

HOUSE BILL REPORT

HB 1849

As Reported by House Committee On:
Education Appropriations & Oversight

Title: An act relating to establishing the Washington state education council.

Brief Description: Establishing the Washington state education council.

Sponsors: Representatives Haigh, Santos, Dammeier, Seaquist, Finn, Maxwell, Sullivan, Probst, Hunt, Anderson, Frockt, Kenney and Kagi.

Brief History:

Committee Activity:

Education Appropriations & Oversight: 2/15/11, 2/21/11 [DPS].

Brief Summary of Substitute Bill

- Establishes the Washington State Education Council (Council), made up of 17 members appointed by the Governor from candidates submitted by specified early learning, K-12, and postsecondary education organizations, a representative of the Governor's Office, the Superintendent of Public Instruction, and four nonvoting legislators.
- States the Legislature's intent to establish a primary strategic oversight and advocacy board for the public education system, including early learning, K-12, and postsecondary education, and to consolidate supervision of the system within a primary state agency.
- Directs the Council to prepare a transition plan to implement the Legislature's intent by restructuring the duties and responsibilities of 12 current state education entities.
- Requires a preliminary report by January 5, 2012, and a proposed plan along with legislation necessary to implement it by December 5, 2012.

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Haigh, Chair; Probst, Vice Chair; Dammeier,

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.

Assistant Ranking Minority Member; Dahlquist, Frockt, Maxwell, Orwall, Reykdal, Santos, Seaquist, Sells and Stanford.

Minority Report: Do not pass. Signed by 6 members: Representatives Anderson, Ranking Minority Member; Hargrove, Hope, Nealey, Rolfes and Short.

Staff: Barbara McLain (786-7383) and Ben Rarick (786-7349).

Background:

There are a number of state agencies, councils, and boards with responsibilities for early learning, K-12, and postsecondary education. One of them is constitutionally established.

Early Learning.

Department of Early Learning. The Department of Early Learning (DEL) was created in 2006 for the purpose of implementing state early learning policy and coordinating child care and early learning programs. The DEL is an executive agency whose Director is appointed by the Governor. The DEL oversees and regulates child care licensing; establishes quality standards for early learning; works with other agencies to administer child care subsidy programs; administers the Early Childhood Education and Assistance Program; provides Early Support for Infants and Toddlers for young children with disabilities; offers early home visiting programs; collaborates with other agencies and public-private partnerships on early learning initiatives; and conducts outreach to parents.

Early Learning Advisory Council. The Early Learning Advisory Council (ELAC) was established in 2007 to advise the DEL on statewide early learning needs and develop a statewide early learning plan. There are 23 members, with 16 appointed by the Governor from specified agencies and constituencies, eight legislators, and one representative each from the Office of the Superintendent of Public Instruction (OSPI), the tribes, and private schools.

K-12 Education.

Superintendent of Public Instruction. The first Superintendent of the Common Schools was created by the Territorial Legislature in 1860. At statehood in 1889, the Superintendent of Public Instruction (SPI) was established in the state Constitution as a non-partisan, statewide elected official. The Constitution assigns the SPI "supervision over all matters pertaining to public schools." Three Attorney General opinions have stated that the Legislature may not delegate to another officer or agency the supervisory authority of the SPI over the public schools, and that the constitutional authority of the SPI cannot be made subordinate to that of another officer or body (AGO 1998 No. 6, AGO 1961-62 No. 2, and AGO 2009 No. 8).

The SPI has a wide range of statutory duties, including distributing state and federal funds to school districts and Educational Service Districts to support K-12 education; approving and monitoring district budgets; preparing a state budget for the K-12 system; administering the state School Construction Assistance Program; gathering and reporting data; administering, monitoring, and providing technical assistance to support state and federal instructional

programs for special populations of students; issuing educator certificates and taking disciplinary actions; establishing state learning standards; developing and administering the statewide student assessment system; and providing technical assistance in such matters as curriculum, school improvement, professional development, pupil transportation, food services, educational technology, and school safety.

