

SENATE BILL REPORT

SB 6244

As of February 1, 2016

Title: An act relating to implementing strategies to close the educational opportunity gap.

Brief Description: Implementing strategies to close the educational opportunity gap.

Sponsors: Senators Litzow, Fain, Dammeier, Rivers, Becker, Hill and Bailey.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/19/16.

Brief Summary of Bill

- Requires phased-in collection and reporting of student data disaggregated by sub-racial and sub-ethnic categories.
- Phases in the requirement that schools with large populations of low-income students offer nutrition during the school day and if funded, provides grants to each of these schools.
- Makes a number of changes to student discipline law, including prohibiting certain types of suspensions and expulsions, limiting the length, and requiring policies and procedures.
- Provides for the payment of student loan debt for teachers working in challenging, high-poverty schools.
- Creates a workgroup to revise high school-level career and technical education courses related to careers in education.
- Provides for salary bonuses for teachers working in challenging, high-poverty schools.
- Mandates teachers assigned to the Transitional Bilingual Instructional Program to have a bilingual education or English language learner endorsement.
- Directs the Office of Superintendent of Public Instruction to assist school districts in developing language proficiency instructional practices and evaluation.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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.

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Background: Student Data. The K-12 Data Governance Group within the Office of Superintendent of Public Instruction (OSPI) oversees the development and implementation of the data system for financial, student, and educator data. The education data center, commonly referred to as the Education Research and Data Center (ERDC), resides in the Office of Financial Management and conducts collaborative analyses of early learning, K-12, and higher education programs and education issues.

OSPI collects student data on race and ethnicity through the statewide student data system in accordance with federal guidelines. The federal 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. According to the 2015 report by Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC), 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.

Under current law, the results of schools and districts that test fewer than 10 students in a grade level must not be reported to protect the privacy of students.

A Certificate of Academic Achievement (CAA) or a Certificate of Individual Achievement (CIA) is one of the requirements for graduation from a Washington public high school. To obtain a CAA, a student must meet state standards on required assessments. Students requiring special education who are not appropriately assessed by the state assessment system, even with accommodations, may earn a CIA through a variety of ways to demonstrate skills and abilities commensurate with their individual education programs.

Expanding Nutrition Opportunities. School breakfast and lunch programs are subsidized by the U.S. Department of Agriculture, the state, and student co-pays based on family income. In order for students to qualify for free meals, their families' income must be at or below 130 percent of the federal poverty level. Students whose families have income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals.

Provision 2 of the National School Lunch Act reduces administrative burdens for free and reduced-price meals. This provision requires schools to serve meals to participating children at no charge and reduces application burdens to once every four years. It simplifies meal counting and claiming procedures by allowing a school to receive meal reimbursement based on claiming percentages.

The Healthy, Hunger-Free Kids Act of 2010 includes a universal meal program called community eligibility. Community eligibility allows schools with high numbers of low-income children to serve free breakfast and lunch to all students without collecting school meal applications. This program is available to public, private, and tribal schools.

OSPI reports that in October 2014 483,750 or 45.7 percent of public school students were eligible for free and reduced meals in Washington.

Under the program of basic education, school districts must provide a specified minimum number of instructional hours per year, which are defined as those hours during which students are provided the opportunity to engage in educational activity planned by, and under the direction of, school district staff. Time actually spent on meals does not count under the definition.

Student Discipline. Under current law, each school district board of directors must adopt and make available written policies regarding pupil conduct, discipline, and rights. OSPI must adopt rules providing for due process rights for pupils.

Long-term suspensions are defined as any suspension longer than 10 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 10 days be limited to no longer than one year with a petition process to exceed this limit. Districts should meet with the student and their parents or guardians to discuss a plan to reengage the student in a school program.

OSPI must collect and report data on student suspensions and expulsions disaggregated by race and other characteristics and categories. The Legislature directed OSPI to establish the Discipline Task Force in 2013 to develop standard definitions and data collection standards for disciplinary actions taken at the discretion of school districts. OSPI and the K-12 Data Governance Group revised the statewide student data system to incorporate the standards recommended by the Discipline Task Force beginning in the 2015-16 school year.

Teacher Loan Repayment. Challenging, high-poverty schools are those that serve a high population of low-income students. A challenging, high-poverty school is determined based on the percentage of student enrollment eligible for the federal free or reduced priced lunch program as reported by OSPI. According to a 2013 report by OSPI, there is an inequitable distribution of classroom teachers across the state, with fewer experienced teachers seeking placement in high-poverty schools.

