

SENATE BILL REPORT

SB 5946

As Reported by Senate Committee On:
Ways & Means, June 11, 2013

Title: An act relating to strengthening student educational outcomes.

Brief Description: Strengthening student educational outcomes.

Sponsors: Senators Dammeier and Frockt.

Brief History:

Committee Activity: Ways & Means: 6/10/13, 6/11/13 [DPS, DNP].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Honeyford, Capital Budget Chair; Bailey, Becker, Braun, Dammeier, Hewitt, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Nelson, Assistant Ranking Member; Conway, Fraser, Hasegawa, Keiser and Kohl-Welles.

Staff: Elise Greef (786-7708)

Background: State and District Responsibilities. The Superintendent of Public Instruction is an elected official of Washington State with the constitutional duty “to supervise all matters pertaining to public schools, and . . . perform such specific duties as may be prescribed by law.” There are 295 school districts in Washington, which provide the statutory delivery system for instruction to K-12 students. Each school district has a board of directors that is elected by the citizens of the district and establishes district policies that are not in conflict with other law.

Reporting. The Comprehensive Education Data and Research System (CEDARS) at OSPI is the vehicle for collecting an array of school-district student, employee, and fiscal data to meet various state and federal reporting requirements. Currently there are no state requirements regarding what information is included on a student report card.

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.

State Reading Assessments/Students Reading Below Grade Level. Current law requires the reading fluency and accuracy of second grade students be assessed using a grade-level equivalent oral reading passage. Students whose performance is found to be “substantially below grade level” must be accorded an intervention plan that involves the student, parents, and school. Assessing reading comprehension is optional, but strongly recommended. Scores are not reported to the Office of Superintendent of Public Instruction (OSPI) but are to be used by the teacher, school, and district to provide support for students who need help. Generally, in grades 3-8 and 10, student reading skills are assessed using the state's Measurements of Student Progress (MSP) assessment; unless the student has a disability and is not appropriately assessed by the MSP, then the state uses an alternate assessment. A student’s performance on the MSP is reported for individual students, schools, districts, and the state according to four performance levels defined by the Washington State Board of Education:

- Level 4: Advanced – exceeding state standard.
- Level 3: Proficient – meeting state standard.
- Level 2: Basic – not meeting state standard.
- Level 1: Below Basic – not meeting state standard.

The following table from the OSPI website shows the results from the MSP in third grade reading for 2011-12:

Performance Level	%	Number
Level 4: Advanced	32.1%	24,644
Level 3: Proficient	35.7%	27,434
Level 2: Basic	21.8%	16,731
Level 1: Below Basic	8.4%	6,430
Special Education Portfolio	–	777
No Score/Not Included	–	1,701

Recently, Washington revised its student learning standards in reading, writing, and mathematics, which are tested on the MSP, to align with the Common Core State Standards (CCSS). The CCSS are student learning standards in English language arts (ELA) and mathematics that were developed by a multistate consortium.

Washington is participating in a multistate consortium using a federal grant to develop new student assessments that are, among other things, aligned with the CCSS. The assessments will include a third grade ELA assessment. The assessments will be ready to implement in the 2014-15 school year. To continue in the consortium after the beginning of the 2014-15 school year, Washington must agree to use the consortium-developed tests to meet the accountability requirements of the federal No Child Left Behind Act, also known as the reauthorization of the Elementary and Secondary Education Act.

Learning Assistance Program. LAP provides instructional support for students who are performing below grade level in reading, writing, and mathematics. The funding allocation is based on the number of students in the school district who are eligible for free and reduced

price lunch. For purposes of providing supplemental instruction, school districts must identify those students with the greatest academic deficits. A range of specified services and activities may be supported by LAP funds, including parent outreach and support. School districts must submit an annual plan that identifies the activities to be conducted and the proposed expenditure of funds. The Legislature appropriated \$255 million in state funds for the LAP in the 2011-13 biennium.

