

SENATE BILL REPORT

E2SSB 5330

As Passed Senate, March 6, 2013

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: Early Learning & K-12 Education: 2/04/13, 2/21/13 [DPS-WM, DNP].

Ways & Means: 2/28/13, 3/01/13 [DP2S, w/oRec].

Passed Senate: 3/06/13, 48-0.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5330 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Cleveland, Fain, Hill, Mullet and Rivers.

Minority Report: Do not pass.

Signed by Senator Brown.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5330 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Parlette, Rivers, Schoesler and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

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.

Staff: Elise Greef (786-7708)

Background: Washington Kindergarten Inventory of Developing Skills (WaKIDS). WaKIDS is a process that includes: the Whole-Child Observational Assessment, which provides kindergarten teachers information about the social, emotional, physical, cognitive, and linguistic development of the children in their classrooms; and the Family Connection, a meeting between the kindergarten teacher with students' families. The assessment is administered three times a year in the Early Childhood Education and Assistance Program (ECEAP); and has been administered in state-funded full-day kindergarten programs since the 2012-13 school year. The kindergarten administration of WaKIDS is funded with state funds, a federal grant, and private funding. The 2011-13 operating budget provided \$900,000 for WaKIDS to support the implementation of the inventory and for training of school district staff. The Department of Early Learning (DEL) was awarded a federal Race to the Top grant for early learning that specifies that all incoming kindergarten students will be reviewed under the same assessment process, using WaKIDS, statewide by 2014-15. The work group created in 2012, is to make annual recommendations regarding implementation of WaKIDS. The 2011-13 biennial budget provided \$900,000 to support the development and implementation of inventory and staffing at the Office of Superintendent of Public Instruction (OSPI) for oversight of the program and training of school district staff. In 2012 the Legislature provided an additional \$1 million for implementation of WaKIDS.

Class Size. Current law provides that the minimum state allocation for K-3 class size must be a sufficient to achieve an average K-3 class size of 25.23 but school districts are not required to spend the funds to achieve the statutory class size. Additionally, current law provides that the state amount provided must be sufficient to fund no more than 17 students per teacher beginning in the 2017-18 school year.

Parent Involvement Coordinator. Currently the prototypical school funding allocation model has parent involvement coordinator listed as one of the specified staff positions used to determine how to fund public schools, but the value in the model is zero. The Quality Education Council made recommendations to the Legislature in January 2011, to set the funding values at 1.0 full-time equivalent coordinator for the prototypical elementary school; 1.0 full-time equivalent for the prototypical middle school; and 0.8 for the prototypical high school. The 2013 report of the Educational Opportunity Gap Oversight and Accountability Committee includes a recommendation that 1.0 full-time equivalent coordinator be allocated per prototypical elementary, middle, and high school.

Teacher Mentor Program. In 2009 the Legislature redesigned the teacher assistance program to create the Beginning Educator Support Team (BEST), which is a grant program to provide support for the development of early career educators. The 2011-12 grant recipients included two school districts and three regional consortia, serving 26 additional school districts. The 2011-13 biennial operating budget provided \$2 million for the BEST program, which was a reduction of 50 percent, from the prior biennium.

Learning Assistance Program (LAP). LAP provides remedial academic instruction to students in kindergarten through grade 12 who score below grade level in reading, writing, and mathematics on statewide or local school district assessments. Services and activities that may be supported by LAP include outreach activities and support for parents of

participating students. LAP's special instruction and services are intended to provide students access to the program of basic education. The Legislature appropriated \$255 million in state funds for LAP in the 2011-13 biennium.

Transitional Bilingual Instruction Program (TBIP). TBIP assists students in achieving competency in English when they are from homes where English is not the primary language. School districts must provide in-service training for teachers, counselors, and other staff who are involved in the district's TBIP.

Building Bridges Grants. In 2007 the Legislature created a Building Bridges grant program to award grants to local partnerships of schools, families, and communities to begin phasing in the statewide comprehensive dropout prevention, intervention, and retrieval system. Currently there are three Building Bridges grantees that serve students in Granite Falls School District, ESD 113–Mason County, and Vancouver School District that each received \$75,000.

Transition Services for Special Education Students. Currently, OSPI has an interagency program agreement with the Division of Vocational Rehabilitation and the Department Services for the Blind for the implementation and assignment of responsibility for each agency as to its role in coordinating transitions for students who are eligible for special education services under the Individuals with Disabilities Education Act. OSPI offers transition services as a component of an Individualized Education Program starting at age 16, which is consistent with federal law. OSPI must provide post-high school data to the U.S. Department of Education each year on post high school outcomes for special education services students. OSPI also works with the Center for Change in Transition Services, housed at Seattle University, to track and report on post-school outcomes for special education services students.

Education Data. The Education Research and Data Center (ERDC) is located in the Washington State Office of Financial Management. Along with ten agencies representing education and employment and the Legislative Evaluation and Accountability Program committee, ERDC analyzes early learning, K-12, and higher education programs, and workforce issues across the P-20 system.

Summary of Engrossed Second Substitute Bill: WaKIDS. Schools may use up to three school days at the beginning of the school year to meet with parents and families as part of the WaKIDS process and still receive basic education funding for those days.

Class Size. School districts will receive state funding in excess of the average class size of 25.23 for grades K-3 only to the extent that the district documents a class size between 25.23 and the class size funded in the biennial operating budget. The requirement to fund no more than 17 students per teacher beginning in the 2017-18 school year is maintained.

