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HOUSE BILL 2270

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State of Washington

57th Legislature 2001 Second Special Session

By Representatives Talcott, Haigh, Anderson, Keiser, Jarrett, Pearson, Lambert, Ericksen, Esser, Morell, Sehlin and Cairnes

Read first time . Referred to Committee on .

1 AN ACT Relating to an academic improvement through educational  
2 planning, focused assistance, and data analysis and reporting; amending  
3 RCW 28A.655.030 and 28A.655.100; adding new sections to chapter 28A.655  
4 RCW; creating new sections; repealing RCW 28A.655.050; and declaring an  
5 emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** INTENT. The legislature intends to continue  
8 to follow the findings and intent in RCW 28A.655.005.

9 **Sec. 2.** RCW 28A.655.030 and 1999 c 388 s 102 are each amended to  
10 read as follows:

11 The powers and duties of the academic achievement and  
12 accountability commission shall include, but are not limited to the  
13 following:

14 (1) For purposes of statewide accountability, the commission shall:

15 (a) Adopt and revise:

16 (i) Performance improvement goals in reading, writing, science, and  
17 mathematics by subject and grade level as the commission deems  
18 appropriate to improve student learning, once assessments in these

1 subjects are required statewide(~~(. The goals shall be in addition to~~  
2 ~~any goals adopted in RCW 28A.655.050. The commission may also revise~~  
3 ~~any goal adopted in RCW 28A.655.050))~~);

4 (ii) Goals for dropout rates and reduction of dropout rates for  
5 middle schools, junior high schools, and high schools, once common  
6 definitions are developed;

7 (iii) Goals designed to accelerate the achievement of students who  
8 are disproportionately academically underachieving.

9 The commission shall adopt the goals by rule. However, before each  
10 goal is implemented, the commission shall present the goal to the  
11 education committees of the house of representatives and the senate for  
12 the committees' review and comment in a time frame that will permit the  
13 legislature to take statutory action on the goal if such action is  
14 deemed warranted by the legislature;

15 (b) Identify the scores students must achieve in order to meet the  
16 standard on the Washington assessment of student learning and determine  
17 student scores that identify levels of student performance below and  
18 beyond the standard. The commission shall set such performance  
19 standards and levels in consultation with the superintendent of public  
20 instruction and after consideration of any recommendations that may be  
21 developed by any advisory committees that may be established for this  
22 purpose;

23 (c) Adopt objective, systematic criteria to identify successful  
24 schools and school districts and recommend to the superintendent of  
25 public instruction schools and districts to be recognized for two types  
26 of accomplishments, student achievement and improvements in student  
27 achievement. Recognition for improvements in student achievement shall  
28 include consideration of one or more of the following accomplishments:

29 (i) An increase in the percent of students meeting standards. The  
30 level of achievement required for recognition may be based on the  
31 achievement goals established by the legislature under RCW 28A.655.050  
32 and the commission under (a) of this subsection;

33 (ii) Positive progress on an improvement index that measures  
34 improvement in all levels of the assessment; and

35 (iii) Improvements despite challenges such as high levels of  
36 mobility, poverty, English as a second language learners, and large  
37 numbers of students in special populations as measured by either the  
38 percent of students meeting the standard, or the improvement index.

1       When determining the baseline year or years for recognizing  
2 individual schools, the commission may use the assessment results from  
3 the initial years the assessments were administered, if doing so with  
4 individual schools would be appropriate;

5       (d) Adopt objective, systematic criteria to identify schools and  
6 school districts in need of focused assistance ~~((and those in which))~~  
7 due to significant numbers of students persistently failing to meet  
8 state standards. In its deliberations, the commission shall ~~((consider~~  
9 ~~the use of all))~~ use the statewide mandated criterion-referenced and  
10 norm-referenced standardized tests as follows:

11       (i) Beginning in 2001, the reading and math assessments at the  
12 elementary school level;

13       (ii) Beginning in 2004, the reading and math assessments at the  
14 elementary, middle or junior high and high school levels;

15       (e) Identify schools and school districts in which state  
16 intervention ~~((measures))~~ strategies will be needed ~~((and a range of~~  
17 ~~appropriate intervention strategies))~~, beginning no earlier than ~~((June~~  
18 ~~30, 2001, and after the legislature has authorized a set of~~  
19 ~~intervention strategies))~~ November 1, 2002. Beginning no earlier than  
20 ~~((June 30, 2001, and after the legislature has authorized a set of~~  
21 ~~intervention strategies, at the request of))~~ November 1, 2002, the  
22 superintendent of public instruction may recommend and the  
23 commission~~((,))~~ may approve that the superintendent shall intervene in  
24 the school or school district and ~~((take corrective actions. This~~  
25 ~~chapter does not provide additional authority for the commission or the~~  
26 ~~superintendent of public instruction to intervene in a school or school~~  
27 ~~district))~~ implement state intervention strategies;

