

HOUSE BILL REPORT

E2SSB 5330

As Reported by House Committee On:
Education

Title: An act relating to improved student achievement and student outcomes.

Brief Description: Improving student achievement and student outcomes.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Shin and Hill).

Brief History:

Committee Activity:

Education: 3/21/13, 4/2/13 [DPA].

**Brief Summary of Engrossed Second Substitute Bill
(As Amended by Committee)**

- Increases allocations for the Transitional Bilingual Instructional Program (TBIP), the Learning Assistance Program (LAP), certain building-level staff, and dropout reengagement programs in the prototypical school funding formula.
- Requires use of evidence-based programs in the LAP and replaces program plans with monitoring of student progress and program evaluation.
- Adds a program for exited students in the TBIP, requires TBIP teachers to have certain endorsements, and requires development of an accountability system.
- Provides monitoring of post-high school outcomes for students with disabilities and specifies parent notice and reporting requirements regarding incidents of restraint or isolation.
- Revises provisions on student discipline.
- Requires collection of disaggregated student data.
- Expands educator recruitment through various scholarship programs.
- Establishes an Educator Support Program for novice and probationary teachers.
- Requires development of cultural competence training.

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.

- Modifies descriptions and activities of a comprehensive K-12 dropout prevention and intervention system and creates a grant program for graduation and school success coaches in struggling schools.
- Requires students to complete community service for graduation and permits students in preparatory career and technical education programs to choose alternatives to certain courses for graduation.
- Requires development of a High School and Beyond Plan template and requires all high schools to provide a career planning and exploration program for at least 20 instructional hours per year.
- Establishes a Legislative Task Force on career and college readiness.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Bergquist, Haigh, Hunt, McCoy, Orwall, Pike, Pollet, Seaquist and Warnick.

Minority Report: Do not pass. Signed by 10 members: Representatives Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Lytton, Maxwell and Parker.

Staff: Barbara McLain (786-7383).

Background:

Prototypical School Funding Formula.

The prototypical school funding formula provides the statutory framework for the state's allocation of funds to support the Instructional Program of Basic Education, including allocations for such programs as the Learning Assistance Program (LAP), the Transitional Bilingual Instructional Program (TBIP), and other categorical programs. The formula includes allocations for various categories of staff based on an assumed school grade level and size, districtwide staff, and materials. For most categorical programs, the allocation is based on assumed hours of supplemental instruction per week.

Learning Assistance Program.

The LAP provides instructional support for students who are performing below grade level in reading, writing, and mathematics. School districts must submit an annual plan that identifies the activities to be conducted and the expenditure of funds under the LAP. The plan is required to have a number of specified elements and must be approved by the Office of the Superintendent of Public Instruction (OSPI).

Transitional Bilingual Instructional Program.

The TBIP provides instructional support for students whose level of English language proficiency is determined to be sufficiently deficient to impair learning. Students exit the program based on results from a statewide assessment administered each spring.

Special Education.

An Individualized Education Program (IEP) for students with disabilities age 16 and over must include transition services designed to facilitate the students' movement from school to post-school activities. The OSPI has established interagency agreements with other state agencies to coordinate provision of transition services and annually reports on post-high school outcomes for special education students.

Parameters and limitations on use of isolation or other aversive interventions for a student with disabilities must be outlined in the student's IEP.

Student Discipline.

Each school district board of directors is required to adopt written policies regarding student conduct and discipline. The Superintendent of Public Instruction (SPI) must adopt rules for providing due process rights to students who are subject to disciplinary actions. Short-term suspensions may not exceed 10 days. Expulsions may last for an indefinite period of time. Individual student data on disciplinary actions is recorded in the statewide student information system (CEDARS), but only for behaviors required to be reported to the U.S. Department of Education.

Other Instruction-Related Items.

The State Board of Education (SBE) is authorized to grant waivers from the requirement for 180 school days of instruction per year under certain circumstances. Sixteen school districts in 2012 received waivers to use between one and five school days to schedule a parent involvement component of the state kindergarten readiness assessment (WaKIDS) over the course of a full day. There is a provision in current law that allows school districts to schedule the last five school days of the year for noninstructional purposes for students who are graduating from high school.