Parent Involvement Coordinators. The prototypical school funding formula lists parent involvement coordinators as one of the staff positions for elementary, middle, and high schools, but does not include a staffing level in the formula. All staffing levels in the current formula are for allocation purposes only. School districts make actual staffing decisions at the local level. In January 2011, the Quality Education Council recommended the Legislature replace the staffing category “Parent Involvement Coordinator” with “Family Engagement Coordinator” in the prototypical school model to more accurately reflect the intended role and activities of this position.

Student Discipline. OSPI rules define a student suspension or expulsion as a denial of attendance or entry to school property for discipline purposes. A short-term suspension is for ten days or less; a long-term suspension is for longer than ten days. An expulsion is for an indefinite period of time. Each school board of directors must adopt rules regarding student conduct, discipline, and rights, including but not limited to short- and long-term suspensions. The rules must be available to students, parents, and teachers, and include a detailed description of rights, responsibilities, and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, OSPI, and the rules of the school district.

Teacher Mentor Program. 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 a paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; and release time for mentors and new teachers. 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.

Professional Development. From 1993 to 2010, the Legislature provided funding for some form of learning improvement days (LIDs). In 2007 LIDs were put into statute as targeted professional development. Both the statute and appropriations act provided that LIDs are not part of the definition of basic education.

Current law provides that to the extent funds are appropriated, OSPI, in cooperation with the Educational Service Districts and the Washington State School Directors' Association, must conduct an annual training meeting for certain regional and school district employees, including school district superintendents and boards of directors. Training may also be provided upon request.

Supplemental Contracts. One legislative limit on salaries is that the actual average salary in the district cannot exceed the average salary calculated based on the state allocation schedule.

However, current law permits school districts to exceed this limitation by entering into a supplemental contract with the employee for additional time, responsibilities, incentives, or innovations (TRII). The supplemental contracts are sometimes called TRII contracts. TRII contracts may not cause the state to incur any present or future funding obligation.

Summary of Bill (Recommended Substitute): Part I: Learning to Read, Reading to Learn

State and District Responsibilities. OSPI is responsible for providing reading and literacy benchmarks and standards, research and best-practices, intervention models, and professional development to school districts. School districts are responsible for providing reading and literacy instruction and services to students in grades K-4, based on the student need. The reading and early literacy systems provided must include screening tools to identify struggling readers, and include research-based strategies to help families assist in improving students' skills.

Professional Development. If funds are provided, OSPI must partner with educational service districts or Colleges of Education to develop and deliver research-based professional development in reading instructions for K-4th grade teachers.

Reporting. Each school must report to the district the number of K-4 students who are reading below grade level and the interventions being provide for improvement. The information must be disaggregated by subgroups of students. The school district must report the information to OSPI. OSPI must provide an annual report to the Legislature and the Educational Opportunity Gap Oversight and Accountability Committee. The report cards of students in grades K-4 must indicate whether the student is reading on grade level.

State Reading Assessments/Students Reading Below Grade Level. If the student is not reading at or above grade level then the teacher, with the support of other appropriate school personnel, must provide information on strategies that will be used to help the student improve and strategies for the student's parents to assist the student at home.

Students in Level 1. Beginning in the 2014-15 school year, if a student scores in Level 1, the lowest tier of a four-tier system, on the statewide third grade ELA assessment there must be a meeting between the student's parents, teacher, and principal of the school or the principal's designee, to discuss appropriate grade placement and recommended intensive strategies to improve the student's reading skills. For students to be placed in fourth grade, the strategies discussed must include an intensive improvement strategy that includes a summer program or other option identified at the meeting as appropriate. The school district must implement any strategies to which the parent consents. Transitional Bilingual Instructional Program (TBIP) students are exempt unless the student has been in the TBIP program for three school years and receives a level 1 score. Special education students are exempt.