28       (f) Adopt a student performance and improvement threshold for use  
29 in evaluating progress under focused assistance and intervention. The  
30 threshold shall be based on each school's progress toward all  
31 performance improvement goals adopted under (a)(i) of this subsection  
32 and a minimum percentile score, as adopted by the commission, on  
33 statewide mandated norm-referenced standardized tests;

34       (g) Identify performance incentive systems that have improved or  
35 have the potential to improve student achievement;

36       ~~((g))~~ (h) Annually review the assessment reporting system to  
37 ensure fairness, accuracy, timeliness, and equity of opportunity,  
38 especially with regard to schools with special circumstances and unique  
39 populations of students, and ~~((a recommendation))~~ recommend to the

1 superintendent of public instruction (~~(of)~~) any improvements needed to  
2 the system;

3 (~~(h)~~) (i) Annually report by December 1st to the legislature, the  
4 governor, the superintendent of public instruction, and the state board  
5 of education on the progress, findings, and recommendations of the  
6 commission. The report may include recommendations of actions to help  
7 improve student achievement;

8 (~~(i)~~) (j) By December 1, 2000, and by December 1st annually  
9 thereafter, report to the education committees of the house of  
10 representatives and the senate on the progress that has been made in  
11 achieving the reading goal under RCW 28A.655.050 and any additional  
12 goals adopted by the commission;

13 (~~(j)~~) (k) Coordinate its activities with the state board of  
14 education and the office of the superintendent of public instruction;

15 (~~(k)~~) (l) Seek advice from the public and all interested  
16 educational organizations in the conduct of its work; (~~and~~

17 ~~(l)~~) (m) Establish advisory committees, which may include persons  
18 who are not members of the commission; and

19 (n) Develop and analyze any data or information necessary to  
20 perform its accountability responsibilities;

21 (2) Holding meetings and public hearings, which may include  
22 regional meetings and hearings;

23 (3) Hiring necessary staff and determining the staff's duties and  
24 compensation. However, the office of the superintendent of public  
25 instruction shall provide staff support to the commission until the  
26 commission has hired its own staff, and shall provide most of the  
27 technical assistance and logistical support needed by the commission  
28 thereafter. The office of the superintendent of public instruction  
29 shall be the fiscal agent for the commission. The commission may  
30 direct the office of the superintendent of public instruction to enter  
31 into subcontracts, within the commission's resources, with school  
32 districts, teachers, higher education faculty, state agencies, business  
33 organizations, and other individuals and organizations to assist the  
34 commission in its deliberations; (~~and~~)

35 (4) Receiving per diem and travel allowances as permitted under RCW  
36 43.03.050 and 43.03.060; and

37 (5) Adopting the criteria and standards in subsection (1)(b), (c),  
38 and (d) of this section in accordance with RCW 34.05.010(16) and the  
39 procedures in RCW 34.05.310 through 34.05.395. The commission shall

1 seek review and comment from the education committees of the house of  
2 representatives and senate before adoption.

3 **Sec. 3.** RCW 28A.655.100 and 1999 c 388 s 302 are each amended to  
4 read as follows:

5 Each school district board of directors shall adopt and revise, as  
6 appropriate, district-wide and school-level plans to achieve the  
7 performance improvement goals under RCW 28A.655.030 and shall:

8 (1)(a) Annually report to parents and to the community in a public  
9 meeting and annually report in writing the following information:

10 (i) District-wide and school-level performance improvement goals;

11 (ii) Student performance relative to the goals; and

12 (iii) District-wide and school-level plans to achieve the goals,  
13 including curriculum and instruction, parental or guardian involvement,  
14 and resources available to parents and guardians to help students meet  
15 the state standards;

16 (b) Report annually in a news release to the local media the  
17 district's progress toward meeting the district-wide and school-level  
18 goals; and

19 (c) Include the school-level goals, student performance relative to  
20 the goals, and a summary of school-level plans to achieve the goals in  
21 each school's annual school performance report under RCW 28A.655.110.  
22 The district also shall include this information on the district's  
23 internet web site. The office of the superintendent of public  
24 instruction shall provide a link on its web site to the school  
25 district's web site.

