

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329

63rd Legislature
2013 Regular Session

Passed by the Senate April 19, 2013
YEAS 44 NAYS 3

President of the Senate

Passed by the House April 15, 2013
YEAS 68 NAYS 29

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt, and Roach)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to transforming persistently failing schools;
2 amending RCW 28A.657.005, 28A.657.010, 28A.657.020, 28A.657.030,
3 28A.657.050, 28A.657.050, 28A.657.060, 28A.657.070, 28A.657.090,
4 28A.657.100, and 28A.657.110; adding new sections to chapter 28A.657
5 RCW; repealing RCW 28A.657.125; providing an effective date; and
6 providing an expiration date.

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

8 **Sec. 1.** RCW 28A.657.005 and 2010 c 235 s 101 are each amended to
9 read as follows:

10 (1) The legislature finds that an effective educational
11 accountability system is premised on creating and maintaining
12 partnerships between the state and local school district boards of
13 directors. The legislature also recognizes it takes time to make
14 significant changes that are sustainable over the long term in an
15 educational system that serves more than one million students from
16 diverse communities.

17 (2) The legislature further finds that it is the state's
18 responsibility to create a coherent and effective accountability
19 framework for the continuous improvement (~~for~~) of all schools and

1 school districts. This system must provide an excellent and equitable
2 education for all students((+))_ an aligned ((federal/state)) federal
3 and state accountability system((+))_ and the tools necessary for
4 schools and school districts to be accountable. These tools include
5 ((the necessary)) accounting and data reporting systems, assessment
6 systems to monitor student achievement, and a comprehensive system of
7 ((general)) differentiated support, targeted assistance, and, if
8 necessary, intervention.

9 (3) The office of the superintendent of public instruction is
10 responsible for developing and implementing the accountability tools to
11 build district capacity and working within federal and state
12 guidelines. The legislature assigned the state board of education
13 responsibility and oversight for creating an accountability framework.
14 This framework provides a unified system of support for challenged
15 schools that aligns with basic education, increases the level of
16 support based upon the magnitude of need, and uses data for decisions.
17 Such a system will identify schools and their districts for recognition
18 as well as for additional state support.

19 (4) For a specific group of ((challenged schools, defined as))
20 persistently lowest-achieving schools((7)) and their districts, it is
21 necessary to provide a required action process that creates a
22 partnership between the state and local district to target funds and
23 assistance to turn around the identified ((lowest-achieving)) schools.
24 The legislature finds that state takeover of persistently lowest-
25 achieving schools is unlikely to produce long-term improvement in
26 student achievement because takeover is an unsustainable approach to
27 school governance and an inadequate response to addressing the
28 underlying barriers to improved outcomes for all students. However, in
29 the rare case of a persistently lowest-achieving school that continues
30 to fail to improve even after required action and supplemental
31 assistance, it is appropriate and necessary to assign the
32 superintendent of public instruction the responsibility to intercede,
33 provide robust technical assistance, and direct the necessary
34 interventions. Even though the superintendent of public instruction
35 continues to work in partnership with the local school board, the
36 superintendent of public instruction is accountable for assuring that
37 adequate steps are taken to improve student achievement in these
38 schools.

1 (5) Phase I of this accountability system will recognize schools
2 that have done an exemplary job of raising student achievement and
3 closing the achievement gaps using the ~~((state board of education's
4 accountability))~~ Washington achievement index adopted by the state
5 board of education. The state board of education shall have ongoing
6 collaboration with the ~~((achievement))~~ educational opportunity gap
7 oversight and accountability committee regarding the measures used to
8 measure the closing of the achievement gaps and ~~((the))~~ recognition
9 provided to the school districts for closing the achievement gaps.
10 Phase I will also target the lowest five percent of persistently
11 lowest-achieving schools defined under federal guidelines to provide
12 federal funds and federal intervention models through a voluntary
13 option in 2010, and for those who do not volunteer and have not
14 improved student achievement, a required action process beginning in
15 2011.

