

**E2SSB 5329** - H COMM AMD

By Committee on Appropriations

ADOPTED AS AMENDED 04/15/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 28A.657.005 and 2010 c 235 s 101 are each amended to  
4 read as follows:

5 (1) The legislature finds that an effective educational  
6 accountability system is premised on creating and maintaining  
7 partnerships between the state and local school district boards of  
8 directors. The legislature also recognizes it takes time to make  
9 significant changes that are sustainable over the long term in an  
10 educational system that serves more than one million students from  
11 diverse communities.

12 (2) The legislature further finds that it is the state's  
13 responsibility to create a coherent and effective accountability  
14 framework for the continuous improvement (~~for~~) of all schools and  
15 school districts. This system must provide an excellent and equitable  
16 education for all students(~~+~~), an aligned (~~federal/state~~) federal  
17 and state accountability system(~~+~~), and the tools necessary for  
18 schools and school districts to be accountable. These tools include  
19 (~~the necessary~~) accounting and data reporting systems, assessment  
20 systems to monitor student achievement, and a comprehensive system of  
21 (~~general~~) differentiated support, targeted assistance, and, if  
22 necessary, intervention.

23 (3) The office of the superintendent of public instruction is  
24 responsible for developing and implementing the accountability tools to  
25 build district capacity and working within federal and state  
26 guidelines. The legislature assigned the state board of education  
27 responsibility and oversight for creating an accountability framework.  
28 This framework provides a unified system of support for challenged  
29 schools that aligns with basic education, increases the level of

1 support based upon the magnitude of need, and uses data for decisions.  
2 Such a system will identify schools and their districts for recognition  
3 as well as for additional state support.

4 (4) For a specific group of (~~challenged schools, defined as~~)  
5 persistently lowest-achieving schools(~~(7)~~) and their districts, it is  
6 necessary to provide a required action process that creates a  
7 partnership between the state and local district to target funds and  
8 assistance to turn around the identified (~~lowest-achieving~~) schools.  
9 The legislature finds that state takeover of persistently lowest-  
10 achieving schools is unlikely to produce long-term improvement in  
11 student achievement because takeover is an unsustainable approach to  
12 school governance and an inadequate response to addressing the  
13 underlying barriers to improved outcomes for all students. However, in  
14 the rare case of a persistently lowest-achieving school that continues  
15 to fail to improve even after required action and supplemental  
16 assistance, it is appropriate and necessary to assign the  
17 superintendent of public instruction the responsibility to intercede,  
18 provide robust technical assistance, and direct the necessary  
19 interventions. Even though the superintendent of public instruction  
20 continues to work in partnership with the local school board, the  
21 superintendent of public instruction is accountable for assuring that  
22 adequate steps are taken to improve student achievement in these  
23 schools.

24 (5) Phase I of this accountability system will recognize schools  
25 that have done an exemplary job of raising student achievement and  
26 closing the achievement gaps using the (~~state board of education's~~  
27 accountability)) Washington achievement index adopted by the state  
28 board of education. The state board of education shall have ongoing  
29 collaboration with the (~~achievement~~) educational opportunity gap  
30 oversight and accountability committee regarding the measures used to  
31 measure the closing of the achievement gaps and (~~the~~) recognition  
32 provided to the school districts for closing the achievement gaps.  
33 Phase I will also target the lowest five percent of persistently  
34 lowest-achieving schools defined under federal guidelines to provide  
35 federal funds and federal intervention models through a voluntary  
36 option in 2010, and for those who do not volunteer and have not  
37 improved student achievement, a required action process beginning in  
38 2011.

1       (6) Phase II of this accountability system will work toward  
2 implementing the ~~((state board of education's accountability))~~  
3 Washington achievement index for identification of challenged schools  
4 in need of improvement, including those that are not Title I schools,  
5 and the use of state and local intervention models and federal and  
6 state funds through a ~~((required action process))~~ comprehensive system  
7 of differentiated support, targeted assistance, and intervention  
8 beginning in ~~((2013, in addition to the federal program))~~ the 2014-15  
9 school year. If federal approval of the ~~((state board of education's~~  
10 ~~accountability))~~ Washington achievement index ~~((must be))~~ is not  
11 obtained ~~((or else))~~, the federal guidelines for ~~((persistently lowest-~~  
12 ~~achieving))~~ identifying schools will continue to be used. If it ever  
13 becomes necessary, a process is established to assign responsibility to  
14 the superintendent of public instruction to intervene in persistently  
15 lowest-achieving schools that have failed to improve despite required  
16 action.

17       (7) The expectation from implementation of this accountability  
18 system is the improvement of student achievement for all students to  
19 prepare them for postsecondary education, work, and global citizenship  
20 in the twenty-first century.

21       **Sec. 2.** RCW 28A.657.010 and 2010 c 235 s 112 are each amended to  
22 read as follows:

23       The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25       (1) "All students group" means those students in grades three  
26 through eight and high school who take the state's assessment in  
27 reading or English language arts and mathematics required under 20  
28 U.S.C. Sec. 6311(b)(3).

29       (2) "Title I" means Title I, part A of the federal elementary and  
30 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

31       (3) "Turnaround principles" include but are not limited to the  
32 following:

33       (a) Providing strong leadership;

34       (b) Ensuring teachers are effective and able to improve  
35 instruction;

36       (c) Increasing learning time;

37       (d) Strengthening the school's instructional program;

- 1 (e) Using data to inform instruction;
- 2 (f) Establishing a safe and supportive school environment; and
- 3 (g) Engaging families and communities.

4 **Sec. 3.** RCW 28A.657.020 and 2010 c 235 s 102 are each amended to  
5 read as follows:

6 (1) Beginning in 2010, and each year thereafter(~~(, by)~~) through  
7 December ((1st)) 1, 2012, the superintendent of public instruction  
8 shall annually identify schools as one of the state's persistently  
9 lowest-achieving schools if the school is a Title I school, or a school  
10 that is eligible for but does not receive Title I funds, that is among  
11 the lowest-achieving five percent of Title I or Title I eligible  
12 schools in the state.

