

# SENATE BILL REPORT

## E2SHB 1541

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As of March 16, 2015

**Title:** An act relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

**Brief Description:** Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall and Gregerson).

**Brief History:** Passed House: 3/05/15, 53-45.

**Committee Activity:** Early Learning & K-12 Education: 3/16/15.

### Brief Summary of Engrossed Second Substitute Bill

- Prohibits long-term suspension or expulsion as a form of discretionary discipline and defines discretionary discipline; limits suspensions or expulsions to the length of an academic term and allows for a petition process to exceed that limit; and requires a reengagement meeting that includes the student's family.
- Requires that districts provide an opportunity for students to receive educational services during a period of suspension or expulsion.
- Requires districts to adopt discipline policies consistent with a model policy to be developed by Washington State School Directors Association (WSSDA); districts must disseminate, monitor, and review the policies.
- Directs the Office of Superintendent of Public Instruction (OSPI) to develop discipline policy training programs, and districts are strongly encouraged to provide training.
- Requires the Education Research and Data Center (ERDC) to prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system.
- Requires the development of cultural competence training for all school staff and encourages this training for all districts and specific schools.

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*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.*

- Requires all teachers assigned to the Transitional Bilingual Instructional Program (TBIP) to have a bilingual education or English language learner (ELL) endorsement beginning in 2019-20.
- Expands a conditional scholarship program to include teachers seeking special education, bilingual education, and ELL endorsements.
- Requires OSPI to provide districts with technical assistance and support related to language proficiency.
- Requires phased-in collection and reporting of student data disaggregated by sub-racial and sub-ethnic categories beginning in 2017-18.
- Requires OSPI to convene a taskforce to review and provide race and ethnicity reporting guidance.
- Requires reporting of racial and ethnic data related to teachers and their average length of service.
- Requires a workgroup be established to revise high school-level career and technical education courses related to careers in education.
- Requires the Department of Early Learning (DEL) to create a community information and involvement plan to inform early learning providers of the Early Achievers program.
- Establishes the Washington Integrated Student Supports Protocol (WISSP) to promote student success by coordinating academic and non-academic supports.
- Creates a workgroup to determine how to implement the WISSP.
- Changes provisions of the Learning Assistance Program (LAP) related to early literacy and reducing disruptive behavior and adds the WISSP to the list of services and activities that may be supported by LAP funds.
- Removes the limitation that the Center for the Improvement of Student Learning (CISL) is established and must perform certain functions only to the extent that funds are appropriated.

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## SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Matthew Lemon (786-7405)

**Background:** Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC). In 2009 the EOGOAC was established to recommend policies and strategies to close the achievement gap. The EOGOAC is composed of six legislators, representatives of the Office of the Education Ombuds and OSPI, and five members representing the state ethnic commissions and federally recognized tribes.

In its 2015 report to the Legislature, the EOGOAC made the following recommendations:

- reduce the length of time students of color are excluded from school due to suspensions and expulsions and provide student support for reengagement plans;
- enhance cultural competence of current and future educators and classified staff;

- endorse all educators in ELL/Second Language acquisition;
- accountability for the TBIP services provided to ELL students;
- analyze the opportunity gap through deeper disaggregation of student demographic data;
- invest in recruitment, hiring, and retention of educators of color;
- incorporate integrated student services and family engagement; and
- strengthen student transitions.

Student Discipline. Each school district board of directors must adopt and make available written policies regarding pupil conduct and discipline and OSPI must adopt rules providing for due process rights for pupils. Disciplinary actions made at the discretion of school districts must be in compliance with district policies and federal and state laws and rules.

Long-term suspensions are defined as any suspension longer than ten consecutive school days and principals must consider imposing long-term suspensions or expulsions for certain violations. Legislation enacted in 2013 prohibited indefinite suspensions or expulsions and required that suspensions or expulsions of more than ten days be limited to no longer than one year with a petition process to exceed this limit in certain cases. Districts must create a reengagement plan for suspended or expelled students to return to a school program and should meet with the student and their parents or guardians to discuss the plan.