26 (2) School districts in which ten or fewer students in the district  
27 or in a school in the district are eligible to be assessed in a grade  
28 level are not required to report numerical improvement goals and  
29 performance relative to the goals, but are required to report to  
30 parents and the community their plans to improve student achievement.

31 NEW SECTION. **Sec. 4.** SUPERINTENDENT OF PUBLIC INSTRUCTION DUTIES.

32 (1) The superintendent of public instruction, based on the criteria  
33 established by the academic achievement and accountability commission,  
34 shall annually analyze student assessment results. The analysis shall  
35 include, but need not be limited to, consideration of the levels of  
36 achievement and levels of improvement on criterion-referenced and  
37 norm-referenced assessments required to meet goals and achievement

1 levels determined by the academic achievement and accountability  
2 commission. The purposes of the analysis shall be:

3 (a) To identify successful schools and school districts, based on  
4 criteria adopted by the commission under RCW 28A.655.030;

5 (b) To identify schools in need of focused assistance, based on  
6 criteria adopted by the commission under RCW 28A.655.030; and

7 (c) After November 1, 2002, to help the superintendent of public  
8 instruction identify schools and school districts in which more  
9 intensive state intervention may be needed.

10 (2) Annually by October 15th, based on the results of the analysis  
11 in subsection (1)(b) of this section, the superintendent of public  
12 instruction shall recommend to the commission and the commission shall  
13 determine which schools shall be prioritized as having the highest need  
14 for focused assistance.

15 (3) The superintendent of public instruction shall provide the  
16 commission with available data in a timely manner, including raw  
17 student data, and other information the commission deems appropriate in  
18 pursuit of the fulfillment of its responsibility to provide oversight  
19 and monitoring of the state's educational accountability system.

20 (4) To the extent funds are appropriated for this specific purpose,  
21 the superintendent of public instruction shall make available to  
22 schools information on models of excellence in instruction, management,  
23 capacity building, parent involvement, and other research-based  
24 strategies to improve student achievement.

25 (5) The superintendent of public instruction shall report annually  
26 to the legislative committees on education regarding the implementation  
27 of the performance agreements and intervention plans, including any  
28 barriers to improving student learning that school districts have  
29 encountered.

30 NEW SECTION. **Sec. 5.** FOCUSED ASSISTANCE PROCESS. (1) If a school  
31 is prioritized as having the highest need for focused assistance under  
32 section 4(2) of this act, annually by November 1st, the superintendent  
33 of public instruction shall notify the school district within which the  
34 school is located of such eligibility.

35 (2) The superintendent of public instruction, in cooperation with  
36 the school district in which the school is located, shall oversee the  
37 following process:

1 (a) The superintendent of public instruction or the  
2 superintendent's designee, in cooperation with the district, shall  
3 convene a team of experts to conduct an educational audit of the  
4 school. The educational audit shall include but need not be limited  
5 to:

6 (i) An evaluation of the things that are working well in the school  
7 and those that need reexamination and redirection;

8 (ii) Resources available to the school, the use of those resources,  
9 and how current funds can be used more effectively;

10 (iii) The relationship of the school to its local district,  
11 parents, and the community;

12 (iv) The curriculum and instructional materials available and the  
13 extent to which those materials are aligned with the state's essential  
14 academic learning requirements;

15 (v) The roles and contributions of the school's employees, and the  
16 levels of experience and subject matter expertise, including  
17 endorsements, of the school's certificated employees;

18 (vi) The needs and characteristics of the school's students,  
19 including student mobility and poverty indicators; attendance rates;  
20 dropout and graduation rates, if applicable and available; posthigh  
21 school indicators, if applicable and available; and the percent of  
22 students in special programs;

23 (vii) School district management practices;

24 (viii) School climate and safety indicators; and

25 (ix) Other barriers to student learning.

26 (b) The superintendent of public instruction, or the  
27 superintendent's designee, shall formally present the findings of the  
28 educational audit to the school district board of directors, and shall  
29 share the results with the academic achievement and accountability  
30 commission.

31 (c) The school directors shall hold a public meeting to inform  
32 parents, teachers, staff, and the local community of the findings of  
33 the educational audit, and to solicit input on ways to address the  
34 issues identified.