13 (2) The criteria for determining whether a school is among the  
14 persistently lowest-achieving five percent of Title I schools, or Title  
15 I eligible schools, under subsection (1) of this section shall be  
16 established by the superintendent of public instruction. The criteria  
17 must meet all applicable requirements for the receipt of a federal  
18 school improvement grant under the American recovery and reinvestment  
19 act of 2009 and Title I of the elementary and secondary education act  
20 of 1965, and take into account both:

21 (a) The academic achievement of the "all students" group in a  
22 school in terms of proficiency on the state's assessment, and any  
23 alternative assessments, in reading and mathematics combined; and

24 (b) The school's lack of progress on the mathematics and reading  
25 assessments over a number of years in the "all students" group.

26 (3)(a) Beginning December 1, 2013, and each December thereafter,  
27 the superintendent of public instruction shall annually identify  
28 challenged schools in need of improvement and a subset of such schools  
29 that are the persistently lowest-achieving schools in the state.

30 (b) The criteria for determining whether a school is a challenged  
31 school in need of improvement shall be adopted by the superintendent of  
32 public instruction in rule. The criteria must meet all applicable  
33 federal requirements under Title I of the elementary and secondary  
34 education act of 1965 and other federal rules or guidance, including  
35 applicable requirements for the receipt of federal school improvement  
36 funds if available, but shall apply equally to Title I, Title I-  
37 eligible, and non-Title I schools in the state. The criteria must take

1 into account the academic achievement of the "all students" group and  
2 subgroups of students in a school in terms of proficiency on the state  
3 assessments in reading or English language arts and mathematics and a  
4 high school's graduation rate for all students and subgroups of  
5 students. The superintendent may establish tiered categories of  
6 challenged schools based on the relative performance of all students,  
7 subgroups of students, and other factors.

8 (c) The superintendent of public instruction shall also adopt  
9 criteria in rule for determining whether a challenged school in need of  
10 improvement is also a persistently lowest-achieving school for purposes  
11 of the required action district process under this chapter, which shall  
12 include the school's lack of progress for all students and subgroups of  
13 students over a number of years. The criteria for identifying  
14 persistently lowest-achieving schools shall also take into account the  
15 level of state or federal resources available to implement a required  
16 action plan.

17 (d) If the Washington achievement index is approved by the United  
18 States department of education for use in identifying schools for  
19 federal purposes, the superintendent of public instruction shall use  
20 the approved index to identify schools under (b) and (c) of this  
21 subsection.

22 **Sec. 4.** RCW 28A.657.030 and 2010 c 235 s 103 are each amended to  
23 read as follows:

24 (1) Beginning in January 2011, the superintendent of public  
25 instruction shall annually recommend to the state board of education  
26 school districts for designation as required action districts. A  
27 district with at least one school identified as a persistently lowest-  
28 achieving school according to the criteria established by the  
29 superintendent of public instruction under RCW 28A.657.020 shall be  
30 designated as a required action district (~~(if it meets the criteria~~  
31 ~~developed by the superintendent of public instruction)). However, a~~  
32 school district shall not be recommended for designation as a required  
33 action district if the district was awarded a federal school  
34 improvement grant by the superintendent in 2010 or 2011 and for three  
35 consecutive years following receipt of the grant implemented a federal  
36 school intervention model at each school identified for improvement.  
37 The state board of education may designate a district that received a

1 school improvement grant in 2010 or 2011 as a required action district  
2 if after three years of voluntarily implementing a plan the district  
3 continues to have a school identified as persistently lowest-achieving  
4 and meets the criteria for designation established by the  
5 superintendent of public instruction.

6 (2) The superintendent of public instruction shall provide a school  
7 district superintendent with written notice of the recommendation for  
8 designation as a required action district by certified mail or personal  
9 service. A school district superintendent may request reconsideration  
10 of the superintendent of public instruction's recommendation. The  
11 reconsideration shall be limited to a determination of whether the  
12 school district met the criteria for being recommended as a required  
13 action district. A request for reconsideration must be in writing and  
14 served on the superintendent of public instruction within ten days of  
15 service of the notice of the superintendent's recommendation.

16 (3) The state board of education shall annually designate those  
17 districts recommended by the superintendent in subsection (1) of this  
18 section as required action districts. A district designated as a  
19 required action district shall be required to notify all parents of  
20 students attending a school identified as a persistently lowest-  
21 achieving school in the district of the state board of education's  
22 designation of the district as a required action district and the  
23 process for complying with the requirements set forth in RCW  
24 28A.657.040 through 28A.657.100.

25 **Sec. 5.** RCW 28A.657.050 and 2012 c 53 s 10 are each amended to  
26 read as follows:

27 (1)(a) The local district superintendent and local school board of  
28 a school district designated as a required action district must submit  
29 a required action plan to the state board of education for approval.  
30 Unless otherwise required by subsection (3) of this section, the plan  
31 must be submitted under a schedule as required by the state board. A  
32 required action plan must be developed in collaboration with  
33 administrators, teachers, and other staff, parents, unions representing  
34 any employees within the district, students, and other representatives  
35 of the local community.

36 (b) The superintendent of public instruction shall provide a  
37 district with assistance in developing its plan if requested, and shall

1 develop and publish guidelines for the development of required action  
2 plans. The superintendent of public instruction, in consultation with  
3 the state board of education, shall also publish a list of research and  
4 evidence-based school improvement models, consistent with turnaround  
5 principles, that are approved for use in required action plans.

6 (c) The school board must conduct a public hearing to allow for  
7 comment on a proposed required action plan. The local school district  
8 shall submit the plan first to the office of the superintendent of  
9 public instruction to review and approve that the plan is consistent  
10 with federal and state guidelines, as applicable. After the office of  
11 the superintendent of public instruction has approved that the plan is  
12 consistent with federal and state guidelines, the local school district  
13 must submit its required action plan to the state board of education  
14 for approval.