OSPI must collect and report data on student suspensions and expulsions disaggregated by race and other characteristics. The data must also be disaggregated by nine categories of student behavior, seven categories of interventions applied, e.g. short-term suspension, long-term suspension, etc., and the number of days that a student is suspended or expelled. The Legislature directed OSPI to establish the Student Discipline Task Force in 2013 to develop standards definitions and data collection standards for disciplinary actions taken at the discretion of school districts. OSPI and the K–12 Data Governance group must revise the statewide student data system to incorporate the standards recommended by the Discipline Task Force beginning in the 2015-16 school year.

Cultural Competence. In 2009 the Legislature directed the Professional Educator Standards Board (PESB) to develop standards for cultural competency for teacher certification in collaboration with the EOGOAC. Cultural competency includes knowledge of student cultural histories and contexts; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

Subject to funds appropriated, OSPI must develop and make available a professional development program to support the implementation of the teacher and principal evaluation system. The criteria for evaluating teachers and principals include the acquisition and use of knowledge about students' cultural development and a commitment to closing the achievement gap.

ELL Instruction. The state allocates additional funding through the TBIP to provide additional support for ELL students to develop English language proficiency. In the 2013-14 school year there were 110,579 ELL students identified for service statewide which is an increase of more than 32 percent since the 2005-06 school year. ELL student enrollment has

increased by more than 5 percent per year in each of the past three years in more than 130 schools across the state.

PESB offers the Retooling to Teach Mathematics and Science conditional scholarship to current K–12 teachers and individuals with an elementary education certificate who are not employed in positions requiring their certificate to pursue endorsements in high-demand mathematics and science endorsement areas. The scholarships are awarded on a first-come, first-served basis subject to appropriation and no funding was provided for the program in the 2013-15 biennium.

ELL Accountability. OSPI has developed the Washington English Language Proficiency Assessment (WELPA) to determine student eligibility for services and assess annual growth in English language development. In 2014 the Legislature directed OSPI to convene a taskforce to design a performance-based assistance and accountability system for the TBIP. The taskforce must submit a report to the Legislature by January 15, 2016.

Disaggregated Data. OSPI collects student data on race and ethnicity through the statewide student data system in accordance with federal guidance. The K–12 Data Governance group oversees the development and implementation of the data system for financial, student, and educator data. Federal race and ethnicity reporting guidelines for K–12 student data require reporting of student race as White, African American/Black, Asian, American Indian/Alaskan Native, and Native Hawaiian/Pacific Islander. The guidelines also require separate reporting of ethnicity as Hispanic or non-Hispanic. OSPI developed standards that allow one or more selections from 57 sub-racial categories and nine ethnic subcategories, but school districts are not required to report data at this level of disaggregation.

In current law, the results of schools and districts that test fewer than ten students in a grade level must not be reported.

Recruitment and Retention. According to data from PESB, about 5 percent of teachers leave the workforce each year. The rate of Black/African American teachers leaving the workforce has risen from 5.2 percent in 2008-09 to 10.3 percent in 2012-13. In the 2012-13 school year, over 89 percent of teachers were white while over 40 percent of students identified as Hispanic, Asian, Black/African American, Native American, Pacific Islander, or multiracial.

The Recruiting Washington Teachers program was established in 2007 to support the recruitment and preparation of diverse high school students to explore future roles as educators. The program focuses on students who are underrepresented in the teaching profession and explores roles in shortage areas including bilingual education, ELL, and special education, among others.

Transitions. The Early Achievers program was created in 2007 to provide a quality rating and improvement system for the early care and education system in Washington. The purpose of the program is to give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, close the disparity in access to quality care, and establish a common set of expectations and standards

that define, measure, and improve the quality of early learning settings. DEL administers the program.

Integrated Student Services. Integrated student supports (ISS) is an educational reform model that uses a school-based approach to promote the academic success of at-risk students by coordinating academic and non-academic supports. These academic and non-academic resources may include tutoring and mentoring; physical and mental health care; and connecting families to parent education, family counseling, food banks, or employment assistance.

