
SUBSTITUTE SENATE BILL 5625

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, Carlson and Kohl-Welles; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education)

READ FIRST TIME 02/28/01.

1 AN ACT Relating to academic achievement and accountability
2 commission accountability system recommendations; amending RCW
3 28A.655.030; adding new sections to chapter 28A.655 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington's
7 educators have made significant progress in preparing students for
8 successful and productive lives in the twenty-first century.

9 The legislature further finds the need for an effective
10 accountability system to help fulfill the promise of statewide
11 school improvement efforts for all Washington students. The
12 legislature recognizes that all stakeholders in Washington's
13 public education system share in the responsibility for an
14 effective accountability system, including educators, students,
15 parents, the community, and state policymakers. An effective
16 accountability system should inform, support, and motivate, as
17 well as require achievement of the state's learning goals.

18 The legislature further finds that the goals of this

1 accountability system are to promote learning and achievement of
2 the goals and academic standards for all students as measured by
3 the elementary, middle, and high school assessments; to
4 acknowledge the challenges faced by students and teachers in
5 achieving these goals; and to develop the necessary supports to
6 address these challenges.

7 The legislature further finds that the changes needed to
8 fulfill the challenging goals of our school improvement efforts
9 cannot be accomplished solely by individual educators. Therefore, a
10 comprehensive system of assistance must be developed and made
11 available to all schools. Components must include continuous
12 research for informed decision making, staff and administrative
13 professional development, and curriculum and instruction
14 resources.

15 The legislature further finds that an effective accountability
16 system also must provide incentives to local schools to make
17 needed improvements, particularly those focused on helping
18 students succeed despite poverty, lack of English proficiency,
19 mobility, disabilities, and family difficulties. Further, the
20 system must encourage educators to work in schools facing these
21 challenges rather than drive them away for fear of a punitive
22 measurement system. Districts and schools must be measured for
23 continuous improvement over time against their own baseline, not
24 against the performance of other schools.

25 The legislature further finds that the accountability system
26 should rely on local responsibility and leadership. The system
27 should respect and support local flexibility in the design,
28 financing, and management of schools, including their
29 instructional programs, organization, and structure. State-level
30 responsibility should emphasize assistance, technical support, and
31 monitoring. At the same time, the legislature finds that state
32 intervention may be necessary in schools that persistently fail to
33 show adequate achievement or improvement over time. In such cases,
34 the state must have the capacity to intervene effectively on
35 behalf of students. The process for assistance and intervention
36 must consist of distinct phases including: Voluntary focused
37 assistance; nonvoluntary focused assistance; and more intensive
38 state intervention for persistently low-performing schools.

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

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

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

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required statewide. The goals shall be in addition to any goals adopted in RCW 28A.655.050. The commission may also revise any goal adopted in RCW 28A.655.050. The commission may adopt and revise goals for dropout rates and reduction of dropout rates for middle schools, junior high schools, and high schools. The commission may adopt and revise goals designed to accelerate the achievement of students from various racial, ethnic, and socioeconomic backgrounds who are disproportionately academically underachieving. The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

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

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements

1 in student achievement. Recognition for improvements in student
2 achievement shall include consideration of one or more of the
3 following accomplishments:

4 (i) An increase in the percent of students meeting standards.
5 The level of achievement required for recognition may be based on
6 the achievement goals established by the legislature under RCW
7 28A.655.050 and the commission under (a) of this subsection;

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

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

15 When determining the baseline year or years for recognizing
16 individual schools, the commission may use the assessment results
17 from the initial years the assessments were administered, if doing
18 so with individual schools would be appropriate;

19 (d) Adopt objective, systematic criteria to identify schools
20 and school districts in need of assistance and those in which
21 significant numbers of students persistently fail to meet state
22 standards, and to identify schools that may be directed to accept
23 focused assistance as provided for under section 3(3) of this
24 act. In its deliberations, the commission shall consider the use of
25 all statewide mandated criterion-referenced and norm-referenced
26 standardized tests;

27 (e) Identify schools and school districts in which state
28 intervention measures will be needed and a range of appropriate
29 intervention strategies, beginning no earlier than June 30, 2001,
30 and after the legislature has authorized a set of intervention
31 strategies. Beginning no earlier than June 30, 2001, and after the
32 legislature has authorized a set of intervention strategies, at
33 the request of the commission, the superintendent shall intervene
34 in the school or school district and take corrective actions. This
35 chapter does not provide additional authority for the commission
36 or the superintendent of public instruction to intervene in a
37 school or school district;