15 (2) A required action plan must include all of the following:

16 (a) Implementation of ~~((one of the four federal intervention))~~ an  
17 approved school improvement model~~((s))~~ required for the receipt of  
18 ~~((a))~~ federal or state funds for school improvement ~~((grant,))~~ for  
19 those persistently lowest-achieving schools that the district will be  
20 focusing on for required action. ~~((However, a district may not~~  
21 ~~establish a charter school under a federal intervention model without~~  
22 ~~express legislative authority. The intervention models are the~~  
23 ~~turnaround, restart, school closure, and transformation models.))~~ The  
24 ~~((intervention))~~ approved school improvement model selected must  
25 address the concerns raised in the academic performance audit and be  
26 intended to improve student performance to allow a school district to  
27 be removed from the list of districts designated as a required action  
28 district by the state board of education within three years of  
29 implementation of the plan. The required action plan for districts  
30 with multiple persistently lowest-achieving schools must include  
31 separate plans for each school as well as a plan for how the school  
32 district will support the schools collectively;

33 (b) Submission of an application for ~~((a federal school improvement~~  
34 ~~grant or a grant from other))~~ federal or state funds for school  
35 improvement to the superintendent of public instruction;

36 (c) A budget that provides for adequate resources to implement the  
37 ~~((federal))~~ model selected and any other requirements of the plan;

1 (d) A description of the changes in the district's or school's  
2 existing policies, structures, agreements, processes, and practices  
3 that are intended to attain significant achievement gains for all  
4 students enrolled in the school and how the district intends to address  
5 the findings of the academic performance audit; and

6 (e) Identification of the measures that the school district will  
7 use in assessing student achievement at a school identified as a  
8 persistently lowest-achieving school, which include closing the  
9 educational opportunity gap, improving mathematics and reading or  
10 English language arts student achievement, and improving graduation  
11 rates as defined by the office of the superintendent of public  
12 instruction that enable the school to no longer be identified as a  
13 persistently lowest-achieving school.

14 (3)(a) For any district designated for required action, the parties  
15 to any collective bargaining agreement negotiated, renewed, or extended  
16 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
17 agreement, or negotiate an addendum, if needed, to make changes to  
18 terms and conditions of employment that are necessary to implement a  
19 required action plan. For any district applying to participate in a  
20 collaborative schools for innovation and success pilot project under  
21 RCW 28A.630.104, the parties to any collective bargaining agreement  
22 negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after  
23 June 7, 2012, must reopen the agreement, or negotiate an addendum, if  
24 needed, to make changes to terms and conditions of employment that are  
25 necessary to implement an innovation and success plan.

26 (b) If the school district and the employee organizations are  
27 unable to agree on the terms of an addendum or modification to an  
28 existing collective bargaining agreement, the parties, including all  
29 labor organizations affected under the required action plan, shall  
30 request the public employment relations commission to, and the  
31 commission shall, appoint an employee of the commission to act as a  
32 mediator to assist in the resolution of a dispute between the school  
33 district and the employee organizations. Beginning in 2011, and each  
34 year thereafter, mediation shall commence no later than April 15th.  
35 All mediations held under this section shall include the employer and  
36 representatives of all affected bargaining units.

37 (c) If the executive director of the public employment relations  
38 commission, upon the recommendation of the assigned mediator, finds



1 that the employer and any affected bargaining unit are unable to reach  
2 agreement following a reasonable period of negotiations and mediation,  
3 but by no later than May 15th of the year in which mediation occurred,  
4 the executive director shall certify any disputed issues for a decision  
5 by the superior court in the county where the school district is  
6 located. The issues for determination by the superior court must be  
7 limited to the issues certified by the executive director.

8 (d) The process for filing with the court in this subsection (3)(d)  
9 must be used in the case where the executive director certifies issues  
10 for a decision by the superior court.

11 (i) The school district shall file a petition with the superior  
12 court, by no later than May 20th of the same year in which the issues  
13 were certified, setting forth the following:

14 (A) The name, address, and telephone number of the school district  
15 and its principal representative;

16 (B) The name, address, and telephone number of the employee  
17 organizations and their principal representatives;

18 (C) A description of the bargaining units involved;

19 (D) A copy of the unresolved issues certified by the executive  
20 director for a final and binding decision by the court; and

21 (E) The academic performance audit that the office of the  
22 superintendent of public instruction completed for the school district  
23 in the case of a required action district, or the comprehensive needs  
24 assessment in the case of a collaborative schools for innovation and  
25 success pilot project.

26 (ii) Within seven days after the filing of the petition, each party  
27 shall file with the court the proposal it is asking the court to order  
28 be implemented in a required action plan or innovation and success plan  
29 for the district for each issue certified by the executive director.  
30 Contemporaneously with the filing of the proposal, a party must file a  
31 brief with the court setting forth the reasons why the court should  
32 order implementation of its proposal in the final plan.

33 (iii) Following receipt of the proposals and briefs of the parties,  
34 the court must schedule a date and time for a hearing on the petition.  
35 The hearing must be limited to argument of the parties or their counsel  
36 regarding the proposals submitted for the court's consideration. The  
37 parties may waive a hearing by written agreement.

1 (iv) The court must enter an order selecting the proposal for  
2 inclusion in a required action plan that best responds to the issues  
3 raised in the school district's academic performance audit, and allows  
4 for the award of (~~a federal school improvement grant or a grant from~~  
5 ~~other~~) federal or state funds for school improvement to the district  
6 from the office of the superintendent of public instruction to  
7 implement (~~one of the four federal intervention~~) an approved school  
8 improvement model(~~s~~). In the case of an innovation and success plan,  
9 the court must enter an order selecting the proposal for inclusion in  
10 the plan that best responds to the issues raised in the school's  
11 comprehensive needs assessment. The court's decision must be issued no  
12 later than June 15th of the year in which the petition is filed and is  
13 final and binding on the parties; however the court's decision is  
14 subject to appeal only in the case where it does not allow the school  
15 district to implement a required action plan consistent with the  
16 requirements for the award of (~~a federal school improvement grant or~~  
17 ~~other~~) federal or state funds for school improvement by the  
18 superintendent of public instruction.