The OSPI collects student data on race and ethnicity through CEDARS. Federal race and ethnicity reporting guidelines require, at a minimum, reporting of student race as White, African American/Black, Asian, American Indian/Alaskan Native, Native Hawaiian/Pacific Islander, and then a separate reporting of ethnicity as Hispanic or not Hispanic. The CEDARS also contains 57 different racial subcategories and nine ethnic subcategories, but school districts are not required to report at this level of disaggregation.

Educator Recruitment and Preparation.

The Recruiting Washington Teachers program (RWT) recruits and provides 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 RWT courses are typically career and technical education (CTE) courses under a Careers in Education career cluster.

There are a number of teacher conditional scholarship programs. The Pipeline for Paraeducators (Pipeline) program assists classified school employees in first earning a transferrable associate degree, and then earning a bachelor's degree and teaching certification. In 2007 the Retooling to Teach Mathematics and Science (Retooling) program

was established to encourage current teachers to obtain an additional endorsement in middle or secondary mathematics or science.

Paraeducators employed using federal Title I funds must meet certain minimum qualifications. There are a number of pathway options for paraeducators to meet the qualifications, including an apprenticeship program offered through the Public School Employees of Washington. Some community and technical colleges also offer certificate programs for paraeducators.

Professional Development.

In 2009 the Legislature redesigned the Teacher Assistance Program to create a grant program called the Beginning Educator Support Team (BEST). The BEST, which is established only in budget proviso, must include certain components such as orientation, a qualified mentor, release time, and professional growth planning.

Legislation enacted in 2009 directed the Professional Educator Standards Board (PESB) to incorporate standards for cultural competence into each level of teacher certification. The revised evaluation criteria for teachers and principals include aspects of cultural competence. The OSPI has been directed to develop a professional development program to support implementation of the revised evaluation systems.

Dropout Prevention and Reengagement.

Legislation enacted in 2007 established a Building Bridges Program (Building Bridges) to award grants to local partnerships to develop dropout prevention and intervention systems based on community needs and resources. A state-level workgroup was established to advise the OSPI about the Building Bridges and to coordinate services associated with dropout prevention.

Legislation enacted in 2010 directed the OSPI to adopt rules and develop a model contract for school districts to use with community-based organizations, community or technical colleges, or Educational Service Districts (ESD) to provide dropout reengagement services for students aged 16 to 21 who have dropped out of school or are so credit deficient that high school completion is not an expected outcome. The OSPI rules require these dropout reengagement programs to be approved before beginning operation.

High School and Beyond.

The SBE establishes minimum statewide graduation requirements. Students are required to complete one credit in occupational education, which may or may not be the same as career and technical education (CTE). The SBE recently increased the English credits from three to four and has proposed, but not adopted, an increase in science credits from two to three. Another state graduation requirement is completion of a High School and Beyond Plan (HSBP). The content of the plan is determined at the local level.

Since 2006 the state has provided funds to support Navigation 101, a comprehensive school guidance and counseling program for middle and high school students. The full Navigation 101 curriculum, college and career planning tools, and teacher training are currently available online at no cost to schools.

School districts have been directed to examine their credit-granting policies and award academic credit for CTE courses that are determined to be equivalent to an academic course. The CTE courses are divided into exploratory courses that offer introductory and general skills, and preparatory courses that are more advanced, provide occupational-specific skills, and must be aligned with industry standards.

Summary of Amended Bill:

Prototypical School Funding Formula.

An allocation is added of .50 full-time equivalent (FTE) for Family Engagement Coordinators in elementary schools, and the allocation for counselors in middle and high schools is increased by .50 FTE. The TBIP allocation is increased from 4.778 hours per week for all students, to 6.0 hours per week for middle school, and 8.0 hours per week for high school. An additional TBIP allocation is created based on 3.0 hours per week for students who have exited the TBIP in the previous two years. The LAP is increased from 1.5156 hours per week to 2.0 hours per week. Funds for high school students in approved dropout reengagement programs are allocated at a rate of 1.22 per FTE student.

