

# HOUSE BILL REPORT

## HB 1680

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### As Reported by House Committee On: Education

**Title:** An act relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

**Brief Description:** Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

**Sponsors:** Representatives Santos, Upthegrove, Maxwell, Ryu and Bergquist.

#### **Brief History:**

##### **Committee Activity:**

Education: 2/19/13, 2/22/13 [DPS].

#### **Brief Summary of Substitute Bill**

- Requires development of data collection standards for student disciplinary actions and collection of data based on the new standards beginning in 2015-16.
- Prohibits school districts from imposing discretionary disciplinary actions that result in suspension of educational services to a student.
- Incorporates cultural competence into training on revised evaluation systems.
- Requires development of a content outline for cultural competence training for all school staff.
- Expands a conditional teacher scholarship program to include teachers seeking endorsements in Bilingual Education or English Language Learner (ELL).
- Requires that teachers assigned to the Transitional Bilingual Instructional Program (TBIP) be endorsed in Bilingual Education or the ELL beginning in 2017-18.
- Requires development of a performance-based accountability system for the TBIP.

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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.*

- Requires collection of student data disaggregated by sub-racial and sub-ethnic categories beginning in 2015-16.
- Directs design of an articulated pathway for teacher preparation, from paraeducator certificates through teacher certification.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Bergquist, Haigh, Hunt, Lytton, Maxwell, McCoy, Orwall, Pollet, Seaquist and Warnick.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Parker and Pike.

**Staff:** Barbara McLain (786-7383).

### **Background:**

#### *Educational Opportunity Gap Oversight and Accountability Committee.*

In 2009 the Educational Opportunity Gap Oversight and Accountability Committee (Committee) was established to recommend policies and strategies to close the achievement gap. The Committee has six legislative members, representatives of the Office of the Education Ombudsman and the Office of the Superintendent of Public Instruction (OSPI), and five members representing the state ethnic commissions and federally recognized tribes.

In its annual report for 2013, the Committee made the following six recommendations:

- decrease the disproportionate representation of students of color in disciplinary actions in schools;
- enhance the cultural competence of current and future educators;
- provide English Language Learner (ELL) and second language acquisition endorsements for all educators;
- create new English language learner accountability benchmarks;
- provide tools for deeper data analysis and disaggregation of student demographic data to inform instructional strategies to close the opportunity gap; and
- invest in the recruitment and retention of educators of color.

#### *Student Discipline.*

Each school district board of directors is required to adopt written policies regarding student conduct and discipline. The Superintendent of Public Instruction (SPI) must adopt rules for providing due process rights to students who are subject to disciplinary actions. A suspension is a denial of attendance at a class or schedule of classes for a specified period of time. A short-term suspension may not exceed 10 consecutive school days. An expulsion is a denial of attendance for an indefinite period of time, which may include exclusion of the student from entering the property of the school. There is one law that requires expulsion for

not less than one year for possession of a firearm on school premises. Other disciplinary actions are made at the discretion of the school district in compliance with district policies and state laws and rules.

Individual student data on disciplinary actions is recorded in the statewide student information system (CEDARS), but only for behaviors required to be reported to the U.S. Department of Education, such as bullying, substance abuse, weapons possession, and violence. There is also a category for other behavior resulting in a suspension or expulsion.

#### *Cultural Competence.*

Legislation enacted in 2009 directed the Professional Educator Standards Board (PESB) to incorporate standards for cultural competence into each level of teacher certification. Cultural competence is defined as knowledge of student cultural histories and contexts; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

One of the eight criteria for evaluating teacher performance under the revised evaluation systems has been defined as including teacher knowledge about students' cultural, intellectual, and social development and the application of that knowledge to adjust teaching practice. One of the evaluation criteria for principals is demonstrating a commitment to closing the achievement gap. The OSPI has been directed to develop a professional development program to support implementation of the revised evaluation systems.

#### *ELL Instruction.*

The state allocates additional funding for the Transitional Bilingual Instructional Program (TBIP) to provide additional support for the ELL students to gain English language proficiency. In the most recent annual report on the TBIP, the OSPI reported that 1,126 teachers and 1,632 instructional aides were assigned to provide instruction and support to students under the TBIP in 2011-12.