19 (e) Each party shall bear its own costs and attorneys' fees  
20 incurred under this statute.

21 (f) Any party that proceeds with the process in this section after  
22 knowledge that any provision of this section has not been complied with  
23 and who fails to state its objection in writing is deemed to have  
24 waived its right to object.

25 (4) All contracts entered into between a school district and an  
26 employee must be consistent with this section and allow school  
27 districts designated as required action districts to implement (~~one of~~  
28 ~~the four federal~~) an approved school improvement model(~~s~~) in a  
29 required action plan.

30 **Sec. 6.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to  
31 read as follows:

32 (1)(a) The local district superintendent and local school board of  
33 a school district designated as a required action district must submit  
34 a required action plan to the state board of education for approval.  
35 Unless otherwise required by subsection (3) of this section, the plan  
36 must be submitted under a schedule as required by the state board. A  
37 required action plan must be developed in collaboration with

1 administrators, teachers, and other staff, parents, unions representing  
2 any employees within the district, students, and other representatives  
3 of the local community.

4 (b) The superintendent of public instruction shall provide a  
5 district with assistance in developing its plan if requested, and shall  
6 develop and publish guidelines for the development of required action  
7 plans. The superintendent of public instruction, in consultation with  
8 the state board of education, shall also publish a list of research and  
9 evidence-based school improvement models, consistent with turnaround  
10 principles, that are approved for use in required action plans.

11 (c) The school board must conduct a public hearing to allow for  
12 comment on a proposed required action plan. The local school district  
13 shall submit the plan first to the office of the superintendent of  
14 public instruction to review and approve that the plan is consistent  
15 with federal and state guidelines, as applicable. After the office of  
16 the superintendent of public instruction has approved that the plan is  
17 consistent with federal and state guidelines, the local school district  
18 must submit its required action plan to the state board of education  
19 for approval.

20 (2) A required action plan must include all of the following:

21 (a) ~~Implementation of ((one of the four federal intervention))~~ an  
22 approved school improvement model((s)) required for the receipt of  
23 ~~((a))~~ federal or state funds for school improvement ~~((grant,))~~  
24 those persistently lowest-achieving schools that the district will be  
25 focusing on for required action. ~~((However, a district may not~~  
26 ~~establish a charter school under a federal intervention model without~~  
27 ~~express legislative authority. The intervention models are the~~  
28 ~~turnaround, restart, school closure, and transformation models.))~~ The  
29 ~~((intervention))~~ approved school improvement model selected must  
30 address the concerns raised in the academic performance audit and be  
31 intended to improve student performance to allow a school district to  
32 be removed from the list of districts designated as a required action  
33 district by the state board of education within three years of  
34 implementation of the plan. The required action plan for districts  
35 with multiple persistently lowest-achieving schools must include  
36 separate plans for each school as well as a plan for how the school  
37 district will support the schools collectively;

1 (b) Submission of an application for (~~a federal school improvement~~  
2 ~~grant or a grant from other~~) federal or state funds for school  
3 improvement to the superintendent of public instruction;

4 (c) A budget that provides for adequate resources to implement the  
5 (~~federal~~) model selected and any other requirements of the plan;

6 (d) A description of the changes in the district's or school's  
7 existing policies, structures, agreements, processes, and practices  
8 that are intended to attain significant achievement gains for all  
9 students enrolled in the school and how the district intends to address  
10 the findings of the academic performance audit; and

11 (e) Identification of the measures that the school district will  
12 use in assessing student achievement at a school identified as a  
13 persistently lowest-achieving school, which include closing the  
14 educational opportunity gap, improving mathematics and reading or  
15 English language arts student achievement, and improving graduation  
16 rates as defined by the office of the superintendent of public  
17 instruction that enable the school to no longer be identified as a  
18 persistently lowest-achieving school.

19 (3)(a) For any district designated for required action, the parties  
20 to any collective bargaining agreement negotiated, renewed, or extended  
21 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
22 agreement, or negotiate an addendum, if needed, to make changes to  
23 terms and conditions of employment that are necessary to implement a  
24 required action plan.

25 (b) If the school district and the employee organizations are  
26 unable to agree on the terms of an addendum or modification to an  
27 existing collective bargaining agreement, the parties, including all  
28 labor organizations affected under the required action plan, shall  
29 request the public employment relations commission to, and the  
30 commission shall, appoint an employee of the commission to act as a  
31 mediator to assist in the resolution of a dispute between the school  
32 district and the employee organizations. Beginning in 2011, and each  
33 year thereafter, mediation shall commence no later than April 15th.  
34 All mediations held under this section shall include the employer and  
35 representatives of all affected bargaining units.

36 (c) If the executive director of the public employment relations  
37 commission, upon the recommendation of the assigned mediator, finds  
38 that the employer and any affected bargaining unit are unable to reach

1 agreement following a reasonable period of negotiations and mediation,  
2 but by no later than May 15th of the year in which mediation occurred,  
3 the executive director shall certify any disputed issues for a decision  
4 by the superior court in the county where the school district is  
5 located. The issues for determination by the superior court must be  
6 limited to the issues certified by the executive director.

7 (d) The process for filing with the court in this subsection (3)(d)  
8 must be used in the case where the executive director certifies issues  
9 for a decision by the superior court.