35 (d) Based on the results of the educational audit and input from  
36 parents, teachers, staff, and the community, a team of school employees  
37 and the principal that is convened by the school district in  
38 cooperation with the superintendent of public instruction or the  
39 superintendent of public instruction's designee shall develop a

1 comprehensive school improvement plan within one hundred twenty days of  
2 being notified by the superintendent of public instruction of focused  
3 assistance eligibility. The plan shall address items identified in the  
4 educational audit and shall include, but not be limited to, the  
5 following:

6 (i) Student performance goals and expectations;

7 (ii) How existing funds will be used more effectively;

8 (iii) How identified barriers to student learning will be  
9 addressed;

10 (iv) What actions are needed to assist the school;

11 (v) Who is responsible for implementing the specific actions in the  
12 plan;

13 (vi) Whether students attending the school should have the choice  
14 of transferring to other public schools in the district, and whether  
15 this choice includes free bus transportation; and

16 (vii) Whether waivers of state laws or local policies and  
17 agreements are needed. Waiver provisions in existence before January  
18 1, 2001, are to be used to obtain the waivers, under an expedited  
19 decision-making process if necessary.

20 (e) The superintendent of public instruction, or the  
21 superintendent's designee, and the school district shall jointly  
22 negotiate the terms of a performance agreement to address the issues  
23 identified in the educational audit and to implement the school  
24 improvement plan. The agreement shall be developed in consultation  
25 with the school's staff and parents. In addition to the items  
26 addressed in the school improvement plan, the performance agreements  
27 shall include, but not be limited to, a description of:

28 (i) How additional focused assistance resources, if any, will be  
29 used;

30 (ii) What actions the district will take to assist the school;

31 (iii) Who is responsible for implementing the specific actions in  
32 the agreement; and

33 (iv) Measurable benchmarks for actions in the performance agreement  
34 with a timeline for completion.

35 (f) The school directors shall hold a public hearing to inform  
36 parents, teachers, staff, and the local community about the school  
37 improvement plan and the terms of the performance agreement.

38 (g) If the superintendent of public instruction determines that the  
39 school district is failing to complete the process in a timely fashion

1 or is failing to conduct the process in good faith, the superintendent  
2 of public instruction shall recommend to the academic achievement and  
3 accountability commission that intervention strategies be imposed.

4 (h) The duration of a performance agreement shall be two school  
5 years.

6 (i) Before final adoption, the performance agreement shall be  
7 submitted to the academic achievement and accountability commission in  
8 a time frame that permits the commission to make recommendations for  
9 modifications to the terms of the agreement.

10 NEW SECTION. Sec. 6. FOCUSED ASSISTANCE OPTIONS AND ACTIONS. (1)  
11 Focused assistance, as outlined in this chapter, shall be available to  
12 a school district on behalf of an eligible school to complete an  
13 educational audit, develop a school improvement plan, and implement a  
14 performance agreement. Focused assistance for performance agreement  
15 implementation may not be provided to a school district in a given  
16 academic year unless the agreement is approved within one hundred  
17 eighty calendar days of the date the district is notified by the  
18 superintendent of public instruction of focused assistance eligibility.  
19 Assistance may be obtained from third parties, such as personnel from  
20 colleges or universities, independent contractors, statewide education  
21 organizations, and educational service districts.

22 (2) Focused assistance options and actions available to the school,  
23 school district, and superintendent of public instruction in a  
24 performance agreement may include, but are not limited to:

25 (a) Changes in the school's curriculum and instructional practices,  
26 including implementing a whole school reform model;

27 (b) Staff collaboration, planning, and training;

28 (c) New or revised instructional materials;

29 (d) Supplemental contracts subject to RCW 28A.400.200(4);

30 (e) Extended learning opportunities for students;

31 (f) Providing students attending the school with the choice of  
32 transferring to other public schools in the district;

33 (g) Revising school district personnel assignments;

34 (h) Reallocation of financial resources;

35 (i) Increasing fiscal flexibility at the school site;

36 (j) Hiring a short-term principal-teacher replacement team that  
37 would provide free time for the principal and teachers for staff  
38 collaboration, planning, and training;

1 (k) Restructuring of the management, budget, organization, and  
2 instructional or programmatic approaches;

3 (l) Any other action authorized by law that the superintendent of  
4 public instruction deems necessary to improve student learning.

5 (3) In a class I school district, the parent or guardian of a  
6 student in a school identified for focused assistance may enroll the  
7 student in a different public school in the district. Each class I  
8 school district shall adopt a policy allowing the automatic  
9 intradistrict release and acceptance of students from schools that are  
10 in focused assistance under this section. If the school district board  
11 of directors determines that the automatic intradistrict transfer of a  
12 student under this section is an undue hardship, the school district  
13 may appeal that intradistrict transfer to the state board of education.

14 (4) The superintendent of public instruction may use focused  
15 assistance funds to assist a school if the superintendent of public  
16 instruction finds that funds currently available to the school are  
17 being used effectively, or will be reallocated to be used effectively  
18 under the terms of the performance agreement.

