

HOUSE BILL REPORT

E2SSB 6552

As Passed House - Amended:

March 12, 2014

Title: An act relating to improving student success by modifying instructional hour and graduation requirements.

Brief Description: Improving student success by modifying instructional hour and graduation requirements.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Rolfes, Dammeier, Litzow, Rivers, Tom, Fain, Hill, Kohl-Welles, Mullet, McAuliffe and Cleveland).

Brief History:

Committee Activity:

Education: 2/24/14, 2/26/14 [DP];

Appropriations: 2/27/14, 3/1/14 [DPA].

Floor Activity:

Passed House - Amended: 3/12/14, 93-5.

Brief Summary of Engrossed Second Substitute Bill (As Amended by House)

- Directs the Office of the Superintendent of Public Instruction to develop curriculum frameworks for a selected list of Career and Technical Education (CTE) courses whose content is considered equivalent to science or mathematics courses that meet high school graduation requirements.
- Requires school districts to grant academic credit in science or mathematics for CTE courses on the list beginning in the 2015-16 school year.
- Requires school districts to provide students with the opportunity to access at least one CTE course from the list that is equivalent to mathematics or one that is equivalent to science, but permits districts with fewer than 2,000 students to apply for a waiver from the State Board of Education (SBE).
- Changes a required increase in Basic Education instructional hours to 1,000 hours for grades 1 through 8 and 1,080 hours for grades 9 through 12, and permits school districts to calculate the hours using a district-wide average across all grades.
- Requires the increased hours to be implemented in the 2015-16 school year.

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.

- Allows hours scheduled for noninstructional purposes at the end of the school year for graduating seniors as authorized under current law to be counted as instructional hours.
- Directs the SBE to adopt rules implementing its revised proposed 24-credit graduation requirement framework, to take effect with the graduating class of 2019, but allows districts to apply to the SBE for a waiver to instead implement the requirements with the class of 2020 or 2021.
- Specifies enhancements in the prototypical school funding formula for high schools to support reduced laboratory science class size; additional guidance counselors; and increased materials, supplies, and operating costs.
- Directs the Office of the Education Ombuds to establish a three-year Task Force on Success for Students with Special Needs to define barriers these students face in earning a high school diploma and fully accessing public education and issue annual reports beginning December 15, 2014.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Santos, Chair; Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fey, Hargrove, Hawkins, Hayes, Klippert, Lytton, Muri, Orwall, Parker and Warnick.

Minority Report: Do not pass. Signed by 6 members: Representatives Stonier, Vice Chair; Bergquist, Haigh, S. Hunt, Pollet and Seaquist.

Staff: Barbara McLain (786-7383).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 28 members: Representatives Hunter, Chair; Chandler, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Carlyle, Christian, Cody, Dahlquist, Dunshee, Fagan, Green, Haigh, Haler, Harris, Hudgins, G. Hunt, Jinkins, Kagi, Lytton, Parker, Pettigrew, Schmick, Seaquist, Springer, Sullivan, Taylor and Tharinger.

Minority Report: Do not pass. Signed by 3 members: Representatives Ormsby, Vice Chair; S. Hunt and Morrell.

Staff: Jessica Harrell (786-7349).

Background:

Career and Technical Course Equivalencies.

Under current law, school districts are directed to examine their credit-granting policies and award academic credit for Career and Technical Education (CTE) courses that they determine to be equivalent to an academic course. If a student is granted equivalency credit, the

student's transcript reflects the academic course number and description. All decisions about granting equivalency credit are made by local school districts.

In 2011 the State Board of Education (SBE) adopted a "two-for-one" policy that allows a student to satisfy two graduation requirements with a single CTE equivalent course, thereby freeing up room in the student's schedule for other courses. The current requirement for the graduating class of 2016 is three mathematics credits and two science credits, one of which must be a laboratory science. The SBE has proposed requiring an additional laboratory science credit.

Instructional Hours.

Legislation enacted in 2009 (Engrossed House Substitute Bill 2261) requires school districts to increase minimum annual instructional hours under Basic Education from a district-wide average of 1,000 hours, to 1,000 hours in each of grades 1 through 6 and 1,080 hours in each of grades 7 through 12. The increase in instructional hours is to be implemented according to a schedule adopted by the Legislature. The 2013-2015 Omnibus Appropriations Act (Act) directs school districts to implement the increase beginning in the 2014-15 school year.

School districts may schedule the last five days of the school year for noninstructional purposes for graduating seniors, but may still claim those students as full-time equivalent (FTE) students for funding purposes. The SBE has recently created a "frequently-asked questions" document indicating that any noninstructional time during the last five days of the school year for graduating seniors may not count toward the minimum annual hours of instruction required.

