

HOUSE BILL REPORT

E2SHB 1443

As Amended by the Senate

Title: An act relating to continuing education reforms, including implementing recommendations of the quality education council.

Brief Description: Concerning continuing education reforms, including implementing recommendations of the quality education council.

Sponsors: House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Maxwell, Dammeier, Sullivan, Pedersen, Springer, Kagi, Anderson, Pettigrew, Finn, Morris, Ladenburg, Frockt, Jinkins, Upthegrove, Clibborn, Orwall, Haigh, Jacks, Liias, Billig, Kelley and Probst).

Brief History:

Committee Activity:

Education: 2/4/11, 2/10/11 [DPS];

Education Appropriations & Oversight: 2/17/11, 2/21/11 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/2/11, 83-14.

Senate Amended.

Passed Senate: 4/12/11, 30-17.

Brief Summary of Engrossed Second Substitute Bill

- Requires the Superintendent of Public Instruction (SPI) to ensure that a fairness and bias review has been conducted before implementing revisions to the state Essential Academic Learning Requirements.
- Requires school districts to adopt a policy defining a high school credit and authorizes the State Board of Education to repeal a seat-time based definition.
- Authorizes the SPI to require use of a kindergarten readiness assessment in low-performing schools receiving federal school improvement grants.
- Allows Learning Assistance Program (LAP) funds to be used to support students in science and requires a study of the impact of remediation strategies funded by the LAP on student achievement.
- Requires student performance data from the Transitional Bilingual Instructional Program to be reported online through the Washington State Report Card.

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.

- Adopts a definition of a highly capable student and directs the SPI to adopt consistent procedures for school districts to identify, assess, and select their most highly capable students for purposes of the Highly Capable Program.
- Allows qualified graduates of the Recruiting Washington Teachers Program in high schools to participate on a space-available basis in an alternative route teacher preparation scholarship program.
- Directs a Compensation Working Group to conduct a comprehensive analysis of educator professional development and mentoring needs.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Ahern, Angel, Billig, Dahlquist, Fagan, Finn, Haigh, Hargrove, Hunt, Ladenburg, Liias, Maxwell, McCoy, Probst and Wilcox.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and Kretz.

Staff: Barbara McLain (786-7383).

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 18 members: Representatives Haigh, Chair; Probst, Vice Chair; Anderson, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Dahlquist, Frockt, Hargrove, Hope, Maxwell, Nealey, Orwall, Reykdal, Rolfes, Santos, Seaquist, Sells, Short and Stanford.

Staff: Ben Rarick (786-7349).

Background:

Quality Education Council. Legislation adopted in 2009 established the Quality Education Council (QEC) and tasked it with informing and making strategic recommendations on the ongoing implementation of the program of Basic Education and the funding to support it. The QEC is composed of representatives from the Legislature, the State Board of Education (SBE), the Department of Early Learning, the Professional Educator Standards Board, the Achievement Gap Oversight and Accountability Committee (Achievement Gap Committee), and the Office of the Governor. The Superintendent of Public Instruction (SPI) is the current QEC Chair.

During 2010 the QEC convened two technical working groups to examine the Learning Assistance Program (LAP) and the Transitional Bilingual Instructional Program (TBIP). The

QEC also received recommendations from the SBE on proposed revisions to state high school graduation requirements and a Highly Capable Program (HCP) technical working group established by a proviso in the 2010 Supplemental Operating Budget. Other groups making recommendations to the QEC included the Building Bridges Dropout Prevention and Intervention Work Group, the Achievement Gap Committee, and a technical working group tasked with examining types and levels of classified staff needed in schools.

In its 2011 report to the Legislature, the QEC made a number of recommendations intended to make progress toward increased funding for Basic Education; provide students the opportunity to graduate prepared for postsecondary success; close the opportunity gap for disadvantaged students and students of color; support education professionals; support improvements in math and science; and invest in early learning.

Other Programs. In 2009 legislation was enacted to modify the Instructional Program of Basic Education that must be provided by all school districts. Among the changes is to require school districts to increase minimum instructional hours from a districtwide annual average of 1,000 hours, to 1,000 hours for grades 1 through 6 and 1,080 hours for grades 7 through 12. This increase is to occur according to an implementation schedule adopted by the Legislature. A schedule has not yet been adopted.

The Pipeline for Paraeducators (Pipeline) program assists classified school employees to first earn a transferrable associate degree, and then enroll in an alternative route program to earn a bachelor's degree and teaching certification. Participation in the Pipeline has been limited.