10 (i) The school district shall file a petition with the superior  
11 court, by no later than May 20th of the same year in which the issues  
12 were certified, setting forth the following:

13 (A) The name, address, and telephone number of the school district  
14 and its principal representative;

15 (B) The name, address, and telephone number of the employee  
16 organizations and their principal representatives;

17 (C) A description of the bargaining units involved;

18 (D) A copy of the unresolved issues certified by the executive  
19 director for a final and binding decision by the court; and

20 (E) The academic performance audit that the office of the  
21 superintendent of public instruction completed for the school district.

22 (ii) Within seven days after the filing of the petition, each party  
23 shall file with the court the proposal it is asking the court to order  
24 be implemented in a required action plan for the district for each  
25 issue certified by the executive director. Contemporaneously with the  
26 filing of the proposal, a party must file a brief with the court  
27 setting forth the reasons why the court should order implementation of  
28 its proposal in the final plan.

29 (iii) Following receipt of the proposals and briefs of the parties,  
30 the court must schedule a date and time for a hearing on the petition.  
31 The hearing must be limited to argument of the parties or their counsel  
32 regarding the proposals submitted for the court's consideration. The  
33 parties may waive a hearing by written agreement.

34 (iv) The court must enter an order selecting the proposal for  
35 inclusion in a required action plan that best responds to the issues  
36 raised in the school district's academic performance audit, and allows  
37 for the award of (~~a federal school improvement grant or a grant from~~  
38 ~~other~~) federal or state funds for school improvement to the district

1 from the office of the superintendent of public instruction to  
2 implement (~~(one of the four federal intervention)~~) an approved school  
3 improvement model(~~(s)~~). The court's decision must be issued no later  
4 than June 15th of the year in which the petition is filed and is final  
5 and binding on the parties; however the court's decision is subject to  
6 appeal only in the case where it does not allow the school district to  
7 implement a required action plan consistent with the requirements for  
8 the award of (~~(a federal school improvement grant or other)~~) federal or  
9 state funds for school improvement by the superintendent of public  
10 instruction.

11 (e) Each party shall bear its own costs and attorneys' fees  
12 incurred under this statute.

13 (f) Any party that proceeds with the process in this section after  
14 knowledge that any provision of this section has not been complied with  
15 and who fails to state its objection in writing is deemed to have  
16 waived its right to object.

17 (4) All contracts entered into between a school district and an  
18 employee must be consistent with this section and allow school  
19 districts designated as required action districts to implement (~~(one of~~  
20 ~~the four federal)~~) an approved school improvement model(~~(s)~~) in a  
21 required action plan.

22 **Sec. 7.** RCW 28A.657.060 and 2010 c 235 s 106 are each amended to  
23 read as follows:

24 A required action plan developed by a district's school board and  
25 superintendent must be submitted to the state board of education for  
26 approval. The state board must accept for inclusion in any required  
27 action plan the final decision by the superior court on any issue  
28 certified by the executive director of the public employment relations  
29 commission under the process in RCW 28A.657.050. The state board of  
30 education shall approve a plan proposed by a school district only if  
31 the plan meets the requirements in RCW 28A.657.050 and provides  
32 sufficient remedies to address the findings in the academic performance  
33 audit to improve student achievement. Any addendum or modification to  
34 an existing collective bargaining agreement, negotiated under RCW  
35 28A.657.050 or by agreement of the district and the exclusive  
36 bargaining unit, related to student achievement or school improvement  
37 shall not go into effect until approval of a required action plan by

1 the state board of education. If the state board does not approve a  
2 proposed plan, it must notify the local school board and local  
3 district's superintendent in writing with an explicit rationale for why  
4 the plan was not approved. Nonapproval by the state board of education  
5 of the local school district's initial required action plan submitted  
6 is not intended to trigger any actions under RCW 28A.657.080. With the  
7 assistance of the office of the superintendent of public instruction,  
8 the superintendent and school board of the required action district  
9 shall either: (~~(a)-(1)~~) (1) Submit a new plan to the state board  
10 of education for approval within forty days of notification that its  
11 plan was rejected, or (~~(b)-(2)~~) (2) submit a request to the  
12 required action plan review panel established under RCW 28A.657.070 for  
13 reconsideration of the state board's rejection within ten days of the  
14 notification that the plan was rejected. If federal or state funds for  
15 school improvement are not available, the plan is not required to be  
16 implemented until such funding becomes available. If federal or state  
17 funds for this purpose are available, a required action plan must be  
18 implemented in the immediate school year following the district's  
19 designation as a required action district.

20 **Sec. 8.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to  
21 read as follows:

22 (1) A required action plan review panel shall be established to  
23 offer an objective, external review of a request from a school district  
24 for reconsideration of the state board of education's rejection of the  
25 district's required action plan or reconsideration of a level two  
26 required action plan developed only by the superintendent of public  
27 instruction as provided under section 11 of this act. The review and  
28 reconsideration by the panel shall be based on whether the state board  
29 of education or the superintendent of public instruction gave  
30 appropriate consideration to the unique circumstances and  
31 characteristics identified in the academic performance audit or level  
32 two needs assessment and review of the local school district (~~whose~~  
33 ~~required action plan was rejected~~)).

34 (2)(a) The panel shall be composed of five individuals with  
35 expertise in school improvement, school and school district  
36 restructuring, or parent and community involvement in schools. Two of

1 the panel members shall be appointed by the speaker of the house of  
2 representatives; two shall be appointed by the president of the senate;  
3 and one shall be appointed by the governor.

4 (b) The speaker of the house of representatives, president of the  
5 senate, and governor shall solicit recommendations for possible panel  
6 members from the Washington association of school administrators, the  
7 Washington state school directors' association, the association of  
8 Washington school principals, the ~~((achievement))~~ educational  
9 opportunity gap oversight and accountability committee, and  
10 associations representing certificated teachers, classified school  
11 employees, and parents.

12 (c) Members of the panel shall be appointed no later than December  
13 1, 2010, but the superintendent of public instruction shall convene the  
14 panel only as needed to consider a school district's request for  
15 reconsideration. Appointments shall be for a four-year term, with  
16 opportunity for reappointment. Reappointments in the case of a vacancy  
17 shall be made expeditiously so that all requests are considered in a  
18 timely manner.