Learning Assistance Program.

Requirements for school districts to submit LAP plans to the OSPI for approval are repealed. Instead, districts must monitor and document the student performance and progress; conduct an annual program evaluation by analyzing performance data; and prepare a year-end report that contains specified information.

In addition, school districts must use instructional programs recommended by the OSPI, in consultation with the Washington State Institute for Public Policy (WSIPP) and other research organizations, based on evidence that the programs are associated with improved student achievement. A district may use a different program only for one year. If the district demonstrates increased student achievement, the OSPI must approve use of the program for an additional year. Funds for the LAP may be used to assist students in science and to assist ninth through twelfth grade students who are not on track for graduation.

Transitional Bilingual Instructional Program.

School districts must make a program of instructional support available for up to two years immediately after students exit the TBIP for those who need assistance in reaching grade-level performance in other academic subjects. Beginning in the 2017-18 school year, classroom teachers assigned to provide supplemental instruction to TBIP students must hold Bilingual Education or English Language Learner (ELL) endorsements.

The OSPI must convene a task force to design a performance-based accountability system for the TBIP. An interim report on the proposed system design is due to the Legislature January 15, 2014, with a final report due September 30, 2014. The OSPI must provide school districts with research-based technical assistance and information about best practices for the TBIP. Information about academic performance and progress of TBIP students must be posted on the Washington State Report Card website.

Special Education.

The OSPI must establish interagency agreements to foster effective multiagency collaboration in providing transition services for students with disabilities age 16 and over. This does not require provision of additional transition services beyond what is already required. The PESB must assure that special education teachers, counselors, and school psychologists receive training to address transition needs. The Education Data Center (EDC) must monitor specified post-high school outcomes for students with disabilities. If not available through data-sharing, the OSPI must attempt to collect the data through a single communication with the student. The OSPI must prepare an annual report and post it on the website.

Parental notice and reporting requirements are established for certain incidents of staff restraint or isolation of students who have an IEP or Section 504 plan. A copy of the district policy on isolation and restraint must be provided to the parents or guardians of these students.

Student Discipline.

School districts may not suspend educational services as a disciplinary measure or impose a disciplinary action that results in the suspension of educational services. Suspensions or expulsions may not be of indefinite length, and may not exceed one academic term unless specifically authorized by the OSPI based on limited exceptions. School districts must create a reenrollment plan for long-term suspended or expelled students. The OSPI must convene a task force to develop standard definitions for causes of student discipline and data collection standards for disciplinary actions. Discipline data must be collected through the CEDARS based on the revised standards beginning in 2015-16. The EDC must prepare a regular report on education and workforce outcomes of youth in the juvenile justice system.

Other Instruction-Related Items.

Schools that are administering the WaKIDS are authorized to use up to five school days at the beginning of the year to meet with parents and families as required in the parent involvement component of the inventory.

Before implementing revisions to state learning standards, the SPI must first ensure that a fairness and bias review has been conducted.

Beginning in 2014-15, collection of disaggregated student data is phased-in starting with newly enrolled students and students as they enter middle school or junior high. School districts must submit the student data using federal race and ethnicity guidelines, including sub-racial and sub-ethnic categories, along with additional specified disaggregation.

Educator Recruitment and Preparation.

The PESB and the OSPI must convene a work group to revise Careers in Education courses to incorporate cultural competence and the RWT curriculum. Graduates of the RWT may participate in the Pipeline scholarship. Partnerships that offer the RWT may participate in the Opportunity Internship Program, which offers graduates one year of state financial aid.

The Retooling program is renamed and expanded to include scholarships for teachers seeking endorsements in Bilingual Education, ELL, or Special Education. In awarding scholarships for Bilingual Education or the ELL, the PESB must give a preference to certain teachers.

The PESB must convene a work group to design professional development and recommend minimum qualifications for paraeducators. The work group must also design an articulated pathway for teacher preparation and certification that has specified characteristics. A report is due to the Legislature by January 10, 2014. Beginning in 2014-15, paraeducator programs offered by community and technical colleges must provide candidates the opportunity to earn transferrable course credits.

