight and Accountability Committee (Achievement Gap Committee) to recommend policies and strategies to the SPI, the PESB, and the SBE to close the achievement gap.

Summary of Bill:

System of School and District Accountability.

Intent. The Legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for continuous improvement for all schools and districts.

Phase I of this framework will use the SBE's Accountability Index to recognize schools that have done an exemplary job of raising student achievement and closing achievement gaps. Phase I will also target the persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models, voluntarily in 2010 and through a Required Action process in 2011.

Phase II will work toward using the Accountability Index to identify schools needing improvement, including non-Title I schools, and using state and local intervention models and state funds beginning in 2013, in addition to the federal program.

Persistently Lowest-Achieving Schools. Beginning in 2010 and each year thereafter by December 1, the SPI must identify Title I and Title I-eligible schools that are the persistently lowest-achieving in the state. The criteria for identifying a school are established by the SPI and must conform to the federal requirements for receipt of a federal school improvement grant.

Required Action Districts. Beginning in January 2011 the SPI must annually recommend to the SBE those school districts to be designated as Required Action districts.

Any district with at least one school identified as persistently lowest-achieving is designated as a Required Action district if it meets the criteria established by the SPI. However, a district will not be identified as a Required Action district in 2010 if it received a federal school improvement grant in 2010 and implemented a federal intervention model in each persistently lowest-achieving school. A school district may request reconsideration of whether it met the criteria to be a Required Action district. A designated district must notify the parents of students attending a persistently lowest-performing school.

Required Action Plan. The SPI must contract with an external review team to conduct an academic performance audit of a Required Action district and its persistently lowest-achieving schools. The audit is based on criteria developed by the SPI, a number of which are specified.

A Required Action district must develop a Required Action Plan (Plan) in collaboration with staff, parents, unions, students, and other representatives of the community and hold a public hearing on the proposed Plan. The SPI must provide assistance in developing a Plan if requested.

A Plan must include implementation of one of four federal intervention models that are required for receipt of federal school improvement grants in those persistently lowest-performing schools that the district will be focusing on for Required Action. The models are the turnaround, restart, school closure, and transformation models, except that a district is not authorized to establish a charter school under one of the federal models without express legislative authorization. The Plan must also include an application for a federal school improvement grant, a budget, changes in policies and practices intended to improve student achievement, and measures to be used to assess student achievement.

Collective Bargaining Agreements. For any Required Action district, the parties to any collective bargaining agreement negotiated, renewed, or extended after the bill takes effect must reopen the agreement or negotiate an addendum if changes to terms and conditions of employment are needed to implement a Plan.

If the school district and employee organizations are unable to agree to these changes, the parties must request the Public Employment Relations Commission (PERC) to appoint a mediator. If the PERC finds that the parties are unable to reach agreement after a reasonable period, the PERC director must certify any disputed issues for a decision by the superior court of the county in which the district is located.

After consideration of briefs and a hearing, the superior court must enter an order selecting the proposal that best responds to the issues raised in the district's academic performance audit and allows for the award of a federal school improvement grant. Orders are binding on the parties, except that the court's decision is subject to appeal if it does not allow the district to implement a Plan that is consistent with an award of a federal school improvement grant.

Each party bears its own costs and attorneys' fees. Amendments are made to school employee collective bargaining laws to cross-reference the collective bargaining provisions in the bill.

Plan Approval and Implementation. Plans must be submitted to the SBE for approval. The SBE must explain its rationale for not approving any Plan, and the district must submit a new Plan. If federal funds are not available, a Plan is not required to be implemented. Otherwise, a Plan must be implemented in the school year immediately following designation as a Required Action district.

If a district has not submitted a final Plan for approval, or has submitted a Plan but not received approval by the beginning of the school year that the Plan is to be implemented, the SBE is authorized to direct the SPI to redirect the district's Title I funds based on the academic performance audit.

The SPI must provide a biannual report to the SBE on the progress of all Required Action districts in implementing their plans. The SPI must recommend that a district be released from Required Action after the district implements a Plan for three years, has made progress, and no

longer has a persistently lowest-performing school. If the SBE determines that a district has not made sufficient progress, the district remains in Required Action and must submit a new or revised Plan.

Other. The SBE, in cooperation with the SPI, must annually recognize schools for exemplary student performance, as measured by the SBE Accountability Index.

Provisions of law directing the SBE to develop and submit proposals to the Legislature for an accountability system are repealed, including a requirement that a proposal for addressing performance challenges takes effect only if formally authorized by the Legislature.

Educator Performance.

Teacher Evaluation. All school districts must, through collective bargaining, establish revised criteria and a four-level rating system for evaluating classroom teachers. The minimum evaluation criteria must include:

- centering instruction on high expectations for student achievement;
- demonstrating effective teaching practices;
- recognizing individual student learning needs and developing strategies to address those needs;
- providing clear and intentional focus on subject matter content and curriculum;
- fostering and managing a safe, positive learning environment;
- using multiple student data elements to modify instruction and improve student learning;
- communicating and collaborating with parents and school community; and
- exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

The four-level rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, if available and relevant to the teacher and the subject matter, is referenced in the evaluation process, it must be based on multiple measures. "Student growth data" means change in student achievement between two points in time.

Teachers can use a short-form evaluation after four years of receiving one of the top two evaluation ratings. Locally-bargained short-form evaluations must provide that professional growth is specifically linked to one or more of the evaluation criteria.