In 2007 the Retooling to Teach Mathematics and Science (Retooling) program was established to provide a conditional scholarship to encourage current teachers to obtain an additional endorsement in middle or secondary mathematics or science.

#### *ELL Accountability.*

Under federal accountability rules, states and school districts must report the following data for the ELL instructional programs:

- the ELL students making progress in learning English;
- the ELL students attaining language proficiency and exiting the program; and
- the ELL student performance on state academic assessments.

In 2010 a technical working group convened by the Quality Education Council recommended development and implementation of a statewide accountability system for the TBIP.

#### *Disaggregated Data.*

The OSPI collects student data on race and ethnicity through CEDARS. A K-12 Data Governance Group oversees data collection protocols and standards and provides guidance

for school districts. Federal race and ethnicity reporting guidelines require, at a minimum, reporting of student race as White, African American/Black, Asian, American Indian/Alaskan Native, Native Hawaiian/Pacific Islander, and then a separate reporting of ethnicity as Hispanic or not Hispanic. The CEDARS also contains 57 different racial subcategories and nine ethnic subcategories, but school districts are not required to report at this level of disaggregation.

*Educator Recruitment.*

The Recruiting Washington Teachers program (RWT) operates as a grant-funded partnership between high schools, colleges of education, and community organizations to recruit and provide training and support for diverse high school students to enter the teaching profession. The RWT courses are typically career and technical education (CTE) courses under a Careers in Education career cluster.

Paraeducators employed using federal Title I funds must meet one of three minimum qualifications:

1. at least two years of postsecondary education;
2. an associate degree or higher; or
3. completion of a formal academic assessment of knowledge and skills.

There are a number of pathway options for paraeducators to meet the academic assessment, including an apprenticeship program offered through the Public School Employees of Washington. Some community and technical colleges also offer certificate programs for paraeducators.

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**Summary of Substitute Bill:**

*Student Discipline.*

The OSPI must convene a Discipline Task Force to develop common definitions of discretionary disciplinary actions, as well as data collection standards for discretionary actions and actions that result in the exclusion of a student from school. Data must be included about education services provided while a student is subject to discipline, the status of petitions for readmission, credit retrieval, and school dropout as a result of discipline.

The OSPI and the K-12 Data Governance Group must revise CEDARS and begin collecting discipline data using the new standards beginning in the 2015-16 school year.

A school district may not suspend the provision of educational services to a student as a disciplinary measure. A suspension or expulsion may not be for an indefinite period of time. Emergency expulsions must be converted to another form of action within 10 days. For actions that are discretionary, a school district may not impose a disciplinary action that results in the suspension of educational services to a student. A student may be excluded from a particular classroom, but the district must provide an opportunity for the student to receive educational services in an alternative manner, program, school, or location within the regular school.

The Education Data Center in the Office of Financial Management must develop data sharing agreements with the Office of the Administrator for the Courts to access juvenile justice data for research purposes and prepare a regular report on education and workforce outcomes of such youth. The Department of Social and Health Services must enter data sharing agreements with the Education Data Center.

*Cultural Competence.*

The training program for revised evaluation systems developed by the OSPI must include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition. Professional development for principals and administrators on the evaluation systems must also include this content.

The OSPI, in collaboration with others, must develop a content outline for professional development in cultural competence for school staff. The content must be aligned with cultural competence standards adopted by the PESB, and must contain components for different types of staff, as well as components that could be delivered by individuals from the community. The Legislature encourages Educational Service Districts (ESDs) and school districts to use this training and provide opportunities for all staff to gain knowledge and skills in cultural competence.

Schools that are required under state or federal accountability measures to implement a plan for improvement must provide the cultural competence professional development for their staff.

