

# SENATE BILL REPORT

## E2SSB 6552

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As Amended by House, 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:** Early Learning & K-12 Education: 2/05/14, 2/06/14 [DPS-WM].

Ways & Means: 2/10/14, 2/11/14 [DP2S, DNP].

Passed Senate: 2/13/14, 45-4.

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

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

**Majority Report:** That Substitute Senate Bill No. 6552 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Brown, Cleveland, Fain, Hill, Mullet and Rivers.

**Staff:** Susan Mielke (786-7422)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 6552 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Assistant Ranking Member on the Operating Budget; Bailey, Becker, Billig, Braun, Conway, Dammeier, Frockt, Hatfield, Hewitt, Kohl-Welles, Padden, Parlette, Rivers, Schoesler and Tom.

**Minority Report:** Do not pass.

Signed by Senator Hasegawa.

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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.*

**Staff:** Lorrell Noahr (786-7708)

**Background:** Career and Technical Education (CTE) Equivalencies. Under current law, school districts are directed to examine their credit-granting policies and award academic credit for 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.

The Office of Superintendent of Public Instruction (OSPI) is directed to provide professional development, technical assistance, and guidance for school districts to accomplish this equivalency crediting. OSPI developed a Course Equivalency Toolkit to assist districts in making these determinations. Although OSPI has a list of CTE courses that school districts consider equivalent, there is no data about the number of such credits actually granted. All decisions about granting equivalency credit are made by local school districts.

Instructional Hours. Revisions to the legislative definition of the Program of Basic Education adopted in 2009 require school districts to provide students with an increase in minimum instructional hours from a district-wide average of 1000 hours across all grades, to 1000 hours in each of grades one through six and 1080 hours in each of grades seven through 12. Initially this increase was to be implemented according to a schedule adopted by the Legislature. In 2011 the Legislature specified that the increase would not occur before the 2014-15 school year.

School districts may schedule the last five school days of the 180-day school year for non-instructional purposes for students graduating from high school.

High School Graduation Requirements. The State Board of Education (SBE) is statutorily authorized to establish the state minimum requirements for high school graduation through administrative rules. The current state requirements are to earn a minimum of 20 high school course credits; pass the state assessments or approved alternative assessments; complete a culminating project; and complete a high school and beyond plan (HSBP). The current credit requirements for the class of 2014 are three credits in English and mathematics, two and one-half credits in social studies, two credits in science with one of the credits a lab science, two credits in health and fitness, one credit in the arts and occupational education, and five and one-half credits in electives.

In 2009 the Legislature redefined the Program of Basic Education to provide students with the opportunity to complete 24 credits for high school graduation, subject to a phase-in implementation established by the Legislature. The course distribution requirements may be established by SBE. Changes in graduation requirements proposed by SBE must be submitted to the legislative education committees and the Quality Education Council for review before they are adopted. Changes that are found to have a fiscal impact on school districts take effect only if formally authorized and funded by the Legislature.

In 2010 SBE approved, but did not implement, a 24-credit high school graduation framework. In 2011 SBE implemented a phase-in of changes within the existing required 20 credits that were estimated to have no cost to school districts to take effect with the graduating class of 2016, although districts may seek a two-year extension to implement the

requirements. The changes require an additional credit in English for a total of four, an additional one-half credit in social studies for a total of three, and one and one-half fewer credits in elective courses for a total of four. Additionally, SBE adopted a two-for-one policy that enables students taking a CTE course that is equivalent to an academic course to satisfy two graduation requirements while earning one credit.

In 2014 SBE adopted revisions to its 24-credit graduation requirement framework originally adopted in 2010. The current proposal differs from the requirements for the class of 2016 by requiring an additional credit in lab science and the arts, and two additional credits in world languages. One of the arts credits and both world languages credits may be substituted with personal pathway requirements. Personalized pathway requirements are credits that can be substituted if associated with a student's post-secondary pathway, as provided in the student's HSBP.

