

SENATE BILL REPORT

SB 6696

As of January 26, 2010

Title: An act relating to education reform.

Brief Description: Regarding education reform.

Sponsors: 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 History:

Committee Activity: Early Learning & K-12 Education: 1/25/10.

Brief Summary of Bill

- Provides a new authority and process for the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) to enact an accountability system that recognizes successful schools and requires certain actions by school districts in which the lowest 5 percent of persistently low-achieving schools are located.
- Creates a new classroom teacher and principal four-level rating evaluation system with specified minimum criteria.
- Expands supplemental contracts by authorizing the inclusion of innovation activities, if focused on the achievement gaps; and science, technology, engineering, and mathematics (STEM).
- Authorizes the Professional Educator Standards Board (PESB) to begin accepting proposals for new providers, including non-higher education providers, for the alternative teacher certification programs.
- Requires SPI to adopt the common core standards.
- Invites feedback from parents on their experiences with the school.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Susan Mielke (786-7422)

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.

Background: Federal Funds. One component of the federal American Recovery and Reinvestment Act (ARRA) is the Race To The Top (RTTT) Fund, estimated to provide \$4 billion for one-time, four-year competitive grants to encourage states to improve student outcomes by implementing strategies in four education reform areas and to reward states that have already made significant progress in these areas:

1. implementing high academic standards and rigorous assessments;
2. improving teacher effectiveness and achieving equity in teacher distribution;
3. improving collection and use of data; and
4. supporting struggling schools.

The federal guidance provided for the federal competitive RTTT grants provides that implementation of the four federally defined school intervention models (turnaround, restart, school closure, and transformation) can strengthen a RTTT application and facilitate the reforms required to be addressed by the RTTT grant. The Governor, Superintendent of Public Instruction (SPI), and Chair of the State Board of Education (SBE) are jointly working on a RTTT grant application and intend to submit the application by the June 1, 2010, deadline. The Governor has requested legislation to address some areas that will be included in the state's RTTT application.

Accountability. In 1993 the Legislature directed the Commission on Student Learning (CSL) to, among other things, adopt criteria to identify successful schools and districts, those in need of assistance, and those in need of state-level intervention. The CSL expired on June 30, 1999, without such a system being created. During the 1999 Legislative Session the Academic Achievement and Accountability Commission (A+ Commission) was created and given the same task. In 2001 the A+ Commission proposed an accountability system to the Legislature, including a voluntary focused assistance program. The legislation did not pass, but funds were, and continue to be, provided in the budget for a voluntary focused assistance and school improvement program. In 2005 the Legislature abolished the A+ Commission and charged the SBE with identifying successful schools and districts, those in need of assistance, and those in need of state-level intervention. In 2008 the SBE adopted an accountability framework that included using an accountability index that used multiple indicators to identify schools and districts for recognition, improvement, and additional state support. The 2009 Legislature directed the SBE to continue to refine the framework, including a system targeting schools and districts that have not demonstrated sufficient improvement through the voluntary system.

Public Employment Relations Commission (PERC). PERC offers mediation, fact-finding, and arbitration services; training in collective bargaining; processing of representation and unit clarification cases; and adjudication of unfair labor practice cases at no cost to the approximately 350,000 public employees in Washington who work for the state, cities, counties, ports, school districts, community colleges, universities, and public utilities and have collective bargaining rights under public sector collective bargaining statutes.

Evaluations. *Classroom Teachers, Principals, and Other Staff.* Current law requires each school district to have criteria and procedures to evaluate the district superintendent; principals; other administrators; and other certificated staff, including classroom teachers, but not classified staff. The criteria and procedures for evaluating classroom teachers must include minimum criteria established by the SPI in 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. Principal evaluation must be based on the job description and may address specified criteria. It is the responsibility of the principal to evaluate all certificated staff in the school. The number and duration of the observations for the purpose of evaluation are specified, and can include a locally bargain short-form evaluation for employees who have received four years of satisfactory evaluations. The employee must receive a written copy of any evaluation results.

Provisional Certificated Staff. Except for provisional employees, there must be probable cause and due process provided to an employee whose employment contract is not renewed. A provisional employee is subject to nonrenewal of an employment contract without a finding of probable cause. A provisional employee is a non-supervisory, certificated employee who is either (1) in the first two years of employment by a school district; or (2) in the first year of employment at a school district but has at least two years of employment by another Washington school district.

Assignment of Staff. Assignment of staff must be based on classroom and program needs determined by the school board.