Parent Involvement Coordinator. The funding values for the parent involvement coordinator in the prototypical school funding allocation model remain set at zero. The funding level for the coordinators will be established in the operating budget bill and must be spent to employ a parent involvement coordinator and to implement parent involvement programs that are shown by research to be successful. The State Auditor's Office will audit compliance.

Mentor Program. A support program for novice and probationary teachers is created, subject to funds appropriated for the purpose, to provide mentor support for first through third year teachers and teachers who are on probation. The program must include a paid orientation, assignment of a qualified mentor, development of a professional growth plan for each mentored teacher, release time for mentors and new teachers to work together, and teacher observation with accomplished peers.

LAP. LAP is expanded to assist students who exhibit behavior that is not conducive to their own learning or the learning of other students. OSPI must recommend a research-based, standardized screening tool to be used by school districts to identify students with behavior problems to participate in LAP. Programs used in LAP must be included on the inventory of effective practices, activities, and programs developed by the Washington Institute of Public Policy (WSIPP) unless approved by OSPI. The inventory is required when the school district can show that the students in the program experienced an increase in academic achievement. WSIPP must update the inventory every two years. OSPI must monitor school district fidelity in implementing the programs on the inventory. School districts must report to OSPI: student entrance and exit data; the amount of academic growth gained by each student and the number of students that gained at least one year of academic growth; and the specific practices, activities, and programs used by each school building that receives LAP funding. LAP funds may be used to employ a parent involvement coordinator.

TBIP. Schools with more than 15 percent language diversity in the student population must be allocated funding to the extent the funds are specifically appropriated for this purpose, to provide research-based professional development to all educators in the school regarding successful, best-practice strategies for English language learner instruction. OSPI must develop or identify research-based or evidence-based professional development of effective strategies for English language learner instruction. A differentiated funding formula is established for TBIP students, with more support provided to students requiring the most intensive intervention and less support to students requiring less intervention, as specified in the budget. Beginning in the 2014-15 school year, additional funds must be provided to support students who have exited TBIP, if needed, or the school district may use the funding within TBIP. The additional funding is not a component of the basic education program and does not represent an individual entitlement to any particular student.

Building Bridges Grants. School districts with the highest levels of truancy or those that receive Readiness to Learn grants, and nonprofits, must receive priority when Building Bridges grants are awarded.

Transition Services for Special Education Students. OSPI must establish interagency agreements with agencies that provide high school transition services to students with disabilities. The purpose of interagency agreements is to foster multiagency collaboration to provide transition services for students with disabilities that are ages 14 through 21, or through high school graduation, whichever occurs first. Also, the agreements are intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency. However, transition service plan development in addition to what already exists in law is not required. OSPI must collaborate with the Professional Educator Standards Board to build into existing and ongoing educator

requirements that special education teachers and school psychologists receive training to be appropriately prepared to address the transition needs of students with disabilities.

Education Data. A pilot program for one school district is created to provide support for the district to use longitudinal data to enable the school district to make data-informed decisions to improve student learning and close the achievement gap.

Additionally, to the extent that data is available, ERDC must monitor a number of outcomes for students with disabilities after high school graduation. To the extent that the data is not available to ERDC, OSPI must attempt to collect the data through a single communication after a student's graduation. OSPI must prepare an annual report on the data and outcomes and submit the report to the Legislature.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): PRO: It is important to deliver research-based practices into the schools and to make sure it is implemented with fidelity. The focus should be on what individual students need and not just implement blanket programs for all students that are not meaningful for some students, especially when resources are scarce. A quality teacher is important for student success but if that teacher must deal with students who have behavior problems then it takes away from the teacher's ability to provide quality teaching to the other students. There is great research that shows that parent involvement is important for a student's educational success. We can encourage and assist parents to be involved.

OTHER: There are a lot of things to like in this bill but there are some things that raise concerns. The extra days provided for implementing WaKIDS is very helpful. Fully implementing WaKIDS by 2014-15 is a positive move and it aligns with DEL's federal Race to the Top grant. Providing professional development for schools that have a high level of English Language Learners is great. Different children do need different levels of support in their early years. However, full-day kindergarten is good for all students, whether they are gifted or struggling, and it is part of the definition of basic education. If you are going to target delivery of full-day kindergarten than other factors, not only socio-economic needs, should be used to determine how to target the program. WaKIDS is very difficult to do if you are a half time kindergarten teacher, so requiring all kindergarten teachers to administer it will be difficult. Research has shown that lowering class size in early years is helpful, but this only addresses grades K-2, currently K-3 class size reduction is in the definition of basic education. The new salary schedule could result in salary reductions, which is a concern. The family involvement coordinators are important but first the state should fund other things to meet the *McCleary* court requirements of funding basic education.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Hargrove, prime sponsor.

OTHER: Randy Dorn, State Superintendent of Public Instruction; Amy Blondin, DEL.

Staff Summary of Public Testimony on Substitute (Ways & Means): PRO: This is an effort to bring to K-12 a focus on evidence-based programs and activities for improved outcomes. This approach has proved most successful in the area of criminal justice.

OTHER: The proposed second substitute addresses activities that are important to continue reforms that are underway but we have concerns and would like to continue to work with Legislators on the bill.

Persons Testifying (Ways & Means): PRO: Senator Hargrove, prime sponsor.

OTHER: JoLynn Berge, Chief Financial Officer, OSPI.