Professional Development.

The OSPI, in partnership with other experts and practitioners, is directed to create a common definition for professional learning and recommend how it could be used to guide policy and investments in professional development.

The Educator Support Program (ESP) is established to provide mentor support for novice and probationary teachers. The ESP must include specified components such as orientation, a qualified mentor, release time, and professional growth planning. Statutes pertaining to the Teacher Assistance Program are repealed.

The training program for revised evaluation systems developed by the OSPI must include foundational elements of cultural competence. The OSPI, in collaboration with others, must develop a content outline cultural competence training for school staff. Schools that are required under accountability measures to implement a plan for improvement must provide the cultural competence training for their staff. Schools with significant recent increases in the ELL enrollment must also provide the training.

Dropout Prevention and Reengagement

Descriptions and definitions are modified and clarified for a comprehensive K-12 dropout prevention, intervention, and reengagement system (System). The OSPI must develop a System assessment tool to support local partnerships in identifying community strengths and gaps in services. The OSPI must also continue development of a dropout prevention early warning and intervention system. The state-level workgroup is renamed and assigned to establish a common vision and agenda for helping all students reach graduation. The OSPI must submit a biennial report to the Legislature that includes activities undertaken and measurable indicators of progress toward achieving a System.

Dropout prevention and intervention responsibilities are added to the basic core services to be provided by the ESDs, including housing a corps of intervention specialists if funds are appropriated. The ESDs that operate dropout reengagement programs under the model contract with school districts may award high school credit and issue transcripts to students.

Subject to funding, the OSPI must establish a grant program to provide graduation coaches to high schools struggling to improve their graduation rates, and school success coaches to selected elementary and middle schools whose students attend those high schools.

High School and Beyond.

The SBE must redesignate the occupational education credit required for graduation as a CTE credit and allow students in preparatory CTE programs leading to industry-recognized certificates to choose an alternative to the CTE course, the fourth credit of English, or an additional credit of science (if adopted). Students must complete community service for graduation, with parameters set by local school boards. School districts must include instruction in cardiopulmonary resuscitation in at least one health class necessary for graduation. These changes take effect with the graduating class of 2017.

The OSPI must develop a standard template for the HSBP to help students develop a Program of Study for their high school education beginning in the eighth grade. School districts must use the standard template, or an HSBP that they determine is equivalent, beginning in 2014-15. The OSPI must adopt a list of CTE courses that school boards must, at a minimum, consider equivalent to academic courses beginning in 2014-15.

Beginning in 2014-15, each high school must implement a career planning and exploration program of at least 20 instructional hours per year for all students in grades 9 through 12 that includes specified components. The EDC must develop an annual report on the postsecondary education and employment outcomes for public high school graduates.

The Workforce Board must identify online tools for career exploration and annually create a list of promising careers across various levels of education. Middle, junior high, and high schools must provide information to parents and students about the tools beginning in 2015-16.

Preparatory CTE programs must include work-integrated learning opportunities. The OSPI must recognize exemplary CTE programs. The PESB must review certification standards for principals and the CTE teachers.

A Legislative Task Force on Career and College Ready Education Opportunities (Task Force) is created, with 12 legislators from the Education and Higher Education Committees and four agency or organization representatives. The purpose of the Task Force is to identify strategies for how career and college readiness may be better integrated into secondary education. A preliminary report on specified items is due December 15, 2013, and a final report is due September 1, 2014.

Amended Bill Compared to Engrossed Second Substitute Bill:

The following provisions of the underlying bill are modified: School districts may use up to five instead of up to three school days for the WaKIDs. An allocation for Family Engagement Coordinators is established in the funding formula rather than in the operating budget, and the funds are not required to be used only for this purpose. The provisions of the ESP do not specify hours of mentor support per week to be provided, and a previous Teacher Assistance Program is repealed. The evidence-based programs to be implemented in the LAP are recommended by the OSPI with the assistance of the WSIPP and other research organizations, rather than being from an inventory developed by the WSIPP. The LAP reporting requirements are revised and requirements for plan approval are repealed. A new allocation based on exited TBIP students is specified in the funding formula rather than in the operating budget. A program of services must be provided for exited students who need

additional assistance within the Program of Basic Education, rather than outside Basic Education. Transition plans for students with disabilities are for students aged 16 and over rather than 14 and over. All other provisions of the striking amendment replace the provisions in the underlying bill.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 101 relating to changing allocations in the prototypical school funding formula, which takes effect September 1, 2013.

