

FINAL BILL REPORT

E2SSB 5329

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Synopsis as Enacted

Brief Description: Transforming persistently failing schools.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt and Roach).

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

House Committee on Education

House Committee on Appropriations

Background: Accountability System. In 2010, the Washington Legislature created an accountability system intended to be implemented in two phases. Phase I uses federal guidelines to designate the lowest-achieving schools that are eligible for federal Title I program funds to apply for a federal School Improvement Grant (SIG) to implement one of four federal intervention strategies. The system was to be voluntary the first year but required thereafter. Each year, if the federal funds are available, the Office of Superintendent of Public Instruction (OSPI) identifies the schools and recommends that the State Board of Education (SBE) designate a school district as a Required Action District (RAD) if the district has a school identified as a persistently lowest-achieving school. The RAD must undergo an academic audit, develop a required action plan that implements one of four federal intervention models, have the plan approved by SBE, and then implement the plan using a SIG. If SBE rejects a required action plan, the school district may request reconsideration by a Required Action Plan Review Panel (Panel) convened for this purpose. The Panel makes recommendations, but SBE's decision after reconsideration is final. A procedure is established for re-opening collective bargaining agreements in order to implement a required action plan. OSPI recommends release of a district from required action after at least three years if the school made sufficient progress. If a district fails to make the necessary improvements, then the district must submit a new plan. Since 2010, OSPI has annually identified the list of persistently lowest-achieving schools. Twenty-eight schools have received \$67 million in federal three-year SIGs; four schools were designated as RADs. OSPI is not anticipating additional federal funding for SIGs and thus did not designate any RADs for the 2012-13 school year.

Intent language in the 2010 legislation also provided for a Phase II, beginning in 2013 using the Accountability Index (Index), if federally approved, to identify schools in need of improvement, including schools that are not eligible for federal Title I program funds, in

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order to implement state and local intervention models with state funds. The Index did not receive federal approval and state funding for SIGs was eliminated in the 2011-13 biennial budget. However, SBE and OSPI are currently jointly working to make changes to the Index in order to use it under a provisional one-year waiver from certain federal requirements in the Elementary and Secondary Education Act (ESEA). Under the ESEA waiver:

- low-achieving schools are categorized as Priority, Focus, and Emerging, with performance measures using the test scores of all students, plus achievement gaps between groups of students, as well as high school graduation rates for all students and subgroups of students;
- instead of implementing specific federal intervention models, low-achieving schools must use turnaround principles established by the federal Department of Education to improve performance; and
- states are permitted to propose their own methods for identifying schools and their own systems of providing support, assistance, and intervention based on their performance.

According to the Education Commission of the States, 29 states enacted policies that allow the state to take over a school district that is low performing. The level of state control and local influence in such takeovers varies from state to state.

Authority to Withhold Funds. If a school district's basic education program fails to meet the basic education requirements, then SBE must require OSPI to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. However, SBE may waive this requirement in the event of substantial lack of classroom space.

Legislative Committee on Education Accountability. The 2010 law also established a Joint Select Committee on Education Accountability (Joint Select Committee) with eight legislators to examine various topics, including options for significant state action if a RAD continues to fail to improve. The Joint Select Committee must submit a final report by September 2013.

Summary:

Accountability System. SBE must propose rules to establish an accountability framework. OSPI must then design a system of support, assistance, and intervention based on the framework and submit the design to SBE for review. The system must be implemented statewide no later than the 2014-15 school year. To the extent state funds are available, the system must apply equally to Title I and non-Title I schools. Beginning December 1, 2013, OSPI must identify a category of schools called challenged schools in need of improvement. The criteria adopted by OSPI in rule to identify schools must meet federal requirements under ESEA or other federal rules or guidance. The state Accountability Index is renamed the Washington Achievement Index, and if federally approved, OSPI must use it to identify challenged schools in need of improvement.

OSPI must also identify persistently lowest-achieving schools for the state RAD process that are a subset of the challenged schools. The criteria for this designation must also be adopted by OSPI in rule and include lack of progress over a number of years, as well as the availability of funds for implementation of a required action plan. State as well as federal funds may be used to support a required action plan. The requirement that a RAD must

implement one of four specified federal intervention models is replaced with a requirement that a RAD must implement an OSPI-approved school improvement model, based on turnaround principles. The turnaround principles are defined. OSPI must also develop guidelines for required action plans. School districts with more than one persistently lowest-achieving school must develop a required action plan for each school, as well as a plan for how the district will provide assistance.

Level II Required Action. If a RAD has not demonstrated sufficient improvement after at least three years of implementing a required action plan, SBE may either require development of a new plan or assign the district to a new Level II RAD process. If the RAD was a previous recipient of a federal SIG, SBE may assign the district to Level II after one year. Before assigning a district to Level II, SBE must submit its findings to an Education Accountability System Oversight Committee (Oversight Committee), which must provide a review and comment back to SBE on the Level II decision.

Under Level II, OSPI must direct that a needs assessment and review be conducted to identify the reasons why the previous required action plan did not succeed. OSPI must then work with the school board to develop a Level II Plan that specifically addresses the findings of the needs assessment and specifies the interventions that must be implemented. Interventions may include reallocation of resources, reassignment of personnel, use of a specified intervention model, or other conditions that OSPI determines are necessary for the Level II plan to succeed, which are binding on the school district. The Level II plan must also specify the assistance to be provided from OSPI, which may include assignment of onsite specialists with experience in school turnaround and cultural competence, and assistance from the educational service district. Level II plans must be submitted to SBE for approval. If OSPI and the school board do not agree, then OSPI must submit the Level II Plan to SBE directly. The school board may request a reconsideration from the Panel, but the SBE's decision is final after considering the Panel's recommendations.

School districts and employee organizations must reopen collective bargaining agreements if necessary to implement a Level II plan, using the process authorized under current law. If the Level II plan is one developed by OSPI without the agreement of the school board, then OSPI must participate in the collective bargaining discussions. OSPI is responsible for assuring that a Level II plan is implemented with fidelity. OSPI must defer to the local school board as the governing authority of the school district, but if OSPI finds that the Level II plan is not being implemented as specified then OSPI may direct actions that must be taken by school personnel to implement the Level II plan or any binding conditions within it.

Authority to Withhold Funds. If any Level II binding conditions are not being followed, then OSPI may withhold the allocation of funds under authority provided in current law.

Legislative Committee on Education Accountability. An Oversight Committee is established with two legislators from each caucus of the House of Representatives and the Senate, two appointees from the Governor, and one non-legislative member of the Educational Opportunity Gap Oversight and Accountability Committee. The Oversight Committee is directed to monitor the effectiveness of the state system of support, assistance,

and intervention in improving student achievement; review SBE determinations to assign a district to Level II RAD; make recommendations as necessary; and submit a biennial report to the Legislature. The Joint Select Committee is repealed.

Votes on Final Passage:

Senate	30	19	
House	68	29	(House amended)
Senate	44	3	(Senate concurred)

Effective: July 28, 2013
June 30, 2019 (Section 6)