19 (3)(a) In the case of a rejection of a required action plan, the  
20 required action plan review panel may reaffirm the decision of the  
21 state board of education, recommend that the state board reconsider the  
22 rejection, or recommend changes to the required action plan that should  
23 be considered by the district and the state board of education to  
24 secure approval of the plan. The state board of education shall  
25 consider the recommendations of the panel and issue a decision in  
26 writing to the local school district and the panel. If the school  
27 district must submit a new required action plan to the state board of  
28 education, the district must submit the plan within forty days of the  
29 board's decision.

30 (b) In the case of a level two required action plan where the local  
31 school district and the superintendent of public instruction have not  
32 come to agreement, the required action plan review panel may reaffirm  
33 the level two required action plan submitted by the superintendent of  
34 public instruction or recommend changes to the plan that should be  
35 considered by the state board of education, the superintendent of  
36 public instruction, and the local school district. The state board of  
37 education shall consider the recommendations of the panel and issue a



1 decision in writing to the local school district, the superintendent of  
2 public instruction, and the panel.

3 (4) The state board of education and superintendent of public  
4 instruction must develop timelines and procedures for the deliberations  
5 under this section so that school districts can implement a required  
6 action plan within the time frame required under RCW 28A.657.060.

7 **Sec. 9.** RCW 28A.657.090 and 2010 c 235 s 109 are each amended to  
8 read as follows:

9 A school district must implement a required action plan upon  
10 approval by the state board of education. The office of (~~{the}~~) the  
11 superintendent of public instruction must provide the required action  
12 district with technical assistance and (~~federal school improvement~~  
13 ~~grant funds or other~~) federal or state funds for school improvement,  
14 if available, to implement an approved plan. The district must submit  
15 a report to the superintendent of public instruction that provides the  
16 progress the district is making in meeting the student achievement  
17 goals based on the state's assessments, identifying strategies and  
18 assets used to solve audit findings, and establishing evidence of  
19 meeting plan implementation benchmarks as set forth in the required  
20 action plan.

21 **Sec. 10.** RCW 28A.657.100 and 2010 c 235 s 110 are each amended to  
22 read as follows:

23 (1) The superintendent of public instruction must provide a report  
24 twice per year to the state board of education regarding the progress  
25 made by all school districts designated as required action districts.

26 (2) The superintendent of public instruction must recommend to the  
27 state board of education that a school district be released from the  
28 designation as a required action district after the district implements  
29 a required action plan for a period of three years; has made progress,  
30 as defined by the superintendent of public instruction(~~(, in reading~~  
31 ~~and mathematics on the state's assessment over the past three~~  
32 ~~consecutive years)) using the criteria adopted under RCW 28A.657.020  
33 including progress in closing the educational opportunity gap; and no  
34 longer has a school within the district identified as persistently  
35 lowest-achieving. The state board shall release a school district from~~

1 the designation as a required action district upon confirmation that  
2 the district has met the requirements for a release.

3 (3) If the state board of education determines that the required  
4 action district has not met the requirements for release(~~(7)~~) after at  
5 least three years of implementing a required action plan, the board may  
6 recommend that the district remain(~~(8)~~) in required action and (~~(must)~~)  
7 submit a new or revised plan under the process in RCW 28A.657.050, or  
8 the board may direct that the school district be assigned to level two  
9 of the required action process as provided in section 11 of this act.  
10 If the required action district received a federal school improvement  
11 grant for the same persistently lowest-achieving school in 2010 or  
12 2011, the board may direct that the school district be assigned to  
13 level two of the required action process after one year of implementing  
14 a required action plan under this chapter if the district is not making  
15 progress. Before making a determination of whether to recommend that  
16 a school district that is not making progress remain in required action  
17 or be assigned to level two of the required action process, the state  
18 board of education must submit its findings to the education  
19 accountability system oversight committee under section 13 of this act  
20 and provide an opportunity for the oversight committee to review and  
21 comment.

22 NEW SECTION. Sec. 11. A new section is added to chapter 28A.657  
23 RCW to read as follows:

24 (1) School districts assigned by the state board of education to  
25 level two of the required action process under this chapter are those  
26 with one or more schools that have remained as persistently lowest-  
27 achieving for more than three years and have not demonstrated recent  
28 and significant improvement or progress toward exiting persistently  
29 lowest-achieving status, despite implementation of a required action  
30 plan.

31 (2) Within ninety days following assignment of a school district to  
32 level two of the required action process, the superintendent of public  
33 instruction shall direct that a needs assessment and review be  
34 conducted to determine the reasons why the previous required action  
35 plan did not succeed in improving student achievement.

36 (3)(a) Based on the results of the needs assessment and review, the

1 superintendent of public instruction shall work collaboratively with  
2 the school district board of directors to develop a revised required  
3 action plan for level two.

4 (b) The level two required action plan must explicitly address the  
5 reasons why the previous plan did not succeed and must specify the  
6 interventions that the school district must implement, which may  
7 include assignment or reassignment of personnel, reallocation of  
8 resources, use of specified curriculum or instructional strategies, use  
9 of a specified school improvement model, or any other conditions  
10 determined by the superintendent of public instruction to be necessary  
11 for the level two required action plan to succeed, which conditions  
12 shall be binding on the school district. The level two required action  
13 plan shall also include the specific technical assistance and support  
14 to be provided by the office of the superintendent of public  
15 instruction, which may include assignment of school improvement  
16 specialists to have a regular on-site presence in the school and  
17 technical assistance provided through the educational service district.  
18 Individuals assigned as on-site school improvement specialists must  
19 have demonstrated experience in school turnaround and cultural  
20 competence.

21 (c) The level two required action plan must be submitted to the  
22 state board of education for approval.