*ELL Instruction.*

The Retooling program is renamed the Educator Retooling program and expanded to include scholarships for teachers seeking endorsements in Bilingual Education, the ELL, or Special Education. In awarding scholarships for Bilingual Education or the ELL, the PESB must give a preference to teachers seeking endorsements in order to be assigned to the TBIP after 2017-18, teachers in schools that are required to implement improvement plans and schools whose ELL enrollment has increased more than 5 percent per year for the previous three years.

The Washington Student Achievement Council (WSAC) must provide regular reports to the PESB on the status of teacher conditional scholarship recipients. Funds received by the PESB for scholarships may be transferred to the WSAC for deposit into the Conditional Scholarship Account.

Beginning in the 2017-18 school year, classroom teachers assigned to provide supplemental instruction to the TBIP students using the TBIP funds must hold Bilingual Education or ELL endorsements.

*ELL Accountability.*

The OSPI must convene an ELL Accountability Task Force to design a performance-based accountability system for the TBIP, including reviewing research and best practices for the ELL instruction and identifying performance benchmarks for the TBIP. The accountability system must include reporting and monitoring of benchmarks; tiered levels of support,

technical assistance, and intervention; and a reduction in requirements for program applications and program plans, to be replaced by a focus on program outcomes.

An interim report on the proposed system design is due January 15, 2014, with a final report due September 30, 2014.

The OSPI must provide school districts with research-based technical assistance and information about best practices for the TBIP. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications of this research on instructional practice and program effectiveness.

Schools that have experienced a significant increase during the previous two school years in the enrollment of the ELL students, as identified by the OSPI, must provide cultural competence professional development for their staff.

#### *Disaggregated Data.*

Beginning in 2015-16 the OSPI must collect and school districts must submit student data using federal race and ethnicity guidelines, including sub-racial and sub-ethnic categories, with the following additions:

- further disaggregation of the Black/African American category and Asian category;
- further disaggregation of the White category to include Eastern European nationalities with significant populations in Washington; and
- reporting of students by their discrete racial categories if they report as Multi-Racial.

The K-12 Data Governance Group must develop protocols and guidance for this data collection, and the OSPI must incorporate training on best practices for collecting data on racial and ethnic categories into other data-related training.

#### *Educator Recruitment.*

The PESB and the OSPI must convene a work group to revise the CTE courses related to Careers in Education to incorporate the cultural competence standards adopted by the PESB, reflect new research on educator preparation and development, and incorporate the RWT curriculum and activities.

The PESB must convene a work group to design an articulated pathway for teacher preparation that includes:

- paraeducator certificate and apprenticeship programs that offer course credits that apply to transferrable associate degrees and are aligned with the PESB certification standards;
- associate degree programs that add to certificate programs, incorporate field experiences, and are fully transferrable to bachelor's degree programs; and
- bachelor's degree programs that lead to teacher certification without duplicating the associate degrees.

Standards for cultural competence must be incorporated throughout the pathway.

The PESB must submit a report comparing current pathways to teaching with the articulated pathway, along with recommended strategies to address gaps, by January 10, 2014. The PESB and the State Board for Community and Technical Colleges may exercise their authorities under current law for certification program approval and degree program approval to implement the articulated pathway.

Beginning in 2014-15, paraeducator certificate and apprenticeship programs offered by community and technical colleges must provide candidates the opportunity to earn transferrable course credits and incorporate the PESB standards for cultural competence.

**Substitute Bill Compared to Original Bill:**

A school district may not suspend the provision of educational services to a student as a disciplinary measure. For actions that are discretionary, a school district may not impose a disciplinary action that results in the suspension of educational services to a student, rather than having the district not authorized to impose suspensions that results in the exclusion of a student from school. The Department of Social and Health Services develops data sharing agreements with the Education Data Center. There is also a priority in awarding Retooling scholarships to teachers seeking Bilingual or ELL endorsements to be assigned to the TBIP after 2017-18. The WSAC must provide reports on the status of teacher conditional scholarship recipients. Funds received by the PESB for scholarships may be transferred to the WSAC. The final report for the TBIP accountability system design is due September 30, 2014, rather than 2015. References are corrected to the federal race and ethnicity reporting guidelines.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available. New fiscal note requested on February 23, 2013.