19 NEW SECTION. **Sec. 7. EVALUATION AND INTERVENTION.** (1) The  
20 superintendent of public instruction, or the superintendent's designee,  
21 shall analyze the implementation of a performance agreement after the  
22 agreement has been in effect for one year. Upon completion, the  
23 superintendent shall provide the analysis to the school district and  
24 academic achievement and accountability commission. The focus of the  
25 analysis shall be the degree to which implementation benchmarks and  
26 timelines in the agreement have been met.

27 (2) Two years after a performance agreement is approved, the  
28 superintendent of public instruction shall evaluate progress on the  
29 performance agreement implementation benchmarks and the degree to which  
30 students in the school have met or exceeded the student performance  
31 expectations described in the agreement. The superintendent of public  
32 instruction shall provide the analysis to the school district and  
33 academic achievement and accountability commission.

34 (3) Based on the results of the evaluation, the superintendent of  
35 public instruction shall recommend, and the commission shall approve,  
36 whether the performance agreement shall be:

1 (a) Ended because the agreement was successfully completed. An  
2 agreement is successfully completed when one of the following criteria  
3 is met:

4 (i) The school, for two years, has successfully met or exceeded the  
5 student performance and improvement threshold as established by the  
6 academic achievement and accountability commission under RCW  
7 28A.655.030; or

8 (ii) The school has made sufficient progress on the performance  
9 agreement;

10 (b) Extended with existing or newly negotiated conditions; or

11 (c) Replaced with an intervention plan. The superintendent of  
12 public instruction shall recommend the implementation of an  
13 intervention plan if the superintendent finds that the school district  
14 and school are making insufficient progress in improving student  
15 learning or insufficient progress in implementation of the performance  
16 agreement.

17 (4) The superintendent of public instruction shall formally notify  
18 the school directors of the district of the results of the evaluation  
19 and the superintendent's recommendations to the commission.

20 (5) When the academic achievement and accountability commission has  
21 approved the superintendent of public instruction's recommendation to  
22 replace a performance agreement with an intervention plan:

23 (a) The superintendent of public instruction shall write, revise as  
24 necessary, and oversee the implementation of an intervention plan that  
25 may contain any action authorized by law that the superintendent of  
26 public instruction deems necessary to improve student learning;

27 (b) The school district shall implement each component of the  
28 intervention plan and report at least annually to parents, the  
29 community, the academic achievement and accountability commission, and  
30 the superintendent of public instruction on the district's progress in  
31 raising student achievement and on the implementation of the  
32 intervention plan; and

33 (c) The superintendent of public instruction shall recommend and  
34 the commission shall approve whether the school district shall be  
35 released from the intervention plan when any of the following criteria  
36 are met:

37 (i) The school, for two consecutive years, has successfully met or  
38 exceeded the student performance and improvement threshold as

1 established by the academic achievement and accountability commission  
2 under RCW 28A.655.030; or

3 (ii) The school has made sufficient progress on the intervention  
4 plan.

5 (6) In a class I school district, the parent or guardian of a  
6 student in a school under intervention may enroll the student in a  
7 different public school in the district. Each class I school district  
8 shall adopt a policy allowing the automatic intradistrict release and  
9 acceptance of students from schools that are in intervention under this  
10 section. If the school district board of directors determines that the  
11 automatic intradistrict transfer of a student under this section is an  
12 undue hardship, the school district may appeal that intradistrict  
13 transfer to the state board of education.

14 (7) One year after a school district has been released from an  
15 intervention plan, the school district shall report to the  
16 superintendent of public instruction on the district's progress in  
17 continuing to improve student achievement.

18 NEW SECTION. **Sec. 8.** REPORT ON INTERVENTIONS. By November 30,  
19 2002, the academic achievement and accountability commission shall  
20 analyze and report to the governor and the legislative education  
21 committees on the intervention strategies used by other states and  
22 nations, including the success of those strategies in improving student  
23 achievement.

24 NEW SECTION. **Sec. 9.** CAPTIONS NOT LAW. Captions used in this act  
25 are not any part of the law.

26 NEW SECTION. **Sec. 10.** Sections 4 through 7 of this act are each  
27 added to chapter 28A.655 RCW.

28 NEW SECTION. **Sec. 11.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 12.** RCW 28A.655.050 (Reading goals--Mathematics  
33 goals) and 1999 c 388 s 201 & 1998 c 319 s 101 are each repealed.

1        NEW SECTION.    **Sec. 13.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and takes effect  
4    immediately.

--- END ---