CISL. As provided in statute, the purpose of the CISL is to facilitate statewide access to information and materials on educational improvement and research to improve student learning. Among other duties, CISL must serve as a clearinghouse for information regarding successful educational improvement and parental improvement programs, provide best practice research, and identify strategies for improving the success rates of ethnic and racial student groups. The CISL is housed in OSPI and its duties are subject to funds appropriated.

LAP. LAP provides support to eligible students who need academic support for reading, writing and math, or who need readiness skills to learn these core subjects. In 2013 the Legislature enacted several changes to LAP including, among others, a focus on reading literacy in early grades, the ability to use LAP funds to provide eligible students with supports to reduce disruptive behavior, and a requirement that districts must select student support services from menus of best practices and strategies developed by a panel of experts convened by OSPI. The menus of best practices and strategies to help students who struggle with English language arts, mathematics, and disruptive behaviors are due July 1, 2015, and must be updated each year thereafter.

**Summary of Bill:** Student Discipline. Districts are prohibited from imposing long-term suspension or expulsion as a form of discretionary discipline. Discretionary discipline is defined as a disciplinary action taken by a school district for student behavior that violates rules of student conduct, but does not include action taken in response to any of the following:

- possessing or carrying a firearm on school premises, transportation, or facilities;
- certain violent offenses; sex offenses; offenses related to liquor, controlled substances, and toxic inhalants; and certain crimes related to firearms, assault, kidnapping, harassment, arson, and malicious mischief; or
- two or more violations within a three-year period of criminal gang intimidation or other gang activity on school ground, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property.

Possession of a telecommunication device and violation of dress and grooming codes are removed from the list of discretionary violations that may result in long-term suspension or expulsion if performed two or more times within a three-year period. Districts are not required to impose long-term suspension or expulsion for the offenses listed above and should first consider alternative actions, with the exception of a violation of the prohibition against possessing firearms on school premises.

Districts may not suspend the provision of educational services to students as a disciplinary action. Students may be excluded from a particular classroom or instructional activity area during a period of suspension or expulsion, but districts must provide an opportunity for a student to receive educational services during that period.

Any disciplinary action involving a suspension or expulsion for more than ten days must have an end date of not more than the length of an academic term from the time of the action. A school may petition the district superintendent for authorization to exceed the academic term limitation in certain circumstances.

Districts must convene a reengagement meeting with the student and the student's parents or guardians within 20 days of the long-term suspension or expulsion. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

WSSDA must create and publically post model school district discipline policies and procedures by December 1, 2015, and districts must adopt policies and procedures consistent with the model policy by April 1, 2016. In addition districts must disseminate the discipline policies and procedures; use disaggregated data to monitor the impact of the policies; and periodically review and update the policies in consultation with district staff, students, families, and the community. OSPI must develop a training program to support the implementation of discipline policies and procedures, and districts are strongly encouraged to provide training to all school and district staff.

The ERDC must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system. The Department of Social and Health Services and the Administrative Office of the Courts are added to the list of agencies that must work with and share data with the ERDC in certain cases.

Cultural Competence. Professional development developed by OSPI to support the teacher and principal evaluation system must be aligned with the standards for cultural competence developed by PESB, focus on multicultural education and principles of English language acquisition, and include information regarding best practices to implement the tribal history and culture curriculum.

OSPI, in collaboration with the EOGOAC, PESB, colleges of education, and representatives from diverse communities and community-based organizations, must develop a content outline for professional development and training in cultural competence for school staff that is aligned with the standards developed by PESB. The training must contain components that are appropriate for classified staff, teachers, principals, and administrators and must be suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

Districts are encouraged to use the training and to provide opportunities for all school and district staff to gain knowledge and skills in cultural competence. Required Action Districts, districts with schools receiving a School Improvement Grant, and districts with Priority or Focus schools are strongly encouraged to provide the training. In addition WSSDA must

develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents.

ELL Instruction. Beginning in the 2019-20 school year, all teachers in the TBIP must hold a bilingual education or English language learner endorsement.