Graduation Requirements.

The SBE establishes minimum requirements for high school graduation through administrative rules. The current requirements are 20 credits among a specified distribution of subjects, a culminating project, and a High School and Beyond Plan. Under ESHB 2261, school districts, as part of their Basic Education program, must provide students with the opportunity to complete 24 credits for graduation, based on courses specified by the SBE. The increase to 24 credits is to be phased-in according to a schedule adopted by the Legislature.

In November 2010 the SBE proposed a Career and College Ready framework for the 24 credits, and a year later adopted those changes that were found not to have a fiscal impact. In January 2014 the SBE modified its proposal slightly, but must wait for legislative authorization before adopting the remaining components. One aspect of the SBE's proposal is to allow school districts to waive up to two of the credits if students need to retake courses to fulfill the required subject areas.

Prototypical School Funding Formula.

State funding for the Instructional Program of Basic Education is allocated through a funding formula based on assumed class size and the administrative, instructional, and classified staff needed for a prototypical elementary, middle, or high school of a particular size. There are also assumptions about materials, supplies, and operating costs (MSOC); district-wide support; central administration; and special programs. Some details of the formula are specified in statute. The Act may contain additional details or enhancements. For example,

the formula allows for a special class size for laboratory science courses to be established in the Act, but no such class size is currently specified.

The Act establishes a new funding allocation beginning in the 2014-15 school year based on 2.2222 hours of additional instruction per week for students in grades 7 through 12. The Act states that this enhancement, which costs approximately \$97 million for state fiscal year 2015, is to support the required increase in Basic Education instructional hours. The Act also includes an allocation for guidance counselors of 2.009 FTE staff per prototypical high school beginning in 2013-14, compared to the statutory allocation of 1.909 FTE staff.

Summary of Amended Bill:

Career and Technical Course Equivalencies.

The Office of the Superintendent of Public Instruction (OSPI), in consultation with one or more technical working groups, is directed to develop curriculum frameworks for a selected list of CTE courses whose content in science, technology, engineering, and mathematics is considered equivalent, in full or in part, to science or mathematics courses that meet high school graduation requirements. The course content must be aligned with industry standards and with the adopted state learning standards in mathematics and science. The OSPI must submit the course list and curriculum frameworks to the SBE for review, public comment, and approval before the 2015-16 school year. The list may be periodically updated thereafter.

Beginning no later than the 2015-16 school year, school districts are required to grant academic credit in science or mathematics for CTE courses on the OSPI list if the course is offered, but are not limited to the courses on the list.

School districts must provide high school students with the opportunity to access at least one CTE course from the OSPI list that is equivalent to mathematics or one that is equivalent to science. Students may access these courses at high schools, skill centers, interdistrict cooperatives, or through online learning or the Running Start program. Boards of directors of school districts with fewer than 2,000 students may apply to the SBE for a waiver from this requirement. The SBE is authorized to grant these waivers.

Instructional Hours.

The increase in Basic Education instructional hours is changed to 1,000 hours for students in grades 1 through 8 and 1,080 hours for students in grades 9 through 12. School districts may calculate the hours as a district-wide average across all grades, rather than being required to provide the hours in each grade. The increase takes effect in the 2015-16 school year.

Hours scheduled for noninstructional purposes during the last five days of the school year for graduating seniors count toward minimum Basic Education instructional hours.

Graduation Requirements.

The SBE is directed to adopt rules implementing the 24-credit Career and College Ready graduation framework adopted by resolution on November 10, 2010, and revised on January 9, 2014, to take effect with the graduating class of 2019. However, school districts may apply to the SBE for a waiver to implement the 24-credit framework with the graduating class of 2020 or 2021, instead of the class of 2019. Information to be included in an

application is specified. The SBE must grant a waiver to an applying school district at its next meeting.

The rules adopted by the SBE regarding graduation requirements must authorize school districts to waive up to two credits for individual students based on unusual circumstances and in accordance with written policies that must be adopted by each school board. The Washington State School Directors' Association must adopt a model policy and procedure by June 30, 2015, for granting the waiver of two credits, the purpose of which is to assist school districts in providing students the opportunity to complete graduation requirements without discrimination and without disparate impact. The model policy to take into consideration circumstances such as homelessness, medical conditions, disabilities, and limited English proficiency. The policy must also address waivers if the student has not been provided an opportunity to retake classes or enroll in remedial classes free of charge.

The SBE rules must also provide that the content of the third credit of mathematics and the third credit of science are chosen by the student based on the student's high school and beyond plan, with agreement of a parent or guardian or the school counselor or principal.