The Recruiting Washington Teachers program (RWT) operates as a grant-funded partnership between high schools, colleges of education, and community organizations to recruit and provide training and support for diverse high school students to enter the teaching profession. There are no scholarships available to provide a further incentive for these students to enter teaching.

The Opportunity Internship Program (OIP) provides incentives for consortia of high schools, businesses, and community organizations to provide internships and other training opportunities in high-demand occupations for low-income high school students. Students who complete the OIP are eligible for up to one year of state financial aid for postsecondary study.

Summary of Engrossed Second Substitute Bill:

Instruction and Support.

Fairness and Bias Review. Before implementing revisions to the state Essential Academic Learning Requirements, the SPI must first ensure that a fairness and bias review has been conducted, including an opportunity for input from the Achievement Gap Committee and an additional diverse group of community representatives, parents, and educators.

Definition of a High School Credit. By July 1, 2012, each school district that grants high school diplomas must adopt a policy defining a high school credit and specifying how the district will assure that students have gained the knowledge and skills to earn a credit. The

SBE is authorized to repeal the seat-time based definition of a credit by May 31, 2012. Districts must certify their policies annually to the SBE.

Basic Education Instructional Hours. The required increase in minimum instructional hours under the Instructional Program of Basic Education continues to occur according to an implementation schedule adopted by the Legislature, but not before the 2014-15 school year.

Dropout-Focused Technical Assistance. The Office of the Superintendent of Public Instruction (OSPI) must provide technical assistance, within available funds, for school and district improvement that is specifically targeted to reduce school dropouts and improve graduation rates.

Family Engagement. The title of one of the staffing categories within the prototypical school funding formula is changed from "Parent Involvement Coordinator" to "Family Engagement Coordinator." Schools that are subject to state accountability requirements because they are among the persistently lowest-performing schools in the state must include use of Family Engagement Coordinators in their Required Action plans to improve student achievement. The OSPI may also require other schools receiving federal school improvement grants to use Family Engagement Coordinators.

Kindergarten Readiness. Elementary schools that are subject to state accountability requirements must include use of the state kindergarten readiness assessment in their Required Action plans. The OSPI may also require other elementary schools receiving federal school improvement grants to use the assessment.

Opportunity Gap.

Remediation. The skill areas to be addressed by the LAP are expanded to include science. Extended learning opportunities for struggling students are expanded to include 9th through 12th grade students rather than only 11th and 12th grade.

The Washington State Institute for Public Policy is directed to work with the OSPI to design and implement a research study to measure the impact on student achievement of remediation strategies funded by the LAP. The study design must be submitted to the QEC and the Education Committees of the Legislature by September 1, 2011, with results of the study submitted by September 1, 2012.

Bilingual Program. Aggregated results of student performance on the English language proficiency assessments used in the TBIP must be posted on the Washington State Report Card website by school and district. Information about the average length of time students are in the TBIP, student progress in learning English, students meeting annual reading and mathematics performance targets, and the academic performance of former TBIP students must also be posted.

Highly Capable. A legislative finding is added to the HCP that the education of highly capable students may include supports and services in addition to those ordinarily provided in general education. For purposes of the HCP, a highly capable student is defined as a student who performs or shows potential for performing at significantly advanced levels

when compared to others of his or her age, experience, or environment. Rules adopted by the OSPI for school districts to nominate, assess, and select their most highly capable students must address consistent procedures for universal screening, public notification, use of multiple criteria, involvement of qualified professionals, family involvement, and safeguards to reduce bias.

Recruiting Washington Teachers. Graduates of the RWT may participate in the Pipeline scholarship, as long as they meet the qualifications for the program, and paraeducators continue to receive first priority for scholarship awards. Partnerships that offer the RWT may be considered consortia for purposes of the OIP and thus apply to participate in the OIP.

Education Professionals.

Evaluation. The Legislature intends to continue development and implementation of revised teacher and principal evaluation systems authorized in 2010, including support of pilot school districts.

Professional Development. A Compensation Working Group scheduled to be convened beginning July 1, 2011, must include among its other work, a comprehensive analysis of educator professional development needs. Topics to be addressed include cultural competency; competency in language acquisition; science, technology, engineering and mathematics instruction; and mentoring needs for all types of school staff.

