

HOUSE BILL REPORT

HB 1177

As Reported by House Committee On:
Education
Appropriations

Title: An act relating to modifying the education accountability system to allow state criteria, resources, and strategies to be used for assistance and intervention.

Brief Description: Modifying the education accountability system to allow state criteria, resources, and strategies to be used for assistance and intervention.

Sponsors: Representatives Lytton, Sullivan, Santos, Maxwell, Reykdal, Fitzgibbon, Ryu, Pollet, Stanford, Tharinger, Jinkins and Bergquist.

Brief History:

Committee Activity:

Education: 2/5/13, 2/14/13, 2/15/13 [DPS];
Appropriations: 2/26/13, 3/1/13 [DPS(ED)].

Brief Summary of Substitute Bill

- Updates the criteria used by the Office of the Superintendent of Public Instruction (OSPI) to identify persistently lowest-achieving schools, to conform to revised federal rules and guidance.
- Directs that the criteria be applied equally to both Title I and non-Title I schools.
- Requires that the OSPI use a Washington Achievement Index to identify schools, if it is federally approved.
- Permits state as well as federal funds to be used for school improvement in a Required Action District, and removes requirements that these districts use one of four federal intervention models.
- Directs the OSPI to design a system of support, assistance, and intervention that is subject to review by the State Board of Education, applies equally to Title I and non-Title I schools, and is implemented in the 2014-15 school year.

HOUSE COMMITTEE ON 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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Bergquist, Haigh, Hunt, Lytton, Maxwell, McCoy, Orwall, Pollet and Seaquist.

Minority Report: Do not pass. Signed by 10 members: Representatives Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Parker, Pike and Warnick.

Staff: Barbara McLain (786-7383).

Background:

History.

In 2010 the Legislature enacted a law to establish criteria and a process for identifying and requiring intervention in persistently lowest-achieving schools. Each year the Office of the Superintendent of Public Instruction (OSPI) identifies the schools and recommends that the State Board of Education (SBE) designate school districts as Required Action Districts (RADs) if the districts have a persistently lowest-achieving school. The RADs must undergo an academic audit, develop a required action plan, have the plan approved by the SBE, and then implement the plan using federal funds for school improvement.

The 2010 law was enacted concurrently with a significant increase in federal funding for School Improvement Grants (SIGs). The U.S. Department of Education (DOE) established certain requirements for eligibility for the SIGs, many of which were included in the law:

- A persistently lowest-achieving school is defined as one of the lowest performing 5 percent of schools either receiving or eligible to receive federal Title I funds.
- School performance is measured using the scores of all students taking the state reading and mathematics tests.
- Recipients of the SIGs must implement one of four intervention models specified by the DOE: turnaround, restart, school closure, or transformation.

The RAD process is to be implemented only if federal SIGs or other federal funds are available.

Since 2010 the OSPI has annually identified the list of persistently lowest-achieving schools, and 28 schools have received \$67 million from the SIGs, to be used over a three-year period. Four of these schools were also designated under the RAD process.

Current Status.

The OSPI is not anticipating additional federal funding for the SIGs and thus did not designate any RADs for the 2012-13 school year. State funding for SIGs was eliminated in the 2011-13 biennial budget.

In July 2012 Washington received a provisional one-year waiver from certain requirements of the Elementary and Secondary Education Act (ESEA). Under the ESEA waiver:

- Low-achieving schools are categorized as Priority, Focus, and Emerging, with performance measured using the test scores of all students, plus achievement gaps

between groups of students, as well as high school graduation rates for all students and subgroups of students.

- Instead of implementing specific federal intervention models, low-achieving schools are required to use turnaround principles established by the DOE to improve performance.
- States are permitted to propose their own methods for identifying schools and their own systems of providing support, assistance, and intervention based on their performance.

The provisions of the ESEA continue to apply only to Title I or Title-I eligible schools, but the OSPI and the SBE are redesigning the state Accountability Index and developing an accountability system that could apply to all schools in the state.

Summary of Substitute Bill:

Beginning December 1, 2013, the OSPI must identify a category of schools called "challenged schools in need of improvement." The criteria used by the OSPI to identify schools must meet federal requirements under the ESEA or other federal rules or guidance. The criteria must take into account the proficiency of all students and subgroups of students on state assessments and high school graduation rates. The criteria must be applied equally to both Title I and non-Title I schools.

The OSPI must also identify a subset of these challenged schools for purposes of the state RAD process, called "persistently lowest-achieving" schools. The criteria for this designation must also be established by the OSPI and include lack of progress over a number of years.

The state Accountability Index is renamed the Washington Achievement Index, and if federally approved, the OSPI must use it to identify schools.