The Retooling to Teach Mathematics and Science conditional scholarship program is renamed the Educator Retooling scholarship. The types of endorsements that recipients may pursue with the scholarship is expanded to include special education, bilingual education, and ELL endorsements. When awarding conditional scholarships for bilingual education or ELL endorsements, preference must be given to teachers assigned to schools implementing a plan for improvement and to teachers assigned to schools whose enrollment of ELL students has increased by more than 5 percent per year over the previous three years.

ELL Accountability. The Legislature is no longer required to approve and fund the TBIP evaluation and assessment systems before the program can be implemented. OSPI must provide districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development related TBIP and language proficiency.

OSPI must identify the top 5 percent of schools with the highest percent growth in ELL enrollment over the previous two school years. The identified schools and districts are strongly encouraged to provide training and professional development in cultural competence.

Disaggregated Data. Beginning in the 2017-18 school year, districts must submit and OSPI must collect student data using the federal race and ethnicity guidelines, including sub-racial and sub-ethnic categories, with the following modifications:

- further disaggregation of the African American/Black category to differentiate students of African origin and students native to the United States with African ancestors;
- further disaggregation of the Asian category by countries of origin;
- further disaggregation of the White category to include sub-ethnic categories for eastern European nationalities that have significant populations in Washington; and
- collection of the racial and ethnic combination of categories for students who report as multiracial.

The data must be collected for any students who newly enroll, transfer, or change schools within a district and districts are authorized to resurvey other students. The K–12 Data Governance group must develop protocols and guidance for the data collection and OSPI must incorporate training on best practices for collecting data on student race and ethnicity into other data-related training.

OSPI must convene a taskforce to review the federal race and ethnicity reporting guidelines and to develop guidance for the state. The guidance must clarify for why the data is collected and how students and families can help administrators properly identify them.

By July 1, 2106, OSPI must work with the K–12 Data Governance group, the ERDC, and the State Board of Education to adopt a rule that the only student data that should not be reported for public reporting and accountability is data where the school or district has fewer than ten students in a grade level or student subgroup.

Recruitment and Retention. Before the 2016-17 school year, PESB and OSPI must convene a workgroup to revise and update the model framework and curriculum and the program of study for career and technical education courses related to careers in education. The courses must incorporate standards for cultural competence developed by PESB, research on best practices for educator preparation and development, and curriculum and activities used by the Recruiting Washington Teachers Program.

To the extent data is available, OSPI must post on the Internet the percentage of classroom teachers per school district and per school and the average length of service for those teachers disaggregated by race and ethnicity as described previously for student-level data.

Transitions. DEL must collaborate with OSPI to create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the Early Achievers program.

Integrated Student Services and Family Engagement. The WISSP is established. The WISSP must be developed by the CISL within OSPI. The purposes of the WISSP include the following:

- support a school-based approach to promote student success by coordinating academic and non-academic supports to reduce barriers to academic achievement;
- fulfill a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;
- encourage the creating, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and districts;
- increase public awareness of the evidence showing that academic outcomes are the result of both academic and non-academic factors; and
- support statewide and local organizations in efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

A framework for the program is provided and includes a mandatory needs assessment for all at-risk students, integration and coordination of academic and non-academic supports, community partnerships to provide non-academic supports to students and families, and tracking of student data over time to determine student progress and evolving needs. The framework must facilitate the ability of any academic or non-academic provider to support the needs of at-risk students including, but not limited to, out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

OSPI must create a workgroup to determine how to best implement the framework described above throughout the state and must consult with a national nonpartisan, nonprofit research center. The workgroup must submit a report recommending policies needed to implement



the framework. The workgroup must submit a preliminary report by October 2015, and a final report by October 2016.

LAP funds are no longer required to be consistent with provisions related to intensive reading and literacy improvement strategies for certain students. The WISSP is added to the list of services and activities that may be supported by LAP. The school board, rather than OSPI, must approve district partnerships with community-based organizations or local agencies before LAP funds may be expended. The provision is removed directing a panel of experts convened by OSPI to develop a menu of best practices and strategies for use in LAP to reduce disruptive behaviors.

The limitation is removed that the CISL be established and perform certain functions only to the extent funds are appropriated for the purpose.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 9, 2015.

**Committee/Commission/Task Force Created:** No.

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