EFFECT OF SENATE AMENDMENT(S):

If there are reductions in force (RIF), the contracts of teachers and principals who receive the lowest evaluation rating must be nonrenewed first. District policies or agreements on recall rights must provide for recall in the reverse order. Collective bargaining agreements entered into or renewed after the bill takes effect must be consistent with these provisions. District policies or agreements adopted after the bill takes effect must prohibit assignment of a teacher to a school in the lowest tier of the state accountability index unless agreed to by the principal.

Students in the classes of 2013 through 2016 may graduate from high school without meeting the state standard on the high school science assessment if they take one science class after 10th grade. The SPI may not implement end-of-course assessments in high school science.

The Compensation Working Group convened July 1, 2011, must consider a number of additional items, including how to reward educational attainment, years of service, performance on a four-tiered evaluation, service in high demand fields, National Board certification, phase-out of grandfathered salary allocations, and use of school-based incentives. Four legislators are added to the Group.

The Washington State School Directors' Association must develop a model policy regarding defining a high school credit. School districts may not prevent students from taking individual online courses and must award credit for courses that meet the district's graduation requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 104, which changes a staffing category in the prototypical school funding formula; section 105, which addresses implementation of Basic Education instructional hours; section 202, which allows the Learning Assistance Program to address science skills; and section 208, adding legislative intent to the Highly Capable Program, which take effect on September 1, 2011.

Staff Summary of Public Testimony (Education):

(In support) The QEC has been working through the interim to build on its prior work on Basic Education reform and financing. Support for previous legislation has been strong and bipartisan. This bill continues to focus on the workhorse pieces of building an education reform framework: improving instruction and support, closing the achievement gap, and supporting education professionals. The QEC has worked very hard in light of current fiscal realities to bring forward only those issues that are significant and need to move forward within limited resources. The group has looked at existing programs to find ways to use money more effectively and strengthen them to get better results for students.

The Common Core standards are supported, particularly with the addition of a fairness and bias review. We live in a mobile society, and it is more fair for students to hold them to the same standards they will be held to in another state. Textbook companies will be aligning with the Common Core standards; they will not align to Washington's stand-alone standards. Teachers in Washington should not have to fill gaps between our standards and their curriculum materials. This takes time away from instruction. With the Common Core standards, we will be able to pool resources on diagnostic assessments, conferences for professional development, and curriculum. This will enhance the ability for the education community to articulate expectations for student learning to both parents and teachers. There will be potential cost savings for all districts in the long run, as well as improved consistency. Washington should join the effort to out-vote Texas in its ability to influence the content of textbooks. A misaligned textbook can derail even the best learning standards. There will be costs to adoption, depending on where districts are in terms of buying textbooks and aligning curriculum. Down the line there will also be assessment costs. Parents and teachers want common, consistent, clear learning expectations for students. Adoption of the Common Core standards is an historic opportunity to establish high expectations for all children regardless of their ZIP code. This is a pact among states to do the best we can for all children. The Common Core standards are highly aligned with college readiness, internationally benchmarked, and clear and coherent. This is the right time for adoption, and it is in the best interests of the state.

This bill continues to move forward on supporting struggling and under-represented students. An analysis of the LAP is needed to help us get the best bang for the buck. School principals appreciate the flexibility to use the LAP funds to support science instruction. We are grateful for the statement of support of revised teacher and principal evaluation systems. The bill could go further in holding districts accountable for their LAP and TBIP. The bill could also

go further in implementing kindergarten readiness assessments in all full-day kindergarten programs. Unlike some other bills that rearrange the deck chairs, this bill was written in a careful and deliberative fashion by building on the work of previous legislation. This is the logical next step. It does not give everything that is needed, but it keeps momentum moving forward. There should be a clearer definition of the program of Basic Education, including addressing the graduation credit requirement. There is much more to the bill than just the Common Core standards. There is much here that will have a substantial impact on students. While nothing here is groundbreaking, there is still policy progress in a number of important areas. It is unfortunate that the bill does not include many of the major QEC recommendations, but there is still support for what is there.

(In support with concerns) The QEC should be commended for continuing to make upstream policy progress. The sections of the bill dealing with the HCP should be improved. There are some subtle differences in language between the HCP working group recommendations and the bill that may make programs less inclusive rather than more inclusive. The HCP working group is committed to recognizing the potential of every highly capable child in the state. There must be early recognition and nurturing of very young children before formal identification processes. It might be important to study and examine professional development, but the Compensation Working Group might not have the right people represented to do the work. There is concern about studying compensation given the current fiscal climate.