State Board of Education. The State Board of Education (SBE) was first established by the Territorial Legislature in 1877. The SBE consists of 16 members: five elected by school board members, seven appointed by the Governor, one elected by private schools, the SPI, and two nonvoting students. The SBE's statutory purpose is to provide advocacy and strategic oversight of public education, implement a standards-based accountability framework, provide leadership, and promote achievement of the Basic Education goals. The SBE is responsible for setting performance standards for statewide assessments and the accountability system; setting high school graduation requirements; monitoring compliance with Basic Education requirements; and approving private schools.

Professional Educator Standards Board. The Professional Educator Standards Board (PESB) was established in 2000. Members are the SPI plus 12 gubernatorial appointees. The purpose of the PESB is to establish policies and requirements for the preparation and certification of educators, which includes setting standards; approving educator preparation programs; and administering assessments for various levels of certification.

Office of the Education Ombudsman. The Office of the Education Ombudsman (OEO) was created in 2006 to provide information to the public regarding their rights and responsibilities with respect to the state's public elementary and secondary education system and to advocate on behalf of students. The OEO is located in the Office of the Governor, and the Education Ombudsman is appointed by the Governor. The OEO helps resolve conflict between families and schools and provides policymakers with recommendations to improve the education system.

Washington State School Directors' Association. The Washington State School Directors' Association (WSSDA) was originally founded in 1922 as a private association, but in 1947 it was established in statute as a state agency. The WSSDA is made up of all school board members from the state's 295 school districts. The statutory purpose of the WSSDA is to provide leadership, coordination of programs, advocacy, and services to support public school boards. The WSSDA is supported by dues assessed to each school district.

Achievement Gap Oversight and Accountability Committee. The Achievement Gap Oversight and Accountability Committee (Achievement Gap Committee) was established in 2009 to synthesize previous studies into an implementation plan and to recommend policies and strategies to close the achievement gap. The Achievement Gap Committee is composed of six legislators, a representative of Washington federally recognized tribes who is designated by the tribes, and four members appointed by the Governor in consultation with the state ethnic commissions and representing the African American, Latino, Asian American, and Pacific Islander communities. Representatives of the OEO and the Center for Improvement of Student Learning in the OPSI are also members.

Quality Education Council. Legislation enacted in 2009 established the Quality Education Council (QEC) to inform and make strategic recommendations on the ongoing implementation of the program of Basic Education and the funding to support it. The QEC is composed of eight legislators and one representative from each of the following state education agencies: the SBE, the PESB, the DEL, the Achievement Gap Committee, and the OSPI. A representative of the Governor's Office is also a member.

Postsecondary Education.

Higher Education Coordinating Board. The Higher Education Coordinating Board (HECB) was originally established in 1969 as the Council on Higher Education. Its current membership, duties, and name were established in 1985. The HECB has 10 members appointed by the Governor. The purpose of the HECB is to develop a statewide strategic master plan for higher education; administer state and federal financial aid programs; serve as an advocate for students and the overall higher education system; represent the interest of the public above the interests of individual colleges and universities; and coordinate with the institution governing boards and other state education agencies. The HECB also prioritizes higher education budget requests; conducts needs assessments; approves degree programs; and authorizes degree-granting institutions.

State Board for Community and Technical Colleges. The State Board for Community and Technical Colleges (SBCTC) was established in 1967 along with the state community college system. There are nine members appointed by the Governor. The purpose of the SBCTC is to provide general supervision and control over the system of 34 community and technical colleges. In this role, the SBCTC prepares a single operating and capital budget request on behalf of the system; distributes appropriated funds among the colleges; manages financial accounting and reporting of enrollment and information; provides support for instructional and student service programs in the colleges; provides research, analysis, and policy development; and coordinates information technology services.

Other.

Education Research and Data Center. Legislation enacted in 2007 established an Education Research and Data Center (ERDC) in the Office of Financial Management to conduct analyses of early learning, K-12, and higher education programs and issues; identify critical research and policy questions in education and the data needed to address them; and provide research that focuses on student transitions within and between the education sectors. The ERDC acts as a data warehouse for connecting data from each of the sectors.

