

SENATE BILL REPORT

SB 5718

As of February 26, 2015

Title: An act relating to consideration of equity and social justice impacts from public education system decision making.

Brief Description: Concerning consideration of equity and social justice impacts from public education system decision making.

Sponsors: Senators Jayapal, McAuliffe, Dammeier, Rolfes, Darneille, Roach, Frockt, Hasegawa, Billig, McCoy, Cleveland, Fraser, Ranker, Keiser, Chase and Conway.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/09/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: King County Equity Impact Review Tool. In 2010 King County revised its Equity Impact Review tool. This tool is a process to identify, evaluate, and communicate the potential impact, both positive and negative, of a policy or program on equity. For this tool, equity means that all people have full and equal access to opportunities that enable them to attain their full potential.

Educational Opportunity Gap Oversight and Accountability Committee. The Legislature established this committee in 2009 to recommend policies and strategies to close the achievement gap. It has six legislative members, representatives of the Office of the Education Ombuds and Office of Superintendent of Public Instruction (OSPI), and five members representing the state ethnic commissions and federally recognized tribes.

Educational Agencies. Each of the following educational agencies are funded by the state and have rulemaking authority.

OSPI. This office is the primary agency charged with overseeing K–12 public education in Washington State. Led by the Superintendent of Public Instruction (SPI), it works with the state's 295 school districts to administer basic education programs and implement education reform on behalf of more than 1 million public school students.

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.

Department of Early Learning. This department is responsible for offering programs and services that support healthy child development and school readiness for the approximately 90,000 children born in Washington each year.

Washington Student Achievement Council. In 2012 the Legislature created this council. By statute, the council provides strategic planning, oversight, advocacy, and programs to support increased student success and higher levels of educational attainment in Washington. The council has five citizens, including a current student, and one representative from each of the state's four major educational sectors.

State Board of Education. This board's powers and duties are prescribed by law and relate primarily to establishing rules and policies pertaining to basic education programs, providing K–12 education system oversight, and advocating for student success. The board has 16 statutory members: the SPI; five members elected by local school board members; seven members appointed by the Governor; one member elected to represent private schools; and two student representatives.

State Board for Community and Technical Colleges. This board must provide general supervision and control over the state system of community and technical colleges. The board has nine members, which are appointed by the Governor. In making appointments, the Governor must consider geographic balance and the representation of labor, business, women, and racial and ethnic minorities. At least one member of the board must be from business and one from labor. Two must be from eastern Washington.

Professional Educator Standards Board. This board establishes policies and requirements for the preparation and certification of educators. The board is comprised of the SPI and 12 members appointed by the Governor for four-year terms.

Summary of Bill: The stated intent of the Legislature is to establish a process for formal consideration of potential equity and social justice impacts resulting from policy and fiscal decisionmaking in the state's public education system.

Equity Impact Review Process. OSPI must convene a workgroup that will design a uniform equity impact review process to identify, evaluate, and communicate the potential impacts of proposed administrative rules and budget requests that affect educational equity. The process for screening proposed administrative rules and budget proposals must be established within four months from the date when the Governor signs the 2015 omnibus operating appropriations act.

The equity impact review process must, at a minimum:

- determine whether there is an impact, either positive or negative, of the proposed administrative rule or budget proposal on the determinants of equity;
- if there is an impact, identify the communities subject to either positive or negative equity impacts as a result of the proposed rule or budget request and the potential equity impact;
- identify the type and degree of equity impact, including whether the proposed rule or budget request will impact the opportunity gap either positively or negatively;

- identify the types of involvement stakeholders from the communities impacted by the proposed rule or budget request have had in the development of the proposed rule or budget request; and
- recommend ways to mitigate or eliminate negative equity impacts or enhance positive impacts and identify any barriers to implementing those alternative options.

Community means a group of people who share some or all of the following characteristics: geographic boundaries, sense of membership, culture, language, or common norms and interests. Community includes, but is not limited to, populations distinguished by their special education status, sexual orientation, ethnicity, primary language, or race.

Determinants of equity means the social, economic, geographic, political, and physical environment conditions in which people in the state of Washington are born, grow, live, work, and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender, or language spoken.

Equity means all people have full and equal access to opportunities that enable them to reach their full potential.

Workgroup Composition. OSPI must convene a workgroup consisting of representatives from the following agencies:

- Department of Early Learning,
- Student Achievement Council,
- State Board of Education,
- State Board for Community and Technical Colleges, and
- Professional Educator Standards Board.

The workgroup must include one representative of all federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington State, designated by the federally recognized tribes.

The workgroup must include four members appointed by the Governor in consultation with the state ethnic commissions, one of each representing the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

Agencies Responsible for Creating Equity Impact Reviews. Beginning January 1, 2016, OSPI, and the Department of Early Learning, Student Achievement Council, State Board of Education, State Board for Community and Technical Colleges, and Professional Educator Standards Board must make equity impact reviews available for public comment when:

- notice of a public hearing on any proposed administrative rule is published in the Washington State Register; or
- any budget request is submitted to the Office of Financial Management.

Annual Report. Each agency responsible for creating equity impact reviews must aggregate its agency equity impact reviews into an annual report to be submitted to the Educational Opportunity Gap Oversight and Accountability Committee and the Legislature by January 15, 2017, and by December 31 of each year thereafter. Each agency must include in this

report whether the agency took actions to alter a proposed rule or budget request based on the equity review and if so what those actions included.

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: This bill takes a proactive approach by identifying problems with policies before they are implemented. It requires a formal, rigorous analysis of policies to determine whether they are closing the opportunity gap. It will help mitigate negative impacts of policies. King County government and other jurisdictions use a similar process to the one that is required in this bill. An equity impact review process helps address institutional bias and discrimination. This bill improves accountability in education spending to ensure that money is spent on helping close the opportunity gap. It protects school districts and the state from federal civil rights liability. This bill would inject a racial equity lens to decisionmaking. The equity impact review process would make people aware of equity issues and require them to be intentional with their decisions. This bill should include language that calls out students with special with needs.

Persons Testifying: PRO: Senator Jayapal, prime sponsor; Sharonne Navas, Equity in Education Coalition, Executive Director; Monica Mendoza, student; Chris Kaasa, American Civil Liberties Union of WA; Kim Justice, WA State Budget and Policy Center; Emily Murphy, Children's Alliance; Mauricio Ayon, WA CAN, Facing Race Coalition; Dave Larson, Tukwila School District; Frank Ordway, League of Education Voters; Eric Gonzalez, OneAmerica; Sarah Butcher, Bellevue Special Needs PTA; Sebrena Burr, citizen.