
SUBSTITUTE HOUSE BILL 1177

State of Washington

63rd Legislature

2013 Regular Session

By House Education (originally sponsored by Representatives Lytton, Sullivan, Santos, Maxwell, Reykdal, Fitzgibbon, Ryu, Pollet, Stanford, Tharinger, Jinkins, and Bergquist)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to modifying the education accountability system to
2 allow state criteria, resources, and strategies to be used for
3 assistance and intervention; amending RCW 28A.657.005, 28A.657.010,
4 28A.657.020, 28A.657.030, 28A.657.050, 28A.657.050, 28A.657.060,
5 28A.657.070, 28A.657.090, and 28A.657.110; providing an effective date;
6 and providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 28A.657.005 and 2010 c 235 s 101 are each amended to
9 read as follows:

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

1 differentiated support, targeted assistance, and, if necessary,
2 intervention.

3 The office of the superintendent of public instruction is
4 responsible for developing and implementing the accountability tools to
5 build district capacity and working within federal and state
6 guidelines. The legislature assigned the state board of education
7 responsibility and oversight for creating an accountability framework.
8 This framework provides a unified system of support for challenged
9 schools that aligns with basic education, increases the level of
10 support based upon the magnitude of need, and uses data for decisions.
11 Such a system will identify schools and their districts for recognition
12 as well as for additional state support. For a specific group of
13 (~~challenged schools, defined as~~) persistently lowest-achieving
14 schools(~~(7)~~) and their districts, it is necessary to provide a required
15 action process that creates a partnership between the state and local
16 district to target funds and assistance to turn around the identified
17 (~~lowest-achieving~~) schools.

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

33 Phase II of this accountability system will work toward
34 implementing the (~~state board of education's~~
35 ~~accountability~~) Washington achievement index for identification of challenged
36 schools in need of improvement, including those that are not Title I schools,
37 and the use of state and local intervention models and federal and
38 state funds through a (~~required action process~~) comprehensive system

1 of differentiated support, targeted assistance, and intervention
2 beginning in ~~((2013, in addition to the federal program))~~ the 2014-15
3 school year. ~~If federal approval of the ((state board of education's~~
4 ~~accountability))~~ Washington achievement index ~~((must be))~~ is not
5 ~~obtained ((or else))~~, the federal guidelines for ~~((persistently lowest-~~
6 ~~achieving))~~ identifying schools will continue to be used.

7 The expectation from implementation of this accountability system
8 is the improvement of student achievement for all students to prepare
9 them for postsecondary education, work, and global citizenship in the
10 twenty-first century.

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

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

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

21 (3) "Turnaround principles" include but are not limited to the
22 following:

23 (a) Providing strong leadership;

24 (b) Ensuring teachers are effective and able to improve
25 instruction;

26 (c) Increasing learning time;

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

28 (e) Using data to inform instruction;

29 (f) Establishing a safe and supportive school environment; and

30 (g) Engaging families and communities.

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

33 (1) Beginning in 2010, and each year thereafter ~~((, by))~~ through
34 December ~~((1st))~~ 1, 2012, the superintendent of public instruction
35 shall annually identify schools as one of the state's persistently
36 lowest-achieving schools if the school is a Title I school, or a school

1 that is eligible for but does not receive Title I funds, that is among
2 the lowest-achieving five percent of Title I or Title I eligible
3 schools in the state.

4 (2) The criteria for determining whether a school is among the
5 persistently lowest-achieving five percent of Title I schools, or Title
6 I eligible schools, under subsection (1) of this section shall be
7 established by the superintendent of public instruction. The criteria
8 must meet all applicable requirements for the receipt of a federal
9 school improvement grant under the American recovery and reinvestment
10 act of 2009 and Title I of the elementary and secondary education act
11 of 1965, and take into account both:

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

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

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

21 (b) The criteria for determining whether a school is a challenged
22 school in need of improvement shall be established by the
23 superintendent of public instruction. The criteria must meet all
24 applicable federal requirements under Title I of the elementary and
25 secondary education act of 1965 and other federal rules or guidance,
26 including applicable requirements for the receipt of federal school
27 improvement funds if available, but shall apply equally to Title I,
28 Title I-eligible, and non-Title I schools in the state. The criteria
29 must take into account the academic achievement of the "all students"
30 group and subgroups of students in a school in terms of proficiency on
31 the state assessments in reading or English language arts and
32 mathematics and a high school's graduation rate for all students and
33 subgroups of students. The superintendent may establish tiered
34 categories of challenged schools based on the relative performance of
35 all students, subgroups of students, and other factors.