While the issue has not been addressed in the Washington State courts, federal and other state courts have generally found that when high school graduation requirements are increased, sufficient notice must be provided to entering students so the students know what is required to earn a diploma and graduate from high school. Freshman students entering high school next year in the 2014-15 school year will be in the graduating class of 2018 if they graduate in four years.

2013-15 Omnibus Appropriation Act. The 2013-15 Omnibus Appropriations Act provides \$97 million to implement the increase in instructional hours for students enrolled in grades seven through 12, beginning with the 2014-15 school year. The amount provided is calculated based on the cost of 2.222 additional hours of instruction per week. Additional funding is also provided to increase the allocation of guidance counselors from 1.909 to 2.009 for each prototypical high school in the 2013-15 Omnibus Appropriations Act.

**Summary of Engrossed Second Substitute Bill:** The Legislature intends to address flexibility for increasing instructional hours and implementing 24 credits for high school graduation. The intent includes the educational policy reason for shifting the focus and intent of the funding provided for the 2014-15 school year, from compliance with the minimum instructional hours offering to assisting school districts to provide an opportunity for students to earn 24 credits for high school graduation and obtain a meaningful diploma.

CTE Equivalencies. OSPI, in consultation with one or more technical working groups, must 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 the state essential academic learning requirements and industry standards. OSPI must submit the course list and curriculum frameworks to 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, if the course is offered, school districts must grant academic credit in science or mathematics for the CTE courses on the OSPI list; however, they are not limited to the courses on the list.

Instructional Hours. Beginning with the 2015-16 school year, school districts must offer the minimum of 1000 hours for grades one through eight and 1080 hours for grades nine through 12. Current law allowing districts to use a district-wide average to meet the instructional hours requirement is maintained instead of changing to requiring the minimum number of hours to be provided in each grade level.

Hours scheduled for non-instructional purposes during the last five days of the school year for graduating seniors must count toward the minimum instructional hour requirement.

High School Graduation Requirements. SBE must adopt rules to implement the 24-credit requirement for high school graduation based on the career and college framework to take effect beginning with the graduating class of 2019. School districts must provide students instruction that provides the opportunity to complete 24 credits for high school graduation, beginning with the graduating class of 2019.

Prototypical Funding Formula. A minimum lab science class size enhancement is provided to fund two laboratory science courses per full-time equivalent student to be completed within grades nine through 12. The enhancement is provided at an average class size of 19.98 full-time equivalent students. An additional allocation of \$164.25 for maintenance, supplies, and operating costs are provided to students in grades nine through 12 above the current allocation. High school guidance counselors are increased from 1.909 to 2.539 for each prototypical high school.

**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 on Proposed Substitute as Heard in Committee (Early Learning & K-12 Education):** PRO: These are complicated issues that need to be addressed. We are pleased with the progress that has been made on these issues. We like the time to prepare and phase in these new requirements and the flexibility provided in the bill to delay and restructure the increase in instructional hours, including the five-day senior fix, allowing for a district-wide average. We think SBE's framework is very flexible for the 24 credits, and the CTE equivalency provisions in this bill help with that flexibility. We are taking a leap of faith regarding how the instructional hour appropriation will be repurposed for the 24-credit requirement since that is not specified in the bill. By defining a meaningful diploma with the 24 credits, it provides structure and conditions that will allow schools to implement the requirements well because of the flexibility. The Legislature first directed SBE to start looking at the diploma requirements in 2006 and half a million students have graduated since then, so it is time to ramp up to 24 credits. Our students are in an increasingly competitive environment for jobs, so having a meaningful diploma will assist Washington students to be better prepared. We suggest that the requirement for 24 credits be implemented beginning with the class of 2021, after basic education is fully funded. We request a fix for an unintended consequence by being clear that the district only grants

equivalencies if the course is offered. We ask that you clearly specify the SBE framework on 24 credits to be used is the one adopted on January 2014, and we encourage a default enrollment in courses that meet the college entrance requirements and the high school diploma requirements but allow students to opt out if they have a parent signature.