(Opposed) The Common Core standards are expensive, untested, and without any data showing a valid effect on student learning. For decades Washington had the lowest-rated math standards in the nation. The education agencies did nothing about this. It was not until the citizens took the reins, with the assistance of the Legislature, that we were able to take our "F"-graded standards and turn them into some of the best in the nation. Say "no" to the Common Core standards. The state and school districts, and therefore taxpayers, have spent millions of dollars educating teachers about our new math standards. Washington's poor performance on national math assessments is the direct result of low math standards. Now that we have changed that course, we are facing a call to support untested nationally-developed standards. The Common Core standards simply abort the hard work that has been done to reclaim math instruction in our state. The OSPI report was issued three days ago, which is later than was mandated by the Legislature. How does spending money to lower our standards make a good investment? School districts will have to divert funds from current programs in order to implement these changes. Previous development of learning standards has occurred in the public domain. The Common Core standards website says the National Governors' Association owns the copyright. Control over what our children learn will lie in the hands of so-called experts outside of Washington and outside of government, where there is no accountability. There is no indication that student achievement will improve. Citizens expect and demand a say in what happens in the classroom. There is no groundswell of opinion to change our current math standards. This is a top-down approach when we have only just completed a bottom-up revision to achieve excellent standards. The bureaucrats that got us into the previous mess with our math standards are still there.

Staff Summary of Public Testimony (Education Appropriations & Oversight):

(In support) These are workhorse items to ensure that education reform continues. The major fiscal item is examination of the Learning Assistance Program (LAP). The state spends a lot of money on the LAP, and it is worth making sure that those resources are well spent and making a difference in student achievement. Making the Recruiting Washington Teachers (RWT) graduates eligible for a scholarship does not cost anything extra because the funds are already provided and are underutilized. This is a way to reach out to underrepresented populations to encourage them to become teachers. Some of the dates for the SBE to adopt rules may need to be adjusted.

This bill is a high priority and a logical next step. There are many good things for parents and educators. Many of the items are small, but will offer a large payoff. Removing the seat-time definition of a credit could result in real savings in the long-term. The continued efforts of the Quality Education Council are appreciated. Low-achieving elementary schools would be required to use the kindergarten assessment; a similar approach should be used with low-achieving high schools. Those with high dropout rates should be required to focus on dropout prevention and reduction.

(With concerns) The costs of the Common Core standards are a concern. Also, there is concern about removing the seat-time definition of a high school credit. School districts already have the ability to use competency-based credits if they choose, so having a seat-time definition is not a barrier. This would result in 295 different definitions of a credit and poses a burden on school districts to come up with a policy. Parents use the 150-hour definition to hold districts accountable.

(Opposed) None.

Persons Testifying (Education): (In support) Representative Maxwell, prime sponsor; Representative Dammeier; Scott Haury; Pam Caba; Shawn Lewis and Alan Burke, Office of the Superintendent of Public Instruction; Marilee Scarbrough, Washington State School Directors' Association; Rick Maloney, University Place School District; Tracy Zahn, Bridgeport School District; Ramona Hattendorf, Leanne Hawkins, and Dori Tate, Washington State Parent Teacher Association; Ricardo Sanchez, Latino/a Educational Achievement Project; Jim Kainber, Stand for Children; George Scarola, League of Education Voters; Jerry Bender, Association of Washington School Principals; Anne Luce, Partnership for Learning; Dan Steele, Washington Association of School Administrators; and Brad Burnham, Washington State Board of Education.

(In support with concerns) Janis Travern and Nancy Robinson, Highly Capable Program Technical Workgroup; David Berg, Puyallup Academic Booster Club; and Lucinda Young, Washington Education Association.

(Opposed) Bob Dean and Mark Van Horne, Where's the Math; Bob Brandt; Laura Brandt; Martha McLaren, Highly Capable Program Technical Workgroup; Lyn Wong; James Wilson; Sharon Hanek; Laurie Rogers; Ted Nutting; and Danaher Dempsey, State Board of Education Math Advisory Panel.

Persons Testifying (Education Appropriations & Oversight): (In support) Representative Maxwell, prime sponsor; David Brenna, Public Education Standards Board; Brad Burnham,

Washington State Board of Education; George Scarola, League of Education Voters; Mitch Denning, Alliance of Education Associations; and Ramona Hattendorf, Washington State Parent-Teachers Association.

(With concerns) Catherine Ahl, League of Women Voters; and Wes Pruitt, Workforce Board.

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

Persons Signed In To Testify But Not Testifying (Education Appropriations & Oversight): None.