The Future Teachers Conditional Scholarship was created in 2004 to encourage students to enter the teaching profession. The program repays the federal student loans of qualifying candidates; however, it has not been funded for the last three biennium.

Recruitment and Retention of Teachers. According to data from the Professional Educator Standards Board (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 the 2008-09 school year to 10.3 percent in 2012-13. In the 2012-13 school year, around 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 shortage areas including bilingual education, English language learners (ELL), and special education, among others.

Teacher Bonuses. Salary bonuses for teachers working in challenging, high-poverty schools are currently available to teachers who are certified by the National Board for Professional Teaching Standards. According to the 2014-2015 data collected by OSPI, nearly two thirds of all teachers currently working in challenging, high-poverty schools are not certified by the National Board for Professional Teaching Standards.

ELL Instruction and Accountability. The state allocates funding through the Transitional Bilingual Instruction Program (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.

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 task force to design a performance-based assistance and accountability system for the TBIP. The task force was directed to submit a report to the Legislature by January 15, 2016. The report is currently in the agency review process.

Summary of Bill: Student Data. Beginning in the 2018-19 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 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 all newly enrolled students, including transfer students. When students enroll in a different school within the district, school districts must resurvey the newly enrolled students from whom sub-racial and sub-ethnic categories were not previously collected and may 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.

By July 1, 2017, 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 10 students in a grade level or student subgroup.

Starting no later than the 2017-18 school year, OSPI must develop a reporting format and instructions for school districts to collect and submit data on the CAA and the CIA. This data must be disaggregated by race and ethnicity and by disability categories in the smallest units allowable by law that do not identify an individual student.

The K-12 Data Governance Group must analyze the ability of data to move between school districts when a student with an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973 moves between districts and consider ways to improve the movement of this data. A report must be submitted to the education committees of the Legislature by September 1, 2017.

Expanding Nutrition Opportunities. Subject to appropriation, the state must provide, and OSPI must administer, one-time start-up allocation grants of up to \$6,000 to each high-needs school expanding nutrition opportunities. The grants will be provided over a three-year period beginning in the school year 2017-18. The grant must be used for the costs associated with launching a program that provides nutrition during the school day, including, but not limited to, equipment purchases, training, additional staff costs, and janitorial services.

Beginning in the school year for which the high-needs school is provided a start-up grant, the school must offer nutrition during the school day to each student and provide adequate time for students to eat. High-needs school means any public school that:

- has enrollment of 70 percent or more students eligible for free or reduced-price meals in the prior school year; or
- is providing universal meals under federal law and that has a claiming percentage for free or reduced-price meals of 70 percent or more.

Each high-needs school may determine the nutrition service model that best suits its students. Service models include, but are not limited to, the following:

- grab and go, where easy-to-eat foods are available for students to take at the start of the school day or in between morning classes;
- second chance nutrition, where foods are available during recess, a nutrition break, or later in the morning, for students who are not hungry first thing in the morning, or who arrive late to school; and
- nutrition in the classroom, where food is served in the classroom, often during homeroom or first period.

All public schools are encouraged to expand nutrition opportunities even if not required to do so. High-needs schools with at least 70 percent of free or reduced-price eligible children participating in two school meals are exempt from the requirement to offer nutrition during the school day. OSPI must evaluate individual participation rates annually and make the participation rates publicly available.

If all students in a high-needs school are provided the opportunity to engage in educational activity planned by and under the direction of school district staff concurrently with the consumption of food, the period of time designated for the consumption of food may be provided during instructional hours. Any rules adopted by the State Board of Education must permit student participation in nutrition opportunities during instructional hours.

All programs with nutrition during the school day must comply with federal meal patterns and nutrition standards under federal law and regulations.

The Legislature does not intend to include the funding for programs under this section within the state's obligation for basic education funding under Article IX of the state Constitution.

Before January 2, 2017, OSPI must develop and distribute procedures and guidelines for the implementation of programs providing nutrition during the school day. These guidelines must include ways schools and districts can solicit and consider the input of families regarding implementation and continued operation of these programs.

OSPI must dedicate staff within the office to offer training and technical and marketing assistance to all public schools and school districts related to providing nutrition during the school day, including assistance with various funding options available to high-needs schools such as the community eligibility provision, programs under provision 2 of the National School Lunch Act, and claims for reimbursement.

