
Education Committee

E2SSB 5841

Brief Description: Enhancing student learning opportunities and achievement.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen).

Brief Summary of Engrossed Second Substitute Bill

- Expands the goals of the Basic Education Act to include focusing on the educational performance of students and high expectations for all students.
- Phases-in funding for all-day kindergarten by providing support for students in schools with the highest poverty levels.
- Creates two demonstration projects: comprehensive K through 3 foundations programs and an English as a Second Language field study and project.
- Requires an audit and review of the process for determining student eligibility for Free and Reduced Price Lunch.
- Creates the special education safety net funding and application process in statute and directs further evaluation of special education excess cost accounting issues.

Hearing Date: 3/22/07

Staff: Barbara McLain (786-7383).

Background:

The Washington Learns comprehensive education study, chaired by Governor Gregoire, issued final recommendations in November 2006. The Governor proposes implementation of a number of the recommendations regarding enhancing student learning opportunities and achievement through her proposed budget for the 2007-09 biennium and proposed legislation.

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.

Basic Education Act Goals. As currently stated in statute, the goal of the Basic Education Act for Washington's schools is to "provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives." The statute then describes the four student learning goals that form the basis of Washington's learning standards.

Kindergarten. School districts can offer a full-day kindergarten program, but the state's basic education funding model allocates monies for kindergarten students only for 180 half-days of instruction. Districts offering full-day programs can supplement their basic education monies with local dollars, student achievement funds, tuition payments, or other resources.

Demonstration Projects. One of the recommendations of the Washington Learns report was to redesign classrooms in grades K through 3 to group children based on their abilities rather than follow automatic grade-to-grade promotion and allow them more exposure to arts, science, music, foreign languages, and other subjects.

Another recommendation was for the Superintendent of Public Instruction (SPI) to implement a regional best practices demonstration project for English language learners that coordinates curriculum, assessment, teacher training, and family involvement.

Free and Reduced Price Lunch. Much education research has identified a correlation between student poverty and student achievement. The most commonly used indicator of student poverty is eligibility for federally-subsidized Free and Reduced Priced Lunch (FRL). Funding for programs such as Title I and the state Learning Assistance Program is directed to schools and districts with higher concentrations of FRL-eligible students. Students enroll in FRL programs on a voluntary basis.

Special Education Safety Net. The omnibus appropriations act states that special education students are basic education students first, and that specialized instruction and services beyond the basic education allocation are funded on an "excess cost" basis using special education funds. The appropriations act also provides a safety net for school districts that can convincingly demonstrate legitimate special education expenditures that go beyond all state and federal funding sources, including for the extraordinary high costs of some individual students. To access the safety net, school districts apply to a Safety Net Oversight Committee made up of staff from the SPI and the State Auditor's Office and representatives of school districts and Educational Service Districts. The safety net process is not codified in statute.

In 2006, the Joint Legislative Audit and Review Committee (JLARC) conducted a review of the special education excess cost accounting method and made a number of recommendations.. The 2006 supplemental budget directed the SPI to further evaluate the issues raised in the JLARC review.

Summary of Bill:

Basic Education Act Goals. Included in the goal of the Basic Education Act is: "to develop a public school system that focuses more on the educational performance of students and includes high expectations for all students."

Kindergarten. Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs is phased-in beginning with schools with the highest percentages of these students.

School districts receiving all-day kindergarten program support must:

1. provide an instructional program of at least 1,000 hours;
2. provide a curriculum that assists students in acquiring skills and provides hands-on learning experiences;
3. establish learning environments that are developmentally appropriate and promote creativity;
4. demonstrate strong connections with early learning community providers; and
5. participate in kindergarten readiness activities.

Demonstration Projects.

Primary Education Projects. Four demonstration projects are authorized for schools with students in grades K through 3 to develop and implement comprehensive K through 3 foundations programs. At least two of the projects must be in schools participating in the public-private early learning partnerships in the Highline and Yakima school districts.

Program resources provided for the demonstration projects support implementation of an all-day kindergarten program, class sizes of one teacher to 18 students, a half-time instructional coach, and professional development time. Characteristics of a comprehensive K through 3 foundations program are described.

The Washington State Institute for Public Policy (Institute) must evaluate the demonstration projects and provide an interim report by November 1, 2008. A final report is due December 1, 2009. The demonstration projects expire September 1, 2010.

English as a Second Language (ESL) Project. The goals of the ESL demonstration project are established. The ESL demonstration project uses two strategies: 1) a field study of an ongoing project in schools and districts where Spanish is the predominant other language; and 2) a project that provides professional development and planning time to approximately three large schools with many first languages among the students. The SPI selects the participants for the large school project, and participants must partner with an institution of higher education or professional development provider with expertise in supporting student acquisition of academic English.

The Institute must conduct the field study and gather information from the project schools, as well as review current literature regarding best practices. An interim report on the Institute's findings is due November 1, 2008, with a final report due December 1, 2009. The ESL demonstration project expires September 1, 2010.

Free and Reduced Price Lunch. The State Auditor's Office, in consultation with the Office of Financial Management (OFM) and the JLARC, is required to complete an audit and review of the process for determining FRL eligibility, including an assessment of the error rate and other poverty measures that could be used to indicate school and district poverty. The audit and review is to be completed by September 1, 2008.

Special Education Safety Net. Funds shall be made available for safety net awards for school districts with demonstrated needs for special education funding beyond the amount provided

through the special education funding formula. Safety net awards are awarded by the Safety Net Oversight Committee (Committee), whose membership is described. The Committee considers additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed available revenues from state funding formulas and federal sources. The Committee then considers extraordinary high cost needs of individual special education students, and then extraordinary costs associated with communities that draw a larger number of families with children needing special education services.

The SPI adopts rules to administer the safety net process and must consult with the OFM and the fiscal committees of the Legislature before revising any standards or procedures. The SPI must ensure that the safety net application process is streamlined and that feedback to school districts is timely and provides sufficient information to correct any deficiencies in the application. The SPI provides technical assistance to school districts and annually surveys districts regarding their satisfaction with the process.

The Committee must conduct further evaluation of the issues raised in the 2006 JLARC report on special education excess cost accounting and the subsequent review by the SPI. Specifically, the Committee must evaluate options for modifying or replacing the current accounting methodology, including a full cost accounting. A report is due to the OFM and the Legislature by November 1, 2008.

Appropriation: None.

Fiscal Note: Requested on March 14, 2007.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.