Summary of Substitute Bill:

The Washington State Education Council (Council) is established. The overall mission of the Council is to recommend policies, strategies, and a governance structure to make the public education system student-focused and able to provide seamless service delivery across all sectors, including early learning, K-12 education in the common schools, and postsecondary education.

The members of the Council must represent the full spectrum of interests and expertise in public education, from early learning through K-12 and postsecondary education. Seventeen members are appointed by the Governor from candidates submitted by education organizations as follows:

1. two representatives of early learning programs and providers, with six candidates submitted by advocacy organizations and advisory committees on early learning;
2. one school administrator, with three candidates submitted by the Washington Association of School Administrators;
3. one school director, with three candidates submitted by the Washington State School Directors' Association;
4. one principal, with three candidates submitted by the Association of Washington School Principals;
5. one parent, with three candidates submitted by the Washington State Parent Teacher Association;
6. one career and technical educator, with three candidates submitted by the Washington Association for Career and Technical Education;
7. one K-12 teacher, one community and technical college faculty, and one classified employee, each selected from three names submitted by respective employee associations;
8. one faculty member from a four-year public institution of higher education, with three candidates submitted by faculty senates;
9. two representatives of four-year public institutions of higher education, with three candidates submitted by the Council of Presidents;
10. two representatives of community and technical colleges, with six candidates submitted by the Washington Association of Community and Technical Colleges;
11. one representative of private education, with three candidates submitted by associations representing approved private schools, private career schools, and independent colleges and universities; and
12. one representative of the business community, with three candidates submitted by the Partnership for Learning.

The SPI and a representative of the Governor's Office are members of the Council. There are also two legislators appointed by the Speaker of the House of Representatives and two appointed by the President of the Senate. Legislative members are non-voting. The Governor must ensure that the Council includes individuals with knowledge and experience in working with historically underrepresented populations.

The SPI convenes the Council and serves as temporary chair until a chair and vice-chair are selected by the members. Members serve without compensation or travel reimbursement. The OSPI may assign up to two full-time equivalent staff to support the Council.

The Legislature's intent is:

- to establish a primary strategic oversight and advocacy board for the public education system; and
- to consolidate supervision over matters pertaining to the public school system within a primary state agency.

The Council is directed to prepare a transition plan to implement this legislative intent. The transition plan must address restructuring of the duties, responsibilities, and authority of the following state entities:

- Department of Early Learning;
- Early Learning Advisory Council;
- Office of the Superintendent of Public Instruction;
- State Board of Education;
- Professional Educator Standards Board;
- Office of the Education Ombudsman;
- Washington State School Directors' Association;
- Achievement Gap Oversight and Accountability Committee;
- Quality Education Council;
- Higher Education Coordinating Board;
- State Board for Community and Technical Colleges; and
- Education Research and Data Center.

The term "restructuring" includes reassigning, removing, or modifying duties, and eliminating or modifying the state entities as necessary to achieve more efficient and effective service delivery and more seamless oversight and policy. The Council may establish advisory committees to help develop the transition plan. The transition plan must also address the responsibilities and membership of the primary oversight and advocacy board and the recommended means of designating the director of the primary supervisory state agency.

The Legislature does not intend the bill to affect the statutory authority of school boards, Educational Service District boards, or college and university Boards of Regents and Trustees.

A preliminary progress report is due by January 5, 2012, and a proposed transition plan, along with legislation necessary to implement it, is due by December 5, 2012.

The provisions of the bill expire June 30, 2013.

Substitute Bill Compared to Original Bill:

The mission of the Council is focused on recommending policies, strategies, and a governance structure for the public education system. The Council is temporary, rather than ongoing, and the bill's provisions expire June 30, 2013, rather than only if the SPI finds the Legislature does not adopt legislation to implement its intent by June 30, 2014. Rather than having nine members appointed by the SPI and nine appointed by the Governor, 17 members of the Council are appointed by the Governor from candidates submitted by specified education organizations and education sectors. A representative of the Governor's Office is added to the Council. Council members and any members of advisory committees serve without compensation or travel reimbursement. The SPI acts as temporary chair until a chair and vice chair can be selected by the Council, rather than having the SPI act as chair and Chief Executive Office of the Council.