Supplemental Contracts. The Legislature provides funding for teachers and other certificated staff salaries through the state salary allocation schedule, which uses education and years of experience to determine the salary levels. School districts have the authority to establish the actual salaries paid to staff, subject to local collective bargaining, and within limits set by the Legislature. School districts may exceed the limitations by using a locally funded supplemental contract for additional time, responsibilities, or incentives (TRI). TRI supplemental contracts must be for only one year, not cause the state to incur any present or future funding obligation, be covered by collective bargaining, and not be used to pay for basic education services.

Professional Educator Preparation. The Professional Educator Standards Board (PESB) is responsible for the policy and oversight of Washington's system of educator preparation and certification. There are currently two levels of teacher certification: (1) residency, which requires completion of an approved teacher preparation program; and (2) professional, which requires successful completion of an approved professional certification program until September 1, 2011, successful submission of a ProTeach portfolio assessment to the PESB, or successful achievement of a certificate from the National Board for Professional Teaching Standards.

Preservice Assessment. Last session, the Legislature directed the PESB to develop a proposal for a uniform classroom-based means of evaluating teacher effectiveness to be used during preservice. The assessment was to include multiple measures of classroom performance, artifacts, and student work. In April 2009 the PESB joined a multi-state consortium to pilot the Teacher Performance Assessment, a preservice assessment.

Alternative Routes for Certification. The Legislature has created four alternative routes to teacher certification. Since 2001, under the alternative routes, school districts have been able to partner with higher education teacher preparation programs to provide a shortened field-

based teacher preparation program with a mentored internship. The educational program for each route varies based on the existing education level of the candidate. Originally, a partnership grant program and conditional scholarship were funded by the Legislature to support the alternative route program, however, the grant program is no longer funded. There are currently ten approved programs, all at private four-year institutions of higher education. In 2008-09, 125 candidates received a teaching certificate through one of the alternative route 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.

Workforce Data. Since 2004, at the direction of the Legislature, the Higher Education Coordinating Board (HECB), the State Board for Community and Technical Colleges (SBCTC), and the Workforce Training and Education Coordinating Board (WTECB) have jointly reported, every two years, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated work force.

Essential Academic Learning Requirements (EALRs). The SPI has the responsibility to develop and revise the Essential Academic Learning Requirements (EALRs), which are the knowledge and skills that public school students need to know and be able to do. The EALRs in reading, writing, communications, and mathematics were initially adopted in 1995 and revised in 1997. The EALRs for science, social studies, the arts, and health and fitness were initially adopted in 1996 and also revised in 1997. The EALRs for mathematics and science were again revised in 2008. Under current law, if the SPI proposes any modification to the EALRs, then the SPI must, upon request, provide opportunities for the education committees of the Legislature to review the proposed modifications before the modifications are adopted.

Common Core Standards. In May 2009 Governor Gregoire and State Superintendent Dorn signed an agreement joining the governors and the chief state school officers from 48 states, including Washington, to develop a common core of state standards in English-language arts and mathematics for grades K-12. The anticipated release of the standards is January 2010. A validation committee will verify that states have accurately adopted the common core state standards. Once the English-language arts and mathematics standards are developed, there is a plan to develop a common core of standards in science and potentially additional subject areas.

School Report Card. Since 1994, each school must annually provide a school performance report to the parents of students in the school and the community served by the school. The report must include information on enrollment, student demographics, student performance, student attendance, graduation and dropout rates, expenditures, and the use and condition of school buildings. The SPI must post each school's report on the SPI website.

Summary of Bill: Accountability. In 2010 phase I of the accountability system is voluntary; will use federal funds to target the lowest 5 percent of persistently low-achieving schools eligible for federal Title I funds; and use federal intervention models. A required action process will begin in 2011 for those eligible schools that did not volunteer and have not improved student achievement. Phase II will use state funds for a required action process in schools that are not Title I eligible.

Beginning no later than December 1, 2010, the SPI must use criteria developed by the SPI that conforms with federal criteria to annually identify schools that are the persistently lowest achieving schools. If federal funds are available, beginning in January 2011, the SPI must annually recommend to the SBE the school districts that should be designated as a required action district. A required action district must have at least one identified persistently low-achieving school, however, a district that voluntarily participated in 2010 cannot be designated. A timeline and process is provided for the SPI to provide written notice of the designation to the required actions districts and for a district to request reconsideration of the designation. A designated district must notify all parents of students in the identified school of the designation and the required action process that will be followed.

The SPI must contract with an external review team, with expertise in school and district reform, to conduct an academic performance audit of the designated district and the identified school to identify potential reasons for the low performance. The audit must include specified areas of review. The audit findings must be made available to the district staff, community, and the SBE.

A plan must be developed with district and school employees, employee unions, parents, students, and community members to address concerns raised in the audit. The plan must contain specified components, including implementation of one of the four federal intervention models (although a district may not establish a charter school without express legislative authority.) The SPI must provide assistance, if the district requests. The district must obtain comment on the proposed plan at a public hearing.