1 (f) Identify performance incentive systems that have improved
2 or have the potential to improve student achievement;

3 (g) Annually review the assessment reporting system to ensure
4 fairness, accuracy, timeliness, and equity of opportunity,
5 especially with regard to schools with special circumstances and
6 unique populations of students, and a recommendation to the
7 superintendent of public instruction of any improvements needed to
8 the system;

9 (h) Annually report by December 1st to the legislature, the
10 governor, the superintendent of public instruction, and the state
11 board of education on the progress, findings, and recommendations
12 of the commission. The report may include recommendations of
13 actions to help improve student achievement;

14 (i) By December 1, 2000, and by December 1st annually
15 thereafter, report to the education committees of the house of
16 representatives and the senate on the progress that has been made
17 in achieving the reading goal under RCW 28A.655.050 and any
18 additional goals adopted by the commission;

19 (j) Coordinate its activities with the state board of education
20 and the office of the superintendent of public instruction;

21 (k) Seek advice from the public and all interested educational
22 organizations in the conduct of its work; and

23 (1) Establish advisory committees, which may include persons
24 who are not members of the commission;

25 (2) Holding meetings and public hearings, which may include
26 regional meetings and hearings;

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

1 its deliberations; and

2 (4) Receiving per diem and travel allowances as permitted under
3 RCW 43.03.050 and 43.03.060.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.655
5 RCW to read as follows:

6 (1) The academic achievement and accountability commission,
7 with the assistance of the superintendent of public instruction,
8 shall annually analyze assessment results. The analysis shall
9 include but not be limited to consideration of the levels of
10 achievement and levels of improvement on criterion-referenced and
11 norm-referenced assessments required statewide. The purposes of the
12 analysis shall be:

13 (a) To identify successful schools and school districts based
14 on criteria adopted by the commission;

15 (b) To identify schools in need of focused assistance, based on
16 criteria adopted by the commission; and

17 (c) To develop other information the commission deems
18 appropriate in pursuit of the fulfillment of its responsibility to
19 provide oversight of the state's educational accountability
20 system.

21 (2) Based on the results of the commission's analysis of
22 relevant criteria conducted pursuant to subsection (1)(b) of this
23 section, the commission shall determine which schools shall be
24 prioritized as having the highest need for focused
25 assistance. Subject to available appropriations and the
26 determination made under this subsection, the commission shall
27 determine the number of schools eligible for focused assistance
28 annually by September 15th.

29 (3) After September 15, 2002, the commission shall annually
30 analyze assessment results of any schools that were notified the
31 previous year of their eligibility for focused assistance but that
32 did not receive focused assistance in the previous year due to the
33 school district's decision to decline the assistance. Based on the
34 analysis conducted under this subsection, if the commission
35 determines the students in a school are not making sufficient
36 progress toward improved achievement, the commission may direct
37 the school district to accept focused assistance on behalf of the

1 eligible school under the terms of a performance
2 agreement. Performance agreements developed under circumstances
3 outlined in this subsection shall be developed by the
4 superintendent of public instruction, in consultation with the
5 school district, and approved by the commission.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.655
7 RCW to read as follows:

8 (1) If the academic achievement and accountability commission
9 determines that a school is eligible for focused assistance based
10 on assistance criteria adopted by the commission, the commission
11 shall notify the school district within which the eligible school
12 is located of such eligibility. School districts with a school that
13 the commission has determined is eligible for focused assistance
14 may request focused assistance under this section by notifying the
15 superintendent of public instruction. Before a performance
16 agreement is approved, the office of the superintendent of public
17 instruction and the commission or its designee shall conduct a
18 second level of analysis using local assessment and program data
19 and other information provided by the district.

20 (2)(a) The superintendent of public instruction or the
21 superintendent's designee shall negotiate the terms of a
22 performance agreement with a school district requesting focused
23 assistance.

24 (b) The superintendent of public instruction or the
25 superintendent's designee shall develop a performance agreement,
26 in consultation with a school district, when a district is
27 required by the commission to accept focused assistance.

28 (c) All such performance agreements shall be subject to
29 approval by the commission.

30 (3) Focused assistance, as outlined in this chapter, shall be
31 available to a school district on behalf of an eligible school
32 solely on the basis of, and in accordance with all terms and
33 conditions of, a performance agreement. Focused assistance shall
34 not be provided to any school district in a given academic year
35 unless a performance agreement is approved within one hundred
36 eighty days of the date the district was notified by the

1 commission that an eligible school was located within that school
2 district.