The Legislative intent that guides the Council's transition plan is revised: a) to establish a primary strategic oversight and advocacy board for the public education system, rather than specifying that the Council serves this role; and b) to consolidate supervision over matters pertaining to the public education system within a primary state agency, rather than specifying that the SPI serves this role. The transition plan must address roles and membership of an oversight and advocacy board and the recommended means of designating the director of the primary supervisory state agency. The ELAC is added to the list of state entities to be examined. The OSPI may assign no more than two full-time equivalent staff to support the Council.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support of original bill) The Governor has valid points: Washington needs an education system that covers birth to career. There are many educators trying their best, but the interconnection between the various sectors breaks down. Instead of saying what the outcome should be, this bill puts together a Council and gives them the authority to get something done. This is not another Blue Ribbon Task Force. People need a strong voice in making change and coming up with a new way of doing business.

(With concerns on original bill) Unifying the system is a good idea, but there is a difference between being proactive and being reactionary, and this is the latter. Seamlessness is good; having an elected official rather than a political appointee in the lead is good. But there are concerns about the makeup of the Council. More thought is needed before moving boldly. This is a thoughtful approach to streamlining and improving the seamlessness of the system. However there should be explicit references to higher education in the membership. There needs to be more equal representation across sectors. This is a large Council with a massive amount of work in dealing with a large and complicated system. It is an appropriate discussion, but it would be better to take a comprehensive look rather than jumping in and making massive change. This might be too big of a job with the aggressive timelines. There is concern about serving students through all stages of their education process. This is a deliberate and thoughtful manner to address issues, but it appears that a significant amount of the membership and focus would be on K-12 and the SPI.

(Opposed to original bill) All this does is add cost to the education system with no improvements. The key issue is getting schools to provide students with an education so they can earn a living. Any change to the system should be judged by whether it strengthens student learning. It is not clear that a Council is the way to do that. Practitioners must be part of the conversation. This is not just a study bill, but the motivation behind this degree of

change is hard to conceive of at this time. If this does not improve student learning, then a different path should be found.

(With concerns on proposed substitute bill) This bill is a distraction from the real issues. The funding to support the Council could pay for two or three teachers in the classroom. The real issue is adequate funding; there should be more taxes to pay for the education of children.

(Other on proposed substitute bill) The direction the bill is headed is appreciated, as is the sponsor's willingness to look at the composition of the Council. However, it still seems to be predetermined that centralization will lead to student success. Instead, the focus should be on smoothing the transition between early learning, K-12, and postsecondary education. The size of the Council is unwieldy; there is the question of whether they will be able to get this work done in a limited time. The WSSDA is still part of the review and should be removed. There is concern about whether a single state entity is the best way to improve student learning. Can the unique aspects of early learning, K-12, and higher education survive and thrive in a single entity? The representative of four-year higher education institution faculty should be nominated by the faculty association rather than the faculty senates. The PESB is very important and there will be strong sentiment to retain them as a separate, rule-making body. The Council must spend a significant amount of time discussing the role of a separately-elected official. Two staff might not be enough for the Council to produce quality recommendations. This is an important discussion and the entire education community must be involved.

Persons Testifying: (In support of original bill) Representative Haigh, prime sponsor; and Mike Reilly, Council of Presidents.

(With concerns on original bill) Patty Wood, Kelso School District; Deb Merle, State Board for Community and Technical Colleges; Dan Steele, Washington Association of School Administrators; and Chris Thompson, Higher Education Coordinating Board.

(Opposed to original bill) Paul W. Locke; and Lucinda Young, Washington Education Association.

(With concerns on proposed substitute bill) Tom Buffington.

(Other on proposed substitute bill) Lucinda Young, Washington Education Association; and Marie Sullivan, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying: None.