Effective with the class of 2015, the SBE may not require students to complete a culminating project for graduation.

The Office of the Education Ombuds must establish a Task Force on Success for Students with Special Needs (Task Force) to define barriers these students face in earning a high school diploma and fully accessing public education; outline recommendations for systemic changes, models for education and service delivery, and coordination; and identify options for competency-based education. Membership of the Task Force is specified. An initial report is due by December 15, 2014, and annually until 2016. The Task Force expires on June 30, 2017.

Prototypical School Funding Formula.

Legislative intent is stated to shift the focus of investments from compliance with increased instructional hours to assisting school districts with providing an opportunity for students to earn 24 credits for high school graduation.

A class size allocation is added to the prototypical school formula for two laboratory science classes for students in grades 9 through 12, beginning in the 2014-15 school year. The class size is 19.98, and the method for calculating the allocation is specified.

The staffing allocation for guidance counselors in a prototypical high school is increased from 1.909 to 2.539 FTE staff.

A new supplemental allocation of the MSOC is established beginning in 2014-15, based on the following amounts per FTE student in grades 9 through 12:

- Technology: \$36.35
- Curriculum and textbooks: \$39.02
- Supplies and library materials: \$82.84
- Professional development: \$ 6.04

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 103, requiring school districts to provide students with an opportunity to access Career and Technical Education course equivalencies, and section 104, authorizing the State Board of Education to grant waivers, both of which take effect September 1, 2015; and section 206 making changes to the prototypical school funding formula, which takes effect September 1, 2014.

Staff Summary of Public Testimony (Education):

(In support) This bill is a compromise and represents bipartisan and bicameral work. Last year a budget proviso increased instructional hours for secondary students to 1,080 hours. Legislators began to hear immediately that 1,080 hours would not result in improved quality or lead to improved outcomes as expected. Legislators thought that the increase would help high schools implement 24 credits for graduation. Subsequent conversations have led to a recommendation to re-program the resources to have a more meaningful outcome. This bill must be passed this session. If not, the unanticipated consequences of requiring 1,080 hours will take effect.

There is support for a college-ready diploma. Graduation from high school does not guarantee that students are ready for college or a career. Graduation requirements should be aligned with what colleges and employers expect. The graduation statistics for Hispanic students and other students of different ethnicities are alarming. Employer surveys indicate only six of 10 graduates are considered qualified for the workplace. Large numbers of students are not prepared for health sciences careers because they do not know that they need to take mathematics and science in high school. Students want to go to college and get a good career. They want to do well. More than 40 percent of students graduate without the right credits to attend a public university. Parents have to spend their hard-earned money to pay for remedial courses if their children graduate from high school unprepared.

There are huge inequities in high school preparation levels for students of color and low-income students that must be addressed with a sense of urgency. It is a shell game when graduates think they are prepared and they are not. Some think that if there are increased requirements, students will drop out. This type of thinking is a disservice to students; on the contrary, students want to know what is expected of them and what their options are.

The Education Trust indicates that increasing requirements will improve retention, not increase dropouts. This bill creates multiple meaningful pathways for student success and provides a supportive framework with flexibility. The SBE has spent the last year building more flexibility into its proposal. The 24-credit framework was recommended for adoption by the Quality Education Council and the Joint Task Force on Education Funding. The bill also provides more flexibility for school districts to implement increased instructional hours. These proposals have already been delayed by one year; further delay will impact 70,000 students per year.

The policies regarding CTE course equivalency are supported. The Legislature has tried to improve course equivalency crediting in the past; this is another attempt. The overall impact of the policies in the bill should be reviewed to see how they are implemented at the school level and to see if they are achieving their objective. High school students support the provisions of the bill dealing with CTE courses because they recognize that it is good for students to have different options. They understand the challenge of mandating school districts to offer CTE course equivalents, but they think there should be more encouragement from the state. Perhaps there could be a way for school districts to provide better information to students about their options.

There are unintended consequences from the instructional hour requirement, but there is also little to no instructional impact from increasing class periods by a few minutes per day. This bill provides a delay in implementation and a more workable framework. The proposed reallocation of \$97 million is a good first step, but does not go very far toward a fully-funded system. In the short term the best investment of those dollars is in mathematics and science classes, more teachers, more course offerings, counselors, and materials. More seat time is not the answer.

The components of this bill are not the be-all, end-all solution. This bill represents continuing work about what it means for students to have a complete education. Course equivalency is really important. High-performing teachers indicate their belief in the potential of students by setting high expectations and providing support for high levels of success. They know that students need to earn at least 24 credits to have a chance at success. This is the Legislature's chance to show its belief in students.