In fulfilling its responsibilities, OSPI must collaborate with nonprofit organizations knowledgeable about equity, the opportunity gap, hunger and food security issues, and best practices for improving student access to nutrition during the school day. OSPI must maintain a list of opportunities for philanthropic support of school meal programs and make the list available to schools interested in expanding nutrition opportunities. OSPI must incorporate the annual collection of information about nutrition delivery models into existing data systems and make the information publicly available.

Student Discipline. The Washington State School Directors' Association (WSSDA) must create, with technical assistance and guidance from OSPI's Equity and Civil Rights Office and the Washington State Human Rights Commission, model school district discipline policies and procedures by December 1, 2016. Districts must adopt policies and procedures consistent with the model by April 1, 2017. 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.

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 it 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.

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. 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.

Where disciplinary action involves a suspension or expulsion for more than 10 days, the end date must not be more than the length of an academic term, rather than one calendar year, from the time of the action. Academic term is defined by the school board.

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. Where a suspended or expelled student is provided educational services in an alternative setting, the alternative setting should be comparable and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring and online learning.

Teacher Loan Repayment. OSPI will administer student loan repayments on behalf of teachers working in challenging, high-poverty schools. Any full-time teacher who agrees to remain employed at a challenging, high-poverty school for the duration of the academic year, and who is not in default on a student loan, is eligible for the student loan repayment program.

Student loan repayments will be made directly to the loan holder in the amount of \$250 per month for the first and second year of teaching, \$300 per month for the third year of teaching, \$350 per month for the fourth year of teaching, and \$400 per month for the fifth and sixth years of teaching. Repayments under the student loan repayment program are not to exceed \$23,400.

Teachers participating in the student loan repayment program are excluded from participating in other state-funded loan repayment plans.

Recruitment and Retention of Teachers. Before the 2017-18 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.

Teacher Bonuses. Through school districts, OSPI will administer annual salary bonuses of \$2,500 for all certificated classroom teachers working in challenging, high-poverty schools. School districts are required to report to OSPI all teachers who qualify for the challenging, high-poverty school salary bonus, as well as maintain on file evidence of employment and instructional assignments for each qualifying teacher.

All requests must be submitted to OSPI by June 15th of the school year and will be paid in the July apportionment. School districts are required to pay salary bonuses to all qualifying teachers in a lump sum amount no later than August 31 of the school year.

ELL Instruction and Accountability. Beginning in the 2020-21 school year, all teachers in the TBIP must hold a bilingual education or English language learner endorsement or both.

OSPI must provide districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development, including research about different types of language proficiency. Obsolete language is removed.

Appropriation: None.

Fiscal Note: Requested on January 11, 2016.

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: The focus of this bill is teacher recruitment, as demonstrated by the teacher loan forgiveness and bonus programs. There are funding issues, but the bill still moves the education system in a positive direction. Every child should have an education and those at risk of expulsion are in particular need of support. The ELL endorsement is important but expensive and some teachers may not be able to afford it. Expanding nutritional opportunities gives schools flexibility but there needs to be some clarity in the language as to whether this is a mandate. The teacher loan repayment provisions will help with recruitment and retention, but the bonuses may not necessarily increase teachers in high-needs schools. Expanding bonuses to include educational staff associates and paraeducators would be of benefit because they are critical in shortage areas. The opportunity gap must be closed in order to improve our citizens and our workforce. Washington lags in graduation rates, and there is an opportunity gap for those who enroll in college. One in five kids struggle with hunger, and students of color are disproportionately at risk. Hungry students struggle to learn. Expanding access to nutrition after the start of the school day increases educational and health outcomes, and addresses inequities. Research shows that meals served early in the day but after the start of the school day increase educational outcomes.

OTHER: The bill does not address crucial components in professional learning, cultural competence, or racial equity. Nutritional grants and loans have the potential to negatively impact smaller school districts. New disciplinary rules have been in effect for a year and a half. The outcomes of these new rules need to be seen before they can be analyzed. The discipline sections of the bill could have unintended financial consequences and could affect the health and safety of other students and educators. Depending on the size of the district and the programs in place, the discipline provisions could require new space, facilities, and staffing. The discipline sections would result in a loss of flexibility and autonomy at the local level. Under this bill, if administrators wanted a suspension or expulsion to exceed an academic term, they would have to submit a petition, which would be administratively burdensome.

Persons Testifying: PRO: Senator Litzow, prime sponsor; Lucinda Young, Washington Education Association; Lauren McGowan, United Way of King County; Rachelle Sharpe, Washington Student Achievement Council.

OTHER: Jessica Vavrus, Washington State School Directors' Association; Brynn Brady, Issaquah School District.

Persons Signed In To Testify But Not Testifying: No one.