Staff Summary of Public Testimony:

(In support) A group of high-performing teachers have gotten together to research the issue of education funding in an attempt to answer the question of how to prioritize investments that will have a positive impact on students. After three months of research, the single highest priority is investment in full-day kindergarten. An amendment would be supported to allow funds invested in class size reduction, if they are not fully used for that purpose, to be put toward kindergarten and other early learning. There should be more innovative thinking about how to target investments. For example, perhaps class size reduction is not as important if the teacher is very high performing. There could be bonuses for these teachers to take additional students. This concept has support from teachers, who would prefer a bonus over a two-student class size reduction.

The purpose of requiring the OSPI to establish interagency agreements with other state agencies regarding transition services is to foster effective collaboration, streamline services, and provide a uniform focus on self-sufficiency. Community organizations play a key role in transition programs, and the return on investment for these programs is very high. School districts should be encouraged to work closely with these organizations to get a better success rate for students.

(In support with concerns) The language in the bill about reduced class size and parent involvement represents a troubling trend in reducing local decision-making and flexibility. This is too prescriptive about how funds must be spent and could interrupt innovative practices at the local level. School districts need flexibility to meet the unique needs of their communities.

Mentoring programs for new teachers are strongly supported. The idea behind the current program is that, rather than send too few dollars to all school districts, available funds should be well-used in fewer districts. The goal is eventually to reach all districts, but there is concern about going backwards if not enough money is available.

Professional development should be provided to all educators, not just teachers. This is particularly true for the ELL students where much of the instructional support is provided by paraeducators.

(With concerns) The House of Representatives (House) proposal to allow up to five days to administer the WaKIDS is preferred. School districts currently have to apply to the SBE for a waiver. There are three bills being considered that change the way LAP funds are used and require additional reports. This needs to be figured out so that there is only one report. Trying to address students with behavioral issues is a good idea, but it is not a good use of LAP funds. The LAP funds are for intensive academic support in reading and mathematics. Behavior programs work best when used throughout the school, not just with individual students. There is not a good fit between these ideas. Without additional resources, the LAP funds will be spread too thin.

There is no need for a pilot project on use of data. Districts are far beyond that point in their sophistication.

The intent section of the bill outlines a different way to address the McCleary decision. If this goes forward, there should be mention of the need to address compensation. A new poll of teachers shows that class size is back at the top of the list of concerns. The section of the bill regarding class size reduction should be eliminated. Funding must be flexible. Although the mentor program is supported, of more importance is full funding for the new evaluation systems. Professional development to support the ELL is supported. Earlier recommendations on this topic included funding for 10 additional days.

(Other) The inclusion of the WaKIDS is appreciated because it is very important. The House version that allows five days is preferred. This is a smart investment on the front end of a child's educational experience. It honors the family and parents as a child's first and most important teacher. The section of the bill that directs the State Auditor (Auditor) regarding examination of parent involvement funding is of concern. Placing this type of requirement in statute reduces flexibility for the Auditor to address specific topics as needs arise and as priorities change.

(Opposed) None.

Persons Testifying: (In support) Jim Larson, Morningside and Community Employment Alliance; and Erin Gustafson, Teachers United.

(In support with concerns) Dave Powell, Stand for Children; and Doug Nelson, Public School Employees of Washington.

(With concerns) Marie Sullivan, Washington State School Directors' Association; Marcia Fromhold, Office of the Superintendent of Public Instruction; and Lucinda Young, Washington Education Association.

(Other) Amy Blondin, Department of Early Learning; Lauren Hipp, Thrive by Five Washington; and Matt Miller and Chuck Pfeil, Washington State Auditor's Office.

Persons Signed In To Testify But Not Testifying: None.