23 (4) If the superintendent of public instruction and the school  
24 district board of directors are unable to come to an agreement on a  
25 level two required action plan within ninety days of the completion of  
26 the needs assessment and review conducted under subsection (2) of this  
27 section, the superintendent of public instruction shall complete and  
28 submit a level two required action plan directly to the state board of  
29 education for approval. The school district board of directors may  
30 submit a request to the required action plan review panel established  
31 under RCW 28A.657.070 for reconsideration of the superintendent's level  
32 two required action plan within ten days of the submission of the plan  
33 to the state board of education. After the state board of education  
34 considers the recommendations of the required action plan review panel,  
35 the decision of the board regarding the level two required action plan  
36 is final and not subject to further reconsideration.

37 (5) If changes to a collective bargaining agreement are necessary  
38 to implement a level two required action plan, the parties must reopen

1 the agreement, or negotiate an addendum, using the process outlined  
2 under RCW 28A.657.050. If the level two required action plan is  
3 developed by the superintendent of public instruction under subsection  
4 (4) of this section, a designee of the superintendent shall participate  
5 in the discussions among the parties to the collective bargaining  
6 agreement.

7 (6) While a school district is assigned to level two of the  
8 required action process under this chapter, the superintendent of  
9 public instruction is responsible and accountable for assuring that the  
10 level two required action plan is implemented with fidelity. The  
11 superintendent of public instruction shall defer to the school district  
12 board of directors as the governing authority of the school district  
13 and continue to work in partnership with the school district to  
14 implement the level two required action plan. However, if the  
15 superintendent of public instruction finds that the level two required  
16 action plan is not being implemented as specified, including the  
17 implementation of any binding conditions within the plan, the  
18 superintendent may direct actions that must be taken by school district  
19 personnel to implement the level two required action plan or the  
20 binding conditions. If necessary, the superintendent of public  
21 instruction may exercise authority under RCW 28A.505.120 regarding  
22 allocation of funds.

23 (7) The superintendent of public instruction shall include in the  
24 budget estimates and information submitted to the governor under RCW  
25 28A.300.170 a request for sufficient funds to support implementation of  
26 the level two required action plans established under this section.

27 (8) The superintendent of public instruction must recommend to the  
28 state board of education that a school district be released from  
29 assignment to level two of the required action process after the  
30 district implements the level two required action plan for a period of  
31 three years; has made progress, as defined by the superintendent of  
32 public instruction using the criteria established under RCW  
33 28A.657.020; and no longer has a school within the district identified  
34 as persistently lowest-achieving. The state board of education shall  
35 release a school district from the level two assignment upon  
36 confirmation that the school district has met the requirements for a  
37 release.

1           **Sec. 12.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to  
2 read as follows:

3           (1) By November 1, 2013, the state board of education shall  
4 ((continue to refine the development of)) propose rules for adoption  
5 establishing an accountability framework that creates a unified system  
6 of support for challenged schools((τ)) that aligns with basic  
7 education, increases the level of support based upon the magnitude of  
8 need, and uses data for decisions. The board must seek input from the  
9 public and interested groups in developing the framework. Based on the  
10 framework, the superintendent of public instruction shall design a  
11 comprehensive system of specific strategies for recognition, provision  
12 of differentiated support and targeted assistance, and, if necessary,  
13 requiring intervention in schools and school districts. The  
14 superintendent shall submit the system design to the state board of  
15 education for review. The state board of education shall recommend  
16 approval or modification of the system design to the superintendent no  
17 later than January 1, 2014, and the system must be implemented  
18 statewide no later than the 2014-15 school year. To the extent state  
19 funds are appropriated for this purpose, the system must apply equally  
20 to Title I, Title I-eligible, and non-Title I schools in the state.

21           (2) The state board of education shall develop ((an  
22 accountability)) a Washington achievement index to identify schools and  
23 school districts for recognition, for continuous improvement, and for  
24 additional state support. The index shall be based on criteria that  
25 are fair, consistent, and transparent. Performance shall be measured  
26 using multiple outcomes and indicators including, but not limited to,  
27 graduation rates and results from statewide assessments. The index  
28 shall be developed in such a way as to be easily understood by both  
29 employees within the schools and school districts, as well as parents  
30 and community members. The index must identify five categories of  
31 schools and school districts, which must be labeled as follows based on  
32 relative performance on the criteria used in the index: Exemplary,  
33 very good, good, fair, and struggling. It is the legislature's intent  
34 that the index provide feedback to schools and school districts to  
35 self-assess their progress, and enable the identification of schools  
36 with exemplary ((student)) performance and those that need assistance  
37 to overcome challenges in order to achieve exemplary ((student))  
38 performance.

1 (3) The state board of education, in cooperation with the office of  
2 the superintendent of public instruction, shall annually recognize  
3 schools for exemplary performance as measured on the (~~state board of~~  
4 ~~education accountability~~) Washington achievement index. The state  
5 board of education shall have ongoing collaboration with the  
6 (~~achievement~~) educational opportunity gap oversight and  
7 accountability committee regarding the measures used to measure the  
8 closing of the achievement gaps and the recognition provided to the  
9 school districts for closing the achievement gaps.

10 (4) In coordination with the superintendent of public instruction,  
11 the state board of education shall seek approval from the United States  
12 department of education for use of the (~~accountability~~) Washington  
13 achievement index and the state system of differentiated support,  
14 assistance, and intervention(~~(7)~~) to replace the federal accountability  
15 system under P.L. 107-110, the no child left behind act of 2001.

16 (5) The state board of education shall work with the education data  
17 center established within the office of financial management and the  
18 technical working group established in (~~section 112, chapter 548, Laws~~  
19 ~~of 2009~~) RCW 28A.290.020 to determine the feasibility of using the  
20 prototypical funding allocation model as not only a tool for allocating  
21 resources to schools and school districts but also as a tool for  
22 schools and school districts to report to the state legislature and the  
23 state board of education on how the state resources received are being  
24 used.