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

**Staff Summary of Public Testimony:**

(In support) The sponsor is proud to offer this omnibus legislation to bring excellence and opportunity in education for all students. It has been a long time coming and it represents the good work and thinking from a group of people who are committed to eliminating the gap that exists for students. Students are negatively impacted by exclusionary discipline policies. It affects their ability to graduate, which has a lifetime impact on earnings and other outcomes. These students are pushed away from the education system and into the criminal justice system.

It is important to change the way school discipline works so that student have more opportunities to stay in school and learn. A student was emergency expelled for a poor decision. The student tried to get homework and assignments but they were not provided.

The student had to seek legal help to get re-enrolled. Students are often expelled or suspended simply for not showing respect. There is significant recidivism in suspensions, and eventually these youth cycle into the juvenile justice system. As a result of this bill, there will not be as many students of color suspended or expelled for small infractions. As a society, we will profit by or pay for how we address these issues.

The flexibility for the Retooling program is appreciated. The PESB is happy to work on transferrable associate degrees for paraprofessionals. Data collection is critical. Too many policies are made based on anecdote. There is some concern about requiring teachers to be endorsed in Bilingual Education or the ELL. Some current teachers are very successful, and programs are expensive.

The bill addresses the major issues heard in communities of color. At the heart of this bill is the idea that education is a cultural experience. Students and teachers bring their cultural identities into the classroom every day, and those can be strengths for teaching and learning. There is some concern about incorporating cultural competence training into the evaluation system training. They are both important goals, but should not compete with one another.

Having data and a focus on disaggregation of student groups is very important. There are significant differences in achievement issues among Hmong, Thai, Laotian, and Cambodian students. Many of these students have high attrition rates and a lack of school success, but because they are considered Asian, the counselors do not recognize that. This is a historic bill. There has long been a disparity of achievement for tribal children and children of color. This is crucial for addressing core systemic issues in the educational system.

Ninety percent of paraeducators surveyed expressed an interest in an articulated pathway to teaching. It will be good for a work group to address the roadblocks. The opportunity gap begins as early as nine months of age. Any serious discussion needs to address early learning. The number one goal for the state's federal waiver is to reduce the opportunity gap by 50 percent by 2018. This will be difficult to do. Resources must be put behind the goal.

(In support with concerns) There is a lot to really like in this bill. The number one challenge recognized by school directors is the need to close the opportunity gap. The concerns are with the student discipline policies, particularly the provisions about not being able to suspend a student for something discretionary. This will require individualized education, which is more expensive. Online learning might be an option for some, but not all students.

There is strong support for the holistic approach in the bill. However, the discipline policies are drawn too narrowly. School districts should be required to provide educational services for all excluded students. Schools need clear direction on what constitutes alternative education so that students are able to keep up and return without being left behind.

Principals should participate in the Discipline Task Force. There is support for limited suspensions and expulsions, as well as better data. The confusion is about not being allowed to impose a suspension that results in exclusion from school. However, these students clearly need services whether they occur in some other part of the building or the district.

(Opposed) None.



**Persons Testifying:** (In support) Representative Santos, prime sponsor; Katie Mosehauer, Washington Appleseed; Jeannie Nist, TeamChild; Otis Dew; Carol Solomon, Black Education Strategy Roundtable; David Brenna, Professional Educator Standards Board; Lucinda Young, Washington Education Association; Sharonne Navas, Equity in Education Coalition and Washington State Commission on Hispanic Affairs; Dave Powell, Stand for Children; Ay Saechao, Southeast Asian Access in Education Coalition; Miguel Perez-Gibson, Colville Tribes; Roxana Norouzi, One America; Ramona Hattendorf, Washington State Parent Teacher Association; Doug Nelson, Public School Employees of Washington; Janice Deguchi, Denise Louie Education Center; and Randy Dorn, Superintendent of Public Instruction.

(In support with concerns) Marie Sullivan, Washington State School Directors' Association; Linda Mangel, American Civil Liberties Union of Washington; and Jerry Bender, Association of Washington School Principals.

**Persons Signed In To Testify But Not Testifying:** None.