Students in Level 1 and 2. Beginning in the 2015-16 school year, a school district must implement an intensive reading and literacy improvement strategy from a menu of best practices developed by a panel of experts convened by OSPI, or an approved alternative. The required intensive strategy applies to:

- Any student who scored as Level 1 or Level 2 on the third grade statewide ELA assessment in the previous year. Reading and literacy improvement strategies for

- special education students that includes specially designed instruction must be provided in the individualized education program.
- Any school that has more than 40 percent of the tested students score in Level 1 or 2 on the third grade statewide ELA assessment in the previous year. In calculating a school's percentage, OSPI must exclude special education students, TBIP students unless they have been in the TBIP program for three school years and receive a Level 1 score, and any school with fewer than 10 students in grade three.
 - School districts can use a strategy not on the state menu if the district can demonstrate improved outcomes for students at a level commensurate with those on the state menu. If so, then OSPI must approve the alternative strategy. Subsequent annual approval depends on continued increases in improved student outcomes.

Part II: Requiring LAP to be Evidence-Based

LAP Supplemental Services. Expanded to reduce disruptive behaviors in the classroom in addition to the current assistance with underachieving students.

LAP Focus. School districts implementing LAP must focus first on addressing the needs of students in grades K-4 who are deficient in reading or reading-readiness skills.

Plan and Reports. The requirement to have a plan to receive LAP funds is removed. Instead, districts must report entrance and exit performance data, the amount of academic growth gained by each student, and the specific LAP practices and strategies used by each school. OSPI must compile annual and longitudinal gains for specific LAP practices and strategies to show which are the most effective. OSPI may provide technical assistance to school districts to improve the effectiveness of LAP.

Parent- and Family-Engagement Coordinators. Specific authorization is provided to use LAP funds to employ parent- and family-engagement coordinators.

Menus of Best Practices. In addition to state menu for best practices for reading, OSPI must convene a panel of experts, to include the Washington State Institute for Public Policy (WSIPP), to develop additional menus of best practices for LAP at all grade levels in ELA and mathematics, and to reduce disruptive behaviors in the classroom. The menus will be updated annually. School districts are encouraged to use best practices on the menus before the use is required. Beginning in the 2016-17 school year, school districts must use a practice from the menu or an approved alternative. An alternative is a practice that is not on the menu but the district has received OSPI approval for the practice by being able to demonstrate increased achievement or other improved outcomes commensurate with the menu practices. Continued use of an alternative strategy requires annual approval based on continued improvement in results.

Part III: Student Discipline

Task Force. OSPI is to convene a discipline task force to develop standard definitions for causes of discretionary student disciplinary actions taken by school districts, and to develop data-collection standards for those disciplinary actions, including exclusion of a student from school. OSPI must begin collecting data based on the developed standards.

Rules. OSPI must adopt rules providing that an expulsion or suspension may not be for an indefinite period of time. Emergency expulsions must end or be converted to another corrective action within 10 school days from the removal from school. Notice and due process rights apply to the conversion.

Actions of More Than 10 days. A suspension of more than 10 days or an expulsion from school is limited to one calendar year. If health or safety requires a longer time than one calendar year, the school may petition the school district superintendent or the superintendent's designee, in accordance with school district policies outlining the limited circumstances when the limit may be exceeded.

Data. School districts must record specified data on disciplinary actions in the statewide data system using the standards established by OSPI and the K-12 Data Governance Group. The non-personally-identifiable information must be made public.

Re-engagement. School districts must meet with the student and the parents within 20 days of a long-term suspension or expulsion to discuss a plan to reengage the student in a school program.

Law Enforcement. This act does not prevent a school district or law enforcement from enforcing laws to protect health and safety.

Part IV: Educator support Program

The BEST program is established in statute. The provisions are based on the current program description and parameters outlined in proviso in the 2011-13 omnibus appropriations act. Subject to funding, OSPI must allocate competitive grants for BEST, giving priority to low-performing schools. If separate funds are provided, the program may also support educators on probation.

Part V: Professional Development

Legislative findings are made that school district boards of directors set the vision and provide direction and oversight for the school district, and that the school-district superintendent is key to the day-to-day administration of the school district. The legislature intends to provide additional professional development opportunities for school-district directors and superintendents to focus on evidence-based governance strategies to improve student achievement.

OSPI is directed to develop and annually implement a professional development program for first-time school directors and school district superintendents and for on-going development of school directors and superintendents.