Any collective bargaining agreement with a designated required action district must be able to be changed, if necessary, to implement the required action plan and must allow implementation of one of the four federal intervention models. If the district and employee organizations are unable to agree on the change necessary then the parties must request the Public Employment Relations Commission (PERC) to mediate in accordance with a specified timeline. If the mediation is unsuccessful then the executive director of the PERC must certify the disputed issues for a decision by the Superior Court. In accordance with a specified timeline and process, the court must enter an order selecting the required action plan proposals that best respond to the issues raised in the school district's academic performance audit. Each party must bear its own costs and attorney's fees.

A designated required action district must submit a required action plan to the SPI to review and approve that the plan is consistent with the federal guidelines. The district then submits the plan to the SBE for approval. If the SBE does not approve the plan then the SBE must provide written notification and a rationale for why the plan was not approved. The SPI must assist the district to submit a new plan for SBE approval. Once approved, a plan must be implemented the school year immediately following the district's designation as a required

action district, unless federal funds are not available. If a school district has not submitted a final plan for approval or has not received SBE approval then the SBE may direct the SPI to redirect the district's federal Title I funds based on the academic performance audit findings.

The school district must implement the approved required action plan. The SPI must provide technical assistance and the federal funds to implement the plan. The district must submit progress reports and the SPI must provide a biannual report to the SBE on the progress made by all the required action districts. After three years, a school district may be released from required action if the district has made progress, as defined by the SPI, and no longer has a school within the district that is identified as persistently low achieving.

The SBE with the SPI must annually recognize schools for exemplary student performance as measured on the SBE accountability index.

Evaluations. Each school district must establish performance criteria and an evaluation process for classified staff and establish a four-level rating system for evaluating classroom teachers and principals with revised evaluation criteria. The new rating system must describe performance on a continuum that indicates the extent the criteria have been met or exceeded. When student growth data, (showing a change in student achievement between two points in time), if available and appropriate, is referenced in the evaluation process, it must be based on multiple measures.

Classroom Teachers. The revised 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 with parents and the school community; and exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. The locally bargained short-form may also be used for certificated support staff or for teachers who have received one of the top two ratings for four years. The short-form evaluations must be specifically linked to one or more of the evaluation criteria.

Principals. The revised evaluation criteria must include: creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; 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.

Pilot and Implementation. The SPI, with stakeholders and experts, must create models for implementing the revised evaluation system criteria, student growth measurement tools, professional development programs, and evaluator training. Beginning in the 2010-11 school year, SPI selected school districts that, among other things, have the agreement of the local

associations representing teachers and principals to collaborate with the district, will pilot the new teacher and principal evaluation systems. If funds are provided for beginning teacher professional development, then the funds must be allocated to the districts piloting the evaluation systems. The new evaluation systems must be implemented in all school districts beginning in 2013-14.

Provisional Certificated Staff. Provisional status for certificated staff is extended from two years to three, although a district superintendent may remove an employee from provisions status if the employee received one of the top two evaluation ratings during the employee's second year of employment. Process providing the number and duration of the observations during the third year is specified.

Reporting. 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. The SPI, districts, and stakeholders must analyze the evaluative data. The SPI must provide status reports on the implementation of the new evaluation systems and recommendations on changes by July 1 in 2011 and 2012.

Assignment of Staff. In addition to classroom and program needs, assignment of staff 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.

Supplemental Contracts. TRI contracts are expanded to authorize the inclusion of innovative activities, if focused on the achievement gaps and STEM.

Professional Educator Preparation. By September 2010, PESB must review and revise the educator preparation program approval standards and begin accepting proposals for new providers, including non-higher education providers; and all approved residency teacher preparation programs must submit a proposal to offer an alternative route or flexibility in the traditional preparation program for the residency certificate.

Preservice Assessment. Beginning in the 2011-12 school year, approved teacher preparation programs must administer the PESB's evidence-based assessment of teaching effectiveness to all preservice candidates. Candidates subsequently admitted to the programs must pass the assessment. The PESB must annually report the assessment results to the Governor and Legislature.

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 include additional approved providers. In Fiscal Year 2011, priority for a conditional scholarship must be given to alternative route participants in Fiscal Year 2010. Unemployed elementary teachers no longer qualify for the Retooling to Teach Math and Science scholarships, only employed K-12 teachers qualify.

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

Workforce Data. Educational Service Districts (ESDs), with the PESB, must annually convene school districts in their region and approved educator preparation programs 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 Higher Education Coordinating Board (HECB) for new degree programs, and the joint report by the HECB, SBCTC, and WTECB must include data and input from the PESB. The HECB must also establish service regions for public institutions of higher education that offer educators preparation programs. Based on data from the needs assessment, the HECB will determine if there is reasonable program access in each service region. If access is determined to be inadequate, the higher education institution responsible for the region must submit a plan to the HECB for meeting the need.