36 (c) The superintendent of public instruction shall also establish
37 criteria for determining whether a challenged school in need of
38 improvement is also a persistently lowest-achieving school for purposes

1 of the required action district process under this chapter, which shall
2 include the school's lack of progress for all students and subgroups of
3 students over a number of years.

4 (d) If the Washington achievement index is approved by the United
5 States department of education for use in identifying schools for
6 federal purposes, the superintendent of public instruction shall use
7 the approved index to identify schools under (b) and (c) of this
8 subsection.

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

11 (1) Beginning in January 2011, the superintendent of public
12 instruction shall annually recommend to the state board of education
13 school districts for designation as required action districts. A
14 district with at least one school identified as a persistently lowest-
15 achieving school according to the criteria established by the
16 superintendent of public instruction under RCW 28A.657.020 shall be
17 designated as a required action district (~~((if it meets the criteria~~
18 ~~developed by the superintendent of public instruction))~~). However, a
19 school district shall not be recommended for designation as a required
20 action district if the district was awarded a federal school
21 improvement grant by the superintendent in 2010 and for three
22 consecutive years following receipt of the grant implemented a federal
23 school intervention model at each school identified for improvement.
24 The state board of education may designate a district that received a
25 school improvement grant in 2010 as a required action district if after
26 three years of voluntarily implementing a plan the district continues
27 to have a school identified as persistently lowest-achieving and meets
28 the criteria for designation established by the superintendent of
29 public instruction.

30 (2) The superintendent of public instruction shall provide a school
31 district superintendent with written notice of the recommendation for
32 designation as a required action district by certified mail or personal
33 service. A school district superintendent may request reconsideration
34 of the superintendent of public instruction's recommendation. The
35 reconsideration shall be limited to a determination of whether the
36 school district met the criteria for being recommended as a required

1 action district. A request for reconsideration must be in writing and
2 served on the superintendent of public instruction within ten days of
3 service of the notice of the superintendent's recommendation.

4 (3) The state board of education shall annually designate those
5 districts recommended by the superintendent in subsection (1) of this
6 section as required action districts. A district designated as a
7 required action district shall be required to notify all parents of
8 students attending a school identified as a persistently lowest-
9 achieving school in the district of the state board of education's
10 designation of the district as a required action district and the
11 process for complying with the requirements set forth in RCW
12 28A.657.040 through 28A.657.100.

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

15 (1) The local district superintendent and local school board of a
16 school district designated as a required action district must submit a
17 required action plan to the state board of education for approval.
18 Unless otherwise required by subsection (3) of this section, the plan
19 must be submitted under a schedule as required by the state board. A
20 required action plan must be developed in collaboration with
21 administrators, teachers, and other staff, parents, unions representing
22 any employees within the district, students, and other representatives
23 of the local community. The superintendent of public instruction shall
24 provide a district with assistance in developing its plan if requested.
25 The school board must conduct a public hearing to allow for comment on
26 a proposed required action plan. The local school district shall
27 submit the plan first to the office of the superintendent of public
28 instruction to review and approve that the plan is consistent with
29 federal and state guidelines, as applicable. After the office of the
30 superintendent of public instruction has approved that the plan is
31 consistent with federal and state guidelines, the local school district
32 must submit its required action plan to the state board of education
33 for approval.