25 NEW SECTION. Sec. 13. A new section is added to chapter 28A.657  
26 RCW to read as follows:

27 (1) The education accountability system oversight committee is  
28 established to provide ongoing monitoring of the outcomes of the  
29 comprehensive system of recognition, support, and intervention for  
30 schools and school districts established under this chapter.

31 (2) The oversight committee shall be composed of the following  
32 members:

33 (a) Two members from each of the largest caucuses of the house of  
34 representatives, to be appointed by the speaker of the house of  
35 representatives;

36 (b) Two members from each of the largest caucuses of the senate, to  
37 be appointed by the president of the senate;

1 (c) Two members appointed by the governor; and

2 (d) One nonlegislative member of the educational opportunity gap  
3 oversight and accountability committee.

4 (3) The oversight committee shall choose a chair from among its  
5 membership who shall serve as chair for no more than one consecutive  
6 year.

7 (4) The committee shall:

8 (a) Monitor the progress and outcomes of the education  
9 accountability system established under this chapter, including but not  
10 limited to the effectiveness in improving student achievement of the  
11 tiered system of assistance and intervention provided to challenged  
12 schools in need of improvement, persistently lowest-achieving schools  
13 in required action districts, and level two required action districts;

14 (b) Review and make recommendations to the state board of education  
15 regarding the proposed assignment of a required action district to  
16 level two of the required action process under section 11 of this act;

17 (c) Make recommendations to the state board of education, the  
18 superintendent of public instruction, the governor, and the legislature  
19 as necessary if the oversight committee finds that changes to the  
20 accountability system should be made; and

21 (d) Report biennially to the education committees of the  
22 legislature.

23 (5) Staff support for the oversight committee must be provided by  
24 the senate committee services and the house of representatives office  
25 of program research.

26 (6) Legislative members of the oversight committee may be  
27 reimbursed for travel expenses in accordance with RCW 44.04.120.  
28 Nonlegislative members are entitled to be reimbursed for travel  
29 expenses in accordance with RCW 43.03.050 and 43.03.060.

30 NEW SECTION. **Sec. 14.** RCW 28A.657.125 (Joint select committee on  
31 education accountability--Reports) and 2010 c 235 s 114 are each  
32 repealed.

33 NEW SECTION. **Sec. 15.** Section 5 of this act expires June 30,  
34 2019.

1        NEW SECTION.    **Sec. 16.**    Section 6 of this act takes effect June 30,  
2    2019."

3        Correct the title.

EFFECT:    Replaces all provisions of the underlying bill with the following:

Updates the criteria used by the OSPI to identify schools in need of improvement to conform to revised federal rules and guidance. Requires use of a Washington Achievement Index to identify schools once federally approved.

Directs that the criteria be applied equally to Title I and non-Title I schools and be adopted in rule.

Specifies that persistently lowest-achieving (PLA) schools are a subset of other schools needing improvement for purposes of the state required action district (RAD) process and that criteria for identifying them must include availability of funds to implement a required action plan.

Adds that school districts receiving federal school improvement grants in 2011 (SIG Cohort II) as well as 2010 (SIG Cohort I) may have a school designated as persistently lowest-achieving if they have voluntarily implemented an improvement plan for 3 years and still have not improved.

Permits state as well as federal funds to be used for school improvement in a RAD.

Replaces a requirement that RADs must use one of four federal intervention models with a requirement that RADs must use a school improvement model, consistent with turnaround principles, that is approved by the OSPI.

Directs the OSPI to develop guidelines for RAD plans.

Requires that closing the educational opportunity gap be one of the measures of improvement included in a RAD plan.

Provides that if a RAD has not demonstrated sufficient improvement after at least three years, the SBE may require a new plan or assign the district to a new Level II RAD process. Requires that before making this determination, the SBE must submit its findings to an Education Accountability System Oversight Committee for review.

Adds that if a district that received three-year grants from SIG Cohort I or II is designated as a RAD for the same persistently lowest-achieving school, the SBE may assign the district to Level II if the district still fails to improve after one year of required action.

Requires the SPI to direct a needs assessment and review on why the previous plan did not succeed.

Directs the SPI to work with the school board to develop a Level II plan that addresses the reasons identified in the needs assessment and specifies interventions and other necessary conditions to be implemented, which are binding.

Requires the plan also to specify assistance provided from the SPI, which may include assignment of on-site specialists with experience in school turnaround and cultural competence and assistance from the ESD.



Provides that if the SPI and the school board do not agree, the SPI must develop a plan and submit it to the SBE.

Allows the school board to request a reconsideration from a Required Action Plan Review Panel established under current law.

Requires school districts to reopen bargaining agreements if necessary, and requires that the SPI participate in discussions if the plan is developed by the SPI.

Provides that the SPI is responsible for assuring a Level II plan is implemented.

Directs the SPI to defer to the local school board, but provides that if the plan is not being implemented as specified, the SPI may direct actions that must be taken by school personnel.

Specifies that if binding conditions are not being followed, the SPI may withhold funds as provided in current law.

Directs the OSPI to design a system of support, assistance, and intervention that is subject to review by the SBE, applies equally to Title I and non-Title I schools to the extent state funds are appropriated for this purpose, and is implemented in the 2014-15 school year.

Requires the Achievement Index to specify five categories of schools with the following labels: Exemplary, very good, good, fair, and struggling.

Establishes an Education Accountability System Oversight Committee to monitor outcomes from the system of support and intervention established.

Provides membership of 8 legislators, 2 Governor-appointees, and one nonlegislative member of the EOGOAC.

Directs the Committee to:

Monitor the effectiveness of the system in improving student achievement;

Review and make recommendations on SBE determinations to assign a district to Level II RAD;

Make recommendations to the SBE, SPI, Governor, and Legislature as necessary; and

Submit a biennial report.

Repeals a Joint Select Committee on Education Accountability.

--- END ---