Essential Academic Learning Requirements (EALRs) and Common Core Standards. By August 2, 2010, the SPI must revise the EALRs for mathematics, reading, writing, and communication by adopting a common set of standards for students in grades K-12, substantially identical with the standards developed by a multistate consortium in which Washington participated.

School Report Card. 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.

Appropriation: None.

Fiscal Note: Requested on January 21, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Schools across the state are making heart-wrenching decisions with regard to district budgets, thus it is vital for Washington to enter the RTTT competition. The Race to the Top competitive grant provides a great opportunity for Washington State. We believe that the federal administration will recognize the work that we have done in the past and will recognize the initiatives in this legislation, which builds on EHSB 2261 from last year. This bill focuses on improving the learning opportunities for all students. We have worked for 20 years to create an accountability system where we recognize successful schools and engage in improving schools that struggle, and providing intervention in our very lowest performing schools. We have been working on many of these things for a long time and they have evolved through the input that has been received. We are pleased that the components of the bill are based on what the research tells us about the most successful ways to address struggling schools and support for educators effectiveness. An exciting piece is the focus on science, technology, engineering, and math because that is where the jobs are today and will be in the future. We need to be competitive from a business standpoint but also from the standpoint of our kids who are competing with students from around the world. A critical part of this bill is the support for our principals and teachers as our education leaders, and involving parents and community in their schools. We welcome the change to the evaluation process, especially the use of data

and we support extending the provisional employees time from two to three years. We request that the four levels of evaluation be defined at the state level. We encourage the pilot groups to look at the differences between assistant principals and principals. We have the opportunity to set standards and measurable goals for our students and then find the students, particularly minority children and specifically African American males, who fall through the cracks. Rigorous criteria are established, but it allows for local communities to tailor to their needs while maintaining high standards. Many of these things will be difficult to accomplish but there are reasonable timelines provided in the bill. This bill avoids the false promise of charter schools, which have questionable effectiveness and have been rejected by voters in our state.

OTHER: It is unfortunate that it has taken the RTTT process for us to focus on quality in our schools although it is still not student focused enough. RTTT is a federal grant that uses federal criteria. This bill will move us past the starting line for the federal dollars but it may not get us a win. So we must decide: Do we go after the points or do we go after what is best for kids? We will fall short because we don't have any independent charter schools, an area that can provide many points. The current process for removing poor teachers takes too long and we can get points for having effective teachers. We need to put more teeth in the evaluation process. Student data needs to be a significant portion of the evaluation. Performance pay is missing. We need to compensate teachers based on their effectiveness and stop tenure contracts. We remain concerned about the potential impact on African American, other minority, and disadvantaged children in our state. The educational gap is between students of color and white students and we need to address that gap as a high priority. Many of these things are too important and we must continue our efforts even if the federal funds are not acquired - it is the responsibility of the Legislature. We will still be left with the state needing to live up to its paramount duty. We do not think that the SBE should be able to reject a plan that conforms to the federal criteria. An additional option would be to have the audit team evaluate the required action plan for approval. We recognize that some of these alternative routes for teacher preparation are innovative but we are concerned about capacity and support of the new providers and we need to ensure that they are quality programs and that the teacher candidates will have pedagogy and not just an academic program. School leaders, including school district directors, can provide a useful perspective on the audit team. The parental involvement piece is weak and is not true parent engagement. Washington should enable the authorization of high quality charter schools.

Persons Testifying: PRO: Senator McAuliffe, prime sponsor; Judy Hartmann, Governor's Policy Office; Mary Lindquist, Washington Education Association; Larry Gosset, King County Councilman; Rob Holland, Port of Seattle Commissioner; Tony Moore, Federal Way School District Director; Edie Harding, SBE; Jennifer Wallace, PESB; Jerry Bender, Association of Washington School Principals; Kim Howard, PTA; Lisa McFarlane, League of Education Voters; Lew McMurrin, Washington Technology Industry Association; and Pat Montgomery, Auburn PTA.

OTHER: Randy Dorn, Superintendent of Public Instruction; Barbara Mertens, Washington Association of School Administrators; Dan Steele, Washington State School Directors Association; Jim Kainber, Jeani Littrell-Kwik, Erin Gustafson, Stand for Children; Thelma Jackson, Black Education Strategy Roundtable; Nancy Hiteshue, Washington Roundtable;

Liv Finne, Washington Policy Center; Kristin Merlo, parent; Bob Cooper, Washington Association of Colleges for Teacher Education.