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

35 (a) Implementation of ~~((one of the four federal))~~ an intervention
36 model~~((s))~~ or turnaround principles required for the receipt of ~~((a))~~
37 federal or state funds for school improvement ~~((grant,))~~ for those

1 persistently lowest-achieving schools that the district will be
2 focusing on for required action. (~~However, a district may not~~
3 ~~establish a charter school under a federal intervention model without~~
4 ~~express legislative authority. The intervention models are the~~
5 ~~turnaround, restart, school closure, and transformation models.~~) The
6 intervention model selected and the implementation of turnaround
7 principles must address the concerns raised in the academic performance
8 audit and be intended to improve student performance to allow a school
9 district to be removed from the list of districts designated as a
10 required action district by the state board of education within three
11 years of implementation of the plan;

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

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

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

22 (e) Identification of the measures that the school district will
23 use in assessing student achievement at a school identified as a
24 persistently lowest-achieving school, which include improving
25 mathematics and reading or English language arts student achievement
26 and graduation rates as defined by the office of the superintendent of
27 public instruction that enable the school to no longer be identified as
28 a persistently lowest-achieving school.

29 (3)(a) For any district designated for required action, the parties
30 to any collective bargaining agreement negotiated, renewed, or extended
31 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the
32 agreement, or negotiate an addendum, if needed, to make changes to
33 terms and conditions of employment that are necessary to implement a
34 required action plan. For any district applying to participate in a
35 collaborative schools for innovation and success pilot project under
36 RCW 28A.630.104, the parties to any collective bargaining agreement
37 negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after

1 June 7, 2012, must reopen the agreement, or negotiate an addendum, if
2 needed, to make changes to terms and conditions of employment that are
3 necessary to implement an innovation and success plan.

4 (b) If the school district and the employee organizations are
5 unable to agree on the terms of an addendum or modification to an
6 existing collective bargaining agreement, the parties, including all
7 labor organizations affected under the required action plan, shall
8 request the public employment relations commission to, and the
9 commission shall, appoint an employee of the commission to act as a
10 mediator to assist in the resolution of a dispute between the school
11 district and the employee organizations. Beginning in 2011, and each
12 year thereafter, mediation shall commence no later than April 15th.
13 All mediations held under this section shall include the employer and
14 representatives of all affected bargaining units.

15 (c) If the executive director of the public employment relations
16 commission, upon the recommendation of the assigned mediator, finds
17 that the employer and any affected bargaining unit are unable to reach
18 agreement following a reasonable period of negotiations and mediation,
19 but by no later than May 15th of the year in which mediation occurred,
20 the executive director shall certify any disputed issues for a decision
21 by the superior court in the county where the school district is
22 located. The issues for determination by the superior court must be
23 limited to the issues certified by the executive director.

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

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

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

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

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

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

37 (E) The academic performance audit that the office of the
38 superintendent of public instruction completed for the school district

1 in the case of a required action district, or the comprehensive needs
2 assessment in the case of a collaborative schools for innovation and
3 success pilot project.

4 (ii) Within seven days after the filing of the petition, each party
5 shall file with the court the proposal it is asking the court to order
6 be implemented in a required action plan or innovation and success plan
7 for the district for each issue certified by the executive director.
8 Contemporaneously with the filing of the proposal, a party must file a
9 brief with the court setting forth the reasons why the court should
10 order implementation of its proposal in the final plan.

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

16 (iv) The court must enter an order selecting the proposal for
17 inclusion in a required action plan that best responds to the issues
18 raised in the school district's academic performance audit, and allows
19 for the award of (~~a federal school improvement grant or a grant from~~
20 ~~other~~) federal or state funds for school improvement to the district
21 from the office of the superintendent of public instruction to
22 implement (~~one of the four federal~~) an intervention model(~~s~~) or
23 turnaround principles. In the case of an innovation and success plan,
24 the court must enter an order selecting the proposal for inclusion in
25 the plan that best responds to the issues raised in the school's
26 comprehensive needs assessment. The court's decision must be issued no
27 later than June 15th of the year in which the petition is filed and is
28 final and binding on the parties; however the court's decision is
29 subject to appeal only in the case where it does not allow the school
30 district to implement a required action plan consistent with the
31 requirements for the award of (~~a federal school improvement grant or~~
32 ~~other~~) federal or state funds for school improvement by the
33 superintendent of public instruction.