Principal Evaluation. School districts must also establish revised criteria and a four-level rating system for evaluating principals. The rating system for principals must have the same characteristics as the one for teachers. Minimum criteria must include:

- creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff;
- demonstrable commitment to closing the achievement gap;
- providing for school safety;
- leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements;
- assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals;

- monitoring, assisting, and evaluating effective instruction and assessment practices;
- managing both staff and fiscal resources to support student achievement and legal responsibilities; and
- partnering with the school community to promote student learning.

Implementation of New Evaluation Systems. The SPI must create models, which must be available for use in the 2011-12 school year, for implementing the evaluation system criteria, student growth measurement tools, professional development programs, and evaluator training. In doing this work the SPI must collaborate with associations representing teachers, principals, and administrators, along with at least one parent selected from an applicant pool by the statewide parent-teacher organization. The new evaluation systems will be phased in beginning in 2010-11. School districts will be selected by the SPI based on agreement of the district and its local associations representing teachers and principals to participate in a full range of development and piloting activities in 2010-11 and 2011-12. The districts must submit all student data to the SPI, and the SPI must analyze the districts' evaluative data, including data that is not used or under-utilized in the evaluations. The new systems must be implemented in all school districts beginning in 2013-14.

The SPI must provide reports on the status of implementation by July 1, 2011 and July 1, 2012. The SPI and representatives of statewide associations must also analyze how the new evaluation systems affect issues related to a change in contract status for employees. If funds are provided for beginning teacher support programs, school districts participating in the phase-in of the new evaluation systems receive first priority for funds during the phase-in period.

School districts must annually report to the SPI on the evaluation criteria and results for all district staff, and provide information to the community about district policies for hiring, assigning, evaluating, and terminating staff. School district staff assignment policies must be based on a plan to ensure that the policy supports the learning needs of all students and gives specific attention to high-need schools and classrooms.

Provisional Status. Provisional status for non-supervisory certificated staff is changed to three years instead of two years, except that the district superintendent can choose to move an individual to continuing contract status if the person received one of the top two evaluation ratings during the second year of employment. Additional observations are required for purposes of evaluating a provisional employee in their third year.

Supplemental Contracts.

The following is added to activities that can be covered by supplemental contracts: innovative activities, including professional development, to close the achievement gap, focus on development of science, technology, engineering, and mathematics learning opportunities, and provide arts education. Beginning September 1, 2011 districts must annually provide a summary of such activities to the SPI, and the SPI must annually summarize the information and report it to the Education committees.

Educator Preparation.

Program Approval. By September 1, 2010 the Professional Educator Standards Board (PESB) must review and revise its educator preparation program approval standards and, beginning September 30, 2010, accept proposals for new programs that could include community and technical colleges or non-higher education providers.

Preservice Performance Assessment. Approved teacher preparation programs must administer the PESB's evidence-based assessment of teaching effectiveness to all preservice candidates beginning in the 2011-12 school year. Candidates completing programs in the 2012-13 school year and thereafter must pass the assessment for residency certification.

Alternative Routes to Certification. The PESB is directed to transition the alternative route certification program from a separate competitive partnership grant program to a preparation program model that can be expanded to additional approved providers. Various adjustments are made to the laws pertaining to these alternative route programs to reflect the shift in emphasis. In fiscal year 2011 priority in conditional scholarships is given to participants in fiscal year 2010.

All public institutions of higher education with residency certificate programs that are not already offering an alternative route program must submit a proposal to the PESB to offer one or more of the alternative route programs.

It is clarified that Route Four candidates can serve as the teacher of record while serving as an intern. Unemployed elementary teachers no longer qualify for the Retooling to Teach Math and Science scholarships.

Student Teaching Centers. Laws establishing student teaching centers in the ESDs are repealed.

Educator Workforce.

The ESDs must annually convene school districts and educator preparation programs in their region to review educator workforce data, make projections of certificate needs, and identify how preparation program recruitment and enrollment plans reflect that need.

The needs assessment conducted by the HECB for new degree programs must include data and input from the PESB. The needs assessment regarding teacher preparation is expanded to include any area of regional or subject-matter shortage. The HECB must also establish service regions for public institutions of higher education that offer preparation programs. If the HECB determines that access to a preparation program within a service region is inadequate, the responsible higher education institution must submit a plan to the HECB for meeting the need.

Common Core Standards.

By April 15, 2010 or 30 days after the multistate standards are finalized, whichever is later, the SPI must submit an analysis comparing the multistate standards and the state learning standards to the Education committees of the Senate and House, the Governor, educators, and the public. The SPI must solicit comments and recommendations regarding adoption of the multistate standards. After consideration of the comments, but no later than August 2, 2010, the SPI must adopt either the multistate standards or the multistate standards plus up to 15 percent additional standards for each content area.

Parents and Community.

Beginning in the 2010-11 school year, each school must annually invite parents and community members to provide feedback to the school. The school must summarize the feedback and include it in the school report card. The SPI must create a working group with at least one representative from associations representing parents, teachers, and principals to develop a model feedback tool to use with parents and community members. School districts are encouraged to create spaces in school buildings, if space is available, to provide access to student and family services. The CISL must determine measures to be used to evaluate the level of parental involvement in a school and begin recognizing schools based on the measures beginning in the 2010-11 school year.

Achievement Gap.

The SBE must have ongoing collaboration with the Achievement Gap Committee regarding the measured used for and the recognition of schools that are closing the achievement gap. The SPI, the SBE, the PESB, and the Quality Education Council must work collaboratively with the Achievement Gap Committee to close the achievement gap.

Appropriation: None.

Fiscal Note: Not requested.

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