OTHER: We support the 24-credit requirement but we are concerned that it will be implemented unfairly, especially for students who want to take CTE courses at a skill center. A key point of flexibility is the CTE equivalencies for the 24 credits and putting both in the same bill connects the 24-credit requirement in a meaningful way. We do not agree that the 24 credits should not be based on the SBE framework. There needs to be additional flexibility to implement the increased credit requirements for students who want to attend a skill center for a block of time. Additionally, the flexibility in the 24-credit framework is difficult to understand and to be navigated by some students. There is a difference between moving toward flexibility and a redefinition of basic education. We do not understand the direction of requiring hours by grade and then averaging across the district or how that would be enforced by SBE.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Senator Rolfes, prime sponsor; Dan Steele, WA Assn. of School Administrators; Frank Ordway, League of Education Voters; Jerry Bender, Assn. of WA School Principals; Dave Powell, Stand for Children, Executive Director; Charlie Brown, School Alliance; Anne Heavey, WA Roundtable & Partnership for Learning, Policy Manager; Marie Sullivan, WA State School Directors Assn.

OTHER: Wendy Rader-Konofalski, WA Education Assn.; Justin Montermini, Workforce Board; Tim Knue, WA Assn. of CTE; Ben Rarick, SBE.

**Staff Summary of Public Testimony on Substitute as Passed Early Learning & K-12 Education (Ways & Means):** PRO: The 24-credit diploma would put our state on par with the other global challenge states, and ensure that students are graduating with a meaningful high school diploma. Washington has some of the highest remediation rates for students attending community colleges in the country. This bill assures that all students are given an equal and fair opportunity to attain the promise of the paramount duty.

Many students applying for jobs out of high school do not meet basic skills in mathematics and English. Students coming out of high school should be career and college ready.

This bill provides a fair solution. It provides flexibility for the calculation of instructional hours, while still preserving the outcome of improved post-secondary preparation and a meaningful high school diploma. Students need some form of post-secondary education to access for living-wage jobs. The 24-credit diploma prepares students for these opportunities. This should not be delayed past the graduation class of 2019.

OTHER: The repurposing of funding is supported, but it may not be enough. There is concern that the implementation date for the 24-credit high school diploma may be too soon. If full funding of basic education does occur on the *McCleary* timeline, then the first graduation class under 24 credits should be 2021.

**Persons Testifying (Ways & Means):** PRO: Frank Ordway, League of Education Voters; Neil Strege, WA Roundtable; Julia Suliman, SBE; Mitch Denning, Alliance of Educational Assns.

OTHER: Wendy Rader-Konofalski, WA Education Assn.

**House Amendment(s):** CTE Equivalencies. Instead of authorizing school districts to grant academic course equivalencies in math and science if such a course is offered, mandates that school districts provide at least one CTE course math or science equivalency class for high school students. School districts with fewer than 2000 students may get a waiver from this requirement from SBE.

High School Graduation Requirements. Permits school districts to apply to SBE for a waiver to instead implement the increase to 24 credits with the Class of 2020 or 2021, instead of the Class of 2019. SBE rules must provide that the content of the third credit of math and the third credit of science are chosen by the student based on a High School & Beyond Plan, with agreement by parent or guardian, or counselor or principal.

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

Culminating Project. Removes the culminating project as a graduation requirement and from the statutes entirely.

Prototypical Funding Formula. Adds an effective date for the beginning of next school fiscal year for the changes to the prototypical school funding formula.

Taskforce on Students with Special Needs. The Office of the Education Ombuds must convene a three-year taskforce on students with special needs to examine barriers in earning a diploma and fully accessing the education program provided by the public schools, and to recommend improved coordination and successful education and service delivery models. Reports are due by December 15 beginning in 2014 and each year thereafter until 2016.