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

36 (f) Any party that proceeds with the process in this section after
37 knowledge that any provision of this section has not been complied with

1 and who fails to state its objection in writing is deemed to have
2 waived its right to object.

3 (4) All contracts entered into between a school district and an
4 employee must be consistent with this section and allow school
5 districts designated as required action districts to implement (~~(one of~~
6 ~~the four federal models)~~) the intervention model or turnaround
7 principles in a required action plan.

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

10 (1) The local district superintendent and local school board of a
11 school district designated as a required action district must submit a
12 required action plan to the state board of education for approval.
13 Unless otherwise required by subsection (3) of this section, the plan
14 must be submitted under a schedule as required by the state board. A
15 required action plan must be developed in collaboration with
16 administrators, teachers, and other staff, parents, unions representing
17 any employees within the district, students, and other representatives
18 of the local community. The superintendent of public instruction shall
19 provide a district with assistance in developing its plan if requested.
20 The school board must conduct a public hearing to allow for comment on
21 a proposed required action plan. The local school district shall
22 submit the plan first to the office of the superintendent of public
23 instruction to review and approve that the plan is consistent with
24 federal and state guidelines, as applicable. After the office of the
25 superintendent of public instruction has approved that the plan is
26 consistent with federal and state guidelines, the local school district
27 must submit its required action plan to the state board of education
28 for approval.

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

30 (a) Implementation of (~~(one of the four federal)~~) an intervention
31 model(~~(s)~~) or turnaround principles required for the receipt of (~~(a)~~)
32 federal or state funds for school improvement (~~(grant,~~) for those
33 persistently lowest-achieving schools that the district will be
34 focusing on for required action. (~~(However, a district may not~~
35 ~~establish a charter school under a federal intervention model without~~
36 ~~express legislative authority. The intervention models are the~~
37 ~~turnaround, restart, school closure, and transformation models.)~~) The

1 intervention model selected and the implementation of turnaround
2 principles must address the concerns raised in the academic performance
3 audit and be intended to improve student performance to allow a school
4 district to be removed from the list of districts designated as a
5 required action district by the state board of education within three
6 years of implementation of the plan;

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

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

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

17 (e) Identification of the measures that the school district will
18 use in assessing student achievement at a school identified as a
19 persistently lowest-achieving school, which include improving
20 mathematics and reading or English language arts student achievement
21 and graduation rates as defined by the office of the superintendent of
22 public instruction that enable the school to no longer be identified as
23 a persistently lowest-achieving school.

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

30 (b) If the school district and the employee organizations are
31 unable to agree on the terms of an addendum or modification to an
32 existing collective bargaining agreement, the parties, including all
33 labor organizations affected under the required action plan, shall
34 request the public employment relations commission to, and the
35 commission shall, appoint an employee of the commission to act as a
36 mediator to assist in the resolution of a dispute between the school
37 district and the employee organizations. Beginning in 2011, and each

1 year thereafter, mediation shall commence no later than April 15th.
2 All mediations held under this section shall include the employer and
3 representatives of all affected bargaining units.

4 (c) If the executive director of the public employment relations
5 commission, upon the recommendation of the assigned mediator, finds
6 that the employer and any affected bargaining unit are unable to reach
7 agreement following a reasonable period of negotiations and mediation,
8 but by no later than May 15th of the year in which mediation occurred,
9 the executive director shall certify any disputed issues for a decision
10 by the superior court in the county where the school district is
11 located. The issues for determination by the superior court must be
12 limited to the issues certified by the executive director.

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

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

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

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

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

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

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

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

35 (iii) Following receipt of the proposals and briefs of the parties,
36 the court must schedule a date and time for a hearing on the petition.
37 The hearing must be limited to argument of the parties or their counsel

1 regarding the proposals submitted for the court's consideration. The
2 parties may waive a hearing by written agreement.