3 (4) The duration of a performance agreement shall be two years
4 and may be renewed by the superintendent of public instruction and
5 the school district board of directors, with the approval of the
6 commission. The focus of a performance agreement shall be what the
7 state, district, and school must do to improve the performance of
8 students in eligible schools in the district to achieve mastery of
9 the essential academic learning requirements. Performance
10 agreements shall include:

11 (a) A needs assessment;

12 (b) An improvement plan, that shall include but not be limited
13 to:

14 (i) Student performance goals and expectations for the two-year
15 period of the agreement;

16 (ii) How existing funds can be used more effectively;

17 (iii) The most significant barriers to improvement and how
18 those barriers will be addressed;

19 (iv) What actions the district needs to take to assist the
20 school;

21 (v) Whether students attending the school have the choice of
22 transferring to other public schools in the district, and whether
23 this choice includes free bus transportation;

24 (vi) Who is responsible for implementing the specific actions
25 in the plan; and

26 (vii) Whether waivers of state laws or local policies and
27 agreements are needed. Waiver provisions in existence prior to
28 January 1, 2001, are to be used to obtain the waivers, under an
29 expedited decision-making process if necessary; and

30 (c) Measurable benchmarks with a timeline for completion
31 against which the district, schools, and the state are required to
32 show progress for all students.

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.655
34 RCW to read as follows:

35 (1) Assistance provided under the terms of a performance
36 agreement under section 4 of this act is limited to specific, cost-
37 effective strategies for improving student achievement, or to

1 specific promising strategies that are part of a rigorous and
2 ongoing evaluation. Subject to available funding, financial
3 assistance shall be provided by the state if the superintendent of
4 public instruction and the academic achievement and accountability
5 commission find that funds currently available to the district on
6 behalf of the eligible school are being used effectively and that
7 additional funds are necessary.

8 (2) Focused assistance options and actions available to the
9 district and the office of the superintendent of public
10 instruction that a performance agreement may stipulate include,
11 but are not limited to:

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

14 (b) Additional funds for staff collaboration, planning, and
15 training;

16 (c) Additional funds for instructional materials;

17 (d) Additional funds for employee compensation;

18 (e) Additional learning opportunities for students;

19 (f) Providing students attending the school with the choice of
20 transferring to other public schools in the district, with or
21 without free bus transportation;

22 (g) Personnel changes;

23 (h) Reallocation of financial resources;

24 (i) Waivers of specific state laws and local policies and
25 agreements;

26 (j) Increasing fiscal flexibility at the school site;

27 (k) Hiring a short-term principal/teacher replacement team that
28 would provide free time for the principal and teachers for staff
29 collaboration, planning, and training; and

30 (l) In the most egregious situations, closing and
31 reconstituting the school, which could include:

32 (i) Replacing the existing principal;

33 (ii) Replacing some or all of the staff; and

34 (iii) Contracting out the management of the school.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.655
36 RCW to read as follows:

37 (1) The academic achievement and accountability commission or

1 its designee shall analyze the implementation of a performance
2 agreement one year after the performance agreement is approved. The
3 focus of this analysis is on the degree to which benchmarks and
4 timelines in the agreement have been met.

5 (2) Two years after a performance agreement is approved, the
6 commission shall analyze progress on the performance agreement
7 benchmarks and whether students in the school receiving focused
8 assistance met or exceeded the student performance expectations
9 provided in the agreement.

10 (3) After focused assistance has been provided for two years to
11 a school district on behalf of an eligible school, if student
12 performance does not meet or exceed the levels stipulated in the
13 performance agreement and the commission determines the school and
14 school district are not making sufficient progress on the
15 benchmarks in the performance agreement, the commission or its
16 designee shall conduct a more in-depth evaluation.

17 (4) The evaluation conducted under subsection (3) of this
18 section shall use multiple sources of information that may
19 include, but are not limited to:

- 20 (a) Student achievement from district or school assessments;
- 21 (b) The level of improvement in student achievement over time;
- 22 (c) Student mobility and poverty;
- 23 (d) Attendance;
- 24 (e) Dropout and graduation rates, if applicable and available;
- 25 (f) Posthigh school indicators, if applicable and available;
- 26 (g) The percent of students in special programs; and
- 27 (h) Other factors presented by individual districts or schools.

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