The Legislature recognizes that there have been many recent changes in state educational policies and providing adequate training and professional development is necessary to have the successful outcomes that are intended. The Legislature further intends the training to be responsive to the needs of local school districts. During the next two school years, compensation adjustments made by the school district, beyond an adjustment for inflation, must be in the form of targeted professional development as determined to be appropriate by the school district, to improve student achievement.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute):

- School districts' are responsible for providing reading and literacy instruction and services to students in grades K-4 rather than to students and parents;
- The category of bilingual students excluded from the school-wide count of reading proficiency is the same as the category subject to the intervention provisions;
- The expert panel developing the menu of best practices for the Learning Assistance Program is to include the WSIPP;
- Learning Assistance Program student detail must be reported in the statewide system as of September 1, 2014, rather than September 1, 2013;
- Limits on K-12 employee supplemental pay for the 2013-14 and 2014-15 school years apply to contracts in effect after June 10, 2013.

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: PRO: Early-grade literacy instruction is a priority. Reading is essential as a primary reform because how you approach reading has a large influence on the impact of the money spent in education. We are in support of the entire bill. We would suggest focusing on ensuring that every child can recognize and manipulate sounds and follow up with phonological screening twice per year. The problem is not that the children are poor; it is the quality of the instruction. We have supported the elements of this legislation when they were in separate bills and many have been improved from the earlier version. We have concerns about Section 501 and addressing compensation in this bill because it is complex and needs much more attention. All these programs would be more successful with full funding of basic education.

CON: We do not disagree with the parts of the bill that address early reading, LAP, teacher mentoring, or limiting suspensions and expulsions. Focused programs help. But it is late in the session and, if new programs are added without being fully funded in the budget, school districts have to make trade-off decisions about what they'll stop doing. We specifically oppose Section 501 which erodes local control and affects all K-12 employees. We strongly support professional development but it needs to be appropriate to the employees' jobs and should not come at the expense of pay. There are many legitimate reasons to raise pay to accomplish particular local objectives. Full-day kindergarten would accomplish the same early learning objectives. The school districts do not need the Legislature to tell them what to do; they need the resources to do it. Districts know how to limit suspensions by using Alternative Learning Experience programs but they need you to fully fund them.

OTHER: We support the discipline provisions of the bill because they represent a common-sense, low-cost approach for addressing the problems associated with exclusionary policies. Current school discipline practices are a contributing factor to ongoing juvenile justice

system involvement. The ability to stay in school and on the path to graduation is essential to change the trajectory of these young people's lives and will result in long-term cost savings. One concern relates to allowing districts to appeal to their own superintendents for exemptions from the limits. We believe that role belongs with the Superintendent of Public Instruction to maintain statewide consistency, to ensure the educational opportunity gap is not inadvertently exacerbated, and to have transparency around the criteria for approval of an exemption. We are concerned about a phrase in to the section that delineates the types of suspension and expulsion data to be collected, "...Any other categories added at a future date by the data governance group." We believe this provides a non-legislative group with too much open-ended authority. We support the additional professional development but would like to see it extended to principals as well. It will be difficult for schools to use LAP funds for principal and superintendent internships and would like those funded separately. The Washington State School Directors' Association (WSSDA) asks that you include us as the lead provider of the school directors' training. It is very helpful to have included the colleges for teacher education in the early reading provisions; putting the beginning teacher mentoring program in statute, and applying limits to school suspensions and expulsions. The bill contains improvements to language compared to earlier versions. The 10-day limit on emergency expulsions continues to be a concern as school districts need funding and time to conduct violence risk assessments to ensure the student body is safe before returning expelled students to school. LAP funds are used across the grades and should not be limited to early-grade reading.

Persons Testifying: PRO: Ramona Hattendorf, Washington State PTA; Frank Ordway, League of Education Voters.

CON: Lucinda Young, Washington Education Association; Marcia Fromhold, OSPI.

OTHER: Jeannie Nist, TeamChild; Jerry Bender, Association of Washington School Principals; Jonelle Adams, Washington State School Directors' Association; Bob Cooper, Washington Association of Colleges for Teacher Education; Charlie Brown, Tacoma School District.