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

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

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

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

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

31 A required action plan developed by a district's school board and
32 superintendent must be submitted to the state board of education for
33 approval. The state board must accept for inclusion in any required
34 action plan the final decision by the superior court on any issue
35 certified by the executive director of the public employment relations
36 commission under the process in RCW 28A.657.050. The state board of
37 education shall approve a plan proposed by a school district only if

1 the plan meets the requirements in RCW 28A.657.050 and provides
2 sufficient remedies to address the findings in the academic performance
3 audit to improve student achievement. Any addendum or modification to
4 an existing collective bargaining agreement, negotiated under RCW
5 28A.657.050 or by agreement of the district and the exclusive
6 bargaining unit, related to student achievement or school improvement
7 shall not go into effect until approval of a required action plan by
8 the state board of education. If the state board does not approve a
9 proposed plan, it must notify the local school board and local
10 district's superintendent in writing with an explicit rationale for why
11 the plan was not approved. Nonapproval by the state board of education
12 of the local school district's initial required action plan submitted
13 is not intended to trigger any actions under RCW 28A.657.080. With the
14 assistance of the office of the superintendent of public instruction,
15 the superintendent and school board of the required action district
16 shall either: (~~(a)-(1)~~) (1) Submit a new plan to the state board
17 of education for approval within forty days of notification that its
18 plan was rejected, or (~~(b)-(2)~~) (2) submit a request to the
19 required action plan review panel established under RCW 28A.657.070 for
20 reconsideration of the state board's rejection within ten days of the
21 notification that the plan was rejected. If federal or state funds for
22 school improvement are not available, the plan is not required to be
23 implemented until such funding becomes available. If federal or state
24 funds for this purpose are available, a required action plan must be
25 implemented in the immediate school year following the district's
26 designation as a required action district.

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

29 (1) A required action plan review panel shall be established to
30 offer an objective, external review of a request from a school district
31 for reconsideration of the state board of education's rejection of the
32 district's required action plan. The review and reconsideration by the
33 panel shall be based on whether the state board of education gave
34 appropriate consideration to the unique circumstances and
35 characteristics identified in the academic performance audit of the
36 local school district whose required action plan was rejected.

1 (2)(a) The panel shall be composed of five individuals with
2 expertise in school improvement, school and district restructuring, or
3 parent and community involvement in schools. Two of the panel members
4 shall be appointed by the speaker of the house of representatives; two
5 shall be appointed by the president of the senate; and one shall be
6 appointed by the governor.

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

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

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

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

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

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

13 **Sec. 10.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to
14 read as follows:

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

33 (2) The state board of education shall develop (~~an~~
34 ~~accountability~~) a Washington achievement index to identify schools and
35 districts for recognition, for continuous improvement, and for
36 additional state support. The index shall be based on criteria that
37 are fair, consistent, and transparent. Performance shall be measured

1 using multiple outcomes and indicators including, but not limited to,
2 graduation rates and results from statewide assessments. The index
3 shall be developed in such a way as to be easily understood by both
4 employees within the schools and districts, as well as parents and
5 community members. It is the legislature's intent that the index
6 provide feedback to schools and districts to self-assess their
7 progress, and enable the identification of schools with exemplary
8 student performance and those that need assistance to overcome
9 challenges in order to achieve exemplary student performance.

10 (3) The state board of education, in cooperation with the office of
11 the superintendent of public instruction, shall annually recognize
12 schools for exemplary performance as measured on the (~~state board of~~
13 ~~education accountability~~) Washington achievement index. The state
14 board of education shall have ongoing collaboration with the
15 (~~achievement~~) educational opportunity gap oversight and
16 accountability committee regarding the measures used to measure the
17 closing of the achievement gaps and the recognition provided to the
18 school districts for closing the achievement gaps.

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

25 (5) The state board of education shall work with the education data
26 center established within the office of financial management and the
27 technical working group established in (~~section 112, chapter 548, Laws~~
28 ~~of 2009~~) RCW 28A.290.020 to determine the feasibility of using the
29 prototypical funding allocation model as not only a tool for allocating
30 resources to schools and districts but also as a tool for schools and
31 districts to report to the state legislature and the state board of
32 education on how the state resources received are being used.

33 NEW SECTION. **Sec. 11.** Section 5 of this act expires June 30,
34 2019.

1 NEW SECTION. **Sec. 12.** Section 6 of this act takes effect June 30,
2 2019.

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