(In support with amendment) The bill addresses school district concerns about increased instructional hours, and the flexibility provided regarding the \$97 million allocation is also appreciated. An amendment would add a little bit more flexibility in the implementation of districts' ability to waive up to two of the graduation requirements.

(In support with concerns) Strengthening CTE course equivalencies will help students, but there should be continued discussion on the topic of flexibility. A meaningful high school diploma cannot look the same for every student. Pathways need to be controlled by students' interests, and additional counseling is needed for students to find their way through the labyrinth of graduation requirements.

The School Directors have supported 24 credits for some time, but want to assure that the requirements come with adequate funding. Moving from 20 credits to 24 credits may not seem like a big deal, but when only 51 districts currently require three credits of science, it is a big deal. Assuring adequate counseling is key. The 24 credits should be specified in statute, not just in SBE rules. This would improve transparency. School districts should have authority to provide as much flexibility as possible for students. Implementation of the graduation requirements with the Class of 2021 makes more sense after the Basic Education program is fully funded. There is concern about having enough space for two laboratory science classes. This bill reduces class size and increases counselors. These are important and good things, but adding staff to a school building also increases responsibility for administrators, and the bill does not address that issue.

There are concerns about the bill's impact on disadvantaged learners. There is inadequate funding for all students to meet a 24-credit graduation requirement framework by 2019, especially if the education system is not expected to be fully funded until 2017-18. The language of the bill should be enhanced to assure all students have access to a meaningful diploma. Only 57 percent of special education students graduate within four years. According to survey data, only 36 percent of recent special education graduates are engaged in employment or higher education one year after graduation. There are obviously barriers faced by these students. It will take intentional work to assure these students have access to reforms. The Legislature has made promises, but many children do not have access to those promises.

The Governor is pleased that one of his priority policies - to ensure students have increased opportunities to earn CTE course equivalencies in mathematics and science - is in this bill. The purpose of that policy is to curb costly remediation, assure students have the knowledge and skills needed for careers and college, and grow the knowledge base in the state to support the needs of the economy. Many policies from ESHB 2261 are moved into implementation in this bill.

(Other) Providing an additional \$97 million to support more than 1 million students does not make significant improvement in state funding levels. It is unfair to students to raise the bar on credit requirements for graduation until all students and all schools have a full slate of teachers, laboratories, collaboration time, textbooks, and small class sizes to which they are Constitutionally entitled. Implementing increased requirements before 2021 will only increase the opportunity gap.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill repurposes \$97 million for untenable increased instructional hours to allow for a flexible provision for the 24 credit framework and provide a positive measureable impact in student achievement. The flexibility allows schools to hire additional teachers and offer more classes. The \$97 million is not all of the need, and more will be needed in the future. This bill fully resolves the issues that school districts have identified in moving to the increased instructional hours, as provided in the current enacted budget. There is a strong theme of flexibility in this legislation and this bill addresses the need for flexibility for school districts and for students alike. Experiential, project-based education is included in the flexibility of this bill, which leads to better opportunities for students at highest risk of dropping out.

(Other) The \$97 million is enough money to address either increased instructional hours or increased credits for graduation, but not both. Additionally, the structural revision to the distribution of the funds increases funding for the Running Start rate, thus increasing allocations to districts with larger alternative learning experience programs. This change is neither good nor bad, but something that the committee should know about the structure that is proposed.

(Opposed) None.

Persons Testifying (Education): (In support) Senator Rolfes, prime sponsor; Senator Dammeier; Liesl Santkuyl; Zane Santkuyl; Sara Irish; Deborah Wilds and Connie Fletcher, State Board of Education; Justin Montermini, Workforce Training and Education Coordinating Board; Carolyn Logue, TVW Classroom Connect; Dan Steele, Washington Association of School Administrators; Frank Hewins, Franklin Pierce School District; Ramona Hattendorf; Christopher Eide, Teachers United; and Marcie Maxwell, Office of the Governor.

(In support with amendment) Tim Yeomans, Puyallup School District.

(In support with concerns) Tim Knue, Washington Association for Career and Technical Education; Marie Sullivan, Washington State School Directors' Association; Jerry Bender, Association of Washington School Principals; Heather Gillette and Sherry Krainick, Washington State Parent-Teacher Association; and Sarah Butcher, Bellevue Special Needs Parent-Teacher Association.

(Other) Wendy Radar-Konofalski, Washington Education Association.

Persons Testifying (Appropriations): (In support) Dan Steele, Washington Association of School Administrators; Frank Ordway, League of Education Voters; Ben Rarick, State Board of Education; and Steve Leahy, America's Edge.

(Other) Shawn Lewis, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.