State as well as federal funds may be used to support a required action plan. The requirement that the RADs must implement one of four specified federal intervention models is removed. Instead, a RAD must implement an intervention model or turnaround principles. Turnaround principles are defined as including:

- providing strong leadership;
- ensuring teachers are effective and able to improve instruction;
- increasing learning time;
- strengthening the school's instructional program;
- using data to inform instruction;
- establishing a safe and supportive school environment; and
- engaging families and communities.

The SBE must propose rules to establish an accountability framework. The OSPI must then design a system of support, assistance, and intervention based on the framework and submit the design to the SBE for review. The system must be implemented statewide no later than

the 2014-15 school year. To the extent state funds are available, the system must apply equally to Title I and non-Title I schools.

Substitute Bill Compared to Original Bill:

Student performance is measured in either Reading or English Language Arts in the accountability system. The SBE proposes, rather than adopts, rules for the accountability framework by November 1, 2013.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 6 relating to replacing federal intervention models with turnaround principles, which amends a law that currently has an effective date due to the expiration of temporary provisions, which takes effect June 30, 2019.

Staff Summary of Public Testimony:

(In support) Improving schools and providing opportunities for all students is real education reform. Support and accountability should be applied equally to Title I and non-Title I schools because they are all our children. One school applied for a SIG grant because it represented a large amount of money. But there was relief when they did not get a grant. Instead, they worked hard to realign existing resources, work closely with feeder schools, and were able to keep the current principal. Now that school has high morale and community support.

The real key to the process is the academic audit conducted in partnership with parents and the community. This will put in place a stronger support structure regardless of the availability of federal funds, and without the arbitrary divide between Title I and non-Title I schools. This makes an excellent contribution to the overall conversation about accountability and how to support struggling schools, but the conversation should not stop here.

The 2010 legislation set up an important framework that ensured local control, honored collective bargaining, established family and community involvement, and was supportive rather than punitive. The RAD process has worked; schools that seemed destined to fail can flourish with support, assistance, and funding. This is an effort to keep the process alive now that federal funding is questionable.

Turnaround principles are far better than the flawed federal intervention models that required firing the principal. The performance measures should be consolidated into a single Achievement Index. There are just as many non-Title I schools that are struggling. The state

has a tiered system of audits, resources, executive coaches, and collaboration with district leaders. This should be extended to non-Title I schools.

This is a good starting point but does not go far enough. Lowest performing schools cannot be allowed to continue to operate without strong intervention. The bill fundamentally addresses important questions. The current system uses federal labels, targets, and resources. It is the state's obligation to provide assistance.

Admittedly federal funding is drying up. The question is whether there be any state funding to provide assistance. It is important to eliminate the drastic and unproven federal intervention models and replace them with turnaround principles. If the Legislature looks at successful schools, they will see these principles in place.

(Opposed) None.

Persons Testifying: Representative Lytton, prime sponsor; Edri Geiger, Vancouver Public Schools; Ramona Hattendorf, Washington State Parent Teacher Association; Dave Powell, Stand for Children; Anne Luce, Partnership for Learning and Washington Roundtable; Wendy Rader-Konofalski, Washington Education Association; Dave Larson, Tukwila School Board; Andrew Kelly, Office of the Superintendent of Public Instruction; Elizabeth Richer, League of Education Voters; Ben Rarick, State Board of Education; Jerry Bender, Association of Washington School Principals; and Dan Steele, Washington Association of School Administrators.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Green, Haigh, Hudgins, Hunt, Jinkins, Kagi, Maxwell, Morrell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

Minority Report: Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Fagan, Haler, Harris, Parker, Pike, Ross, Schmick and Taylor.

Staff: Jessica Harrell (786-7349).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 6 relating to replacing federal intervention models with turnaround principles, which amends a law that currently has an effective date due to the expiration of temporary provisions, which takes effect June 30, 2019.

Staff Summary of Public Testimony:

(In support) The State Board of Education is in support of the bill. It aligns the state's system for both Title I and non-Title I schools. School improvement should not be based on funding streams, but rather should be based on student outcomes. For the last few years, school improvement has relied solely on federal funds which are going away. The Joint Task Force on Education Funding recognized this shortage of funds and recommended funding for this type of improvement. Funding for school improvement is a state responsibility, not a federal responsibility.

Intervention is important. However, the most important point is the audit process of finding out what is going wrong and then following through with help to fix the problems. One example of problems is a school in which the climate was negative. Having funds to help the school support a change in the school learning environment was important and made a difference. This is the same for all schools, Title I and non-Title I.

(Opposed) None.

Persons Testifying: Emily Persky, Washington State Board of Education; and Ramona Hattendorf, Washington State Parent Teacher Association.

Persons Signed In To Testify But Not Testifying: None.