16 (6) Phase II of this accountability system will work toward
17 implementing the ~~((state board of education's accountability))~~
18 Washington achievement index for identification of challenged schools
19 in need of improvement, including those that are not Title I schools,
20 and the use of state and local intervention models and federal and
21 state funds through a ~~((required action process))~~ comprehensive system
22 of differentiated support, targeted assistance, and intervention
23 beginning in ~~((2013, in addition to the federal program))~~ the 2014-15
24 school year. If federal approval of the ~~((state board of education's
25 accountability))~~ Washington achievement index ~~((must be))~~ is not
26 obtained ~~((or else))~~, the federal guidelines for ~~((persistently lowest-
27 achieving))~~ identifying schools will continue to be used. If it ever
28 becomes necessary, a process is established to assign responsibility to
29 the superintendent of public instruction to intervene in persistently
30 lowest-achieving schools that have failed to improve despite required
31 action.

32 (7) The expectation from implementation of this accountability
33 system is the improvement of student achievement for all students to
34 prepare them for postsecondary education, work, and global citizenship
35 in the twenty-first century.

36 **Sec. 2.** RCW 28A.657.010 and 2010 c 235 s 112 are each amended to
37 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "All students group" means those students in grades three
4 through eight and high school who take the state's assessment in
5 reading or English language arts and mathematics required under 20
6 U.S.C. Sec. 6311(b)(3).

7 (2) "Title I" means Title I, part A of the federal elementary and
8 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

9 (3) "Turnaround principles" include but are not limited to the
10 following:

11 (a) Providing strong leadership;

12 (b) Ensuring teachers are effective and able to improve
13 instruction;

14 (c) Increasing learning time;

15 (d) Strengthening the school's instructional program;

16 (e) Using data to inform instruction;

17 (f) Establishing a safe and supportive school environment; and

18 (g) Engaging families and communities.

19 **Sec. 3.** RCW 28A.657.020 and 2010 c 235 s 102 are each amended to
20 read as follows:

21 (1) Beginning in 2010, and each year thereafter(~~(, by)~~) through
22 December ((1st)) 1, 2012, the superintendent of public instruction
23 shall annually identify schools as one of the state's persistently
24 lowest-achieving schools if the school is a Title I school, or a school
25 that is eligible for but does not receive Title I funds, that is among
26 the lowest-achieving five percent of Title I or Title I eligible
27 schools in the state.

28 (2) The criteria for determining whether a school is among the
29 persistently lowest-achieving five percent of Title I schools, or Title
30 I eligible schools, under subsection (1) of this section shall be
31 established by the superintendent of public instruction. The criteria
32 must meet all applicable requirements for the receipt of a federal
33 school improvement grant under the American recovery and reinvestment
34 act of 2009 and Title I of the elementary and secondary education act
35 of 1965, and take into account both:

36 (a) The academic achievement of the "all students" group in a

1 school in terms of proficiency on the state's assessment, and any
2 alternative assessments, in reading and mathematics combined; and

3 (b) The school's lack of progress on the mathematics and reading
4 assessments over a number of years in the "all students" group.

5 (3)(a) Beginning December 1, 2013, and each December thereafter,
6 the superintendent of public instruction shall annually identify
7 challenged schools in need of improvement and a subset of such schools
8 that are the persistently lowest-achieving schools in the state.

9 (b) The criteria for determining whether a school is a challenged
10 school in need of improvement shall be adopted by the superintendent of
11 public instruction in rule. The criteria must meet all applicable
12 federal requirements under Title I of the elementary and secondary
13 education act of 1965 and other federal rules or guidance, including
14 applicable requirements for the receipt of federal school improvement
15 funds if available, but shall apply equally to Title I, Title I-
16 eligible, and non-Title I schools in the state. The criteria must take
17 into account the academic achievement of the "all students" group and
18 subgroups of students in a school in terms of proficiency on the state
19 assessments in reading or English language arts and mathematics and a
20 high school's graduation rate for all students and subgroups of
21 students. The superintendent may establish tiered categories of
22 challenged schools based on the relative performance of all students,
23 subgroups of students, and other factors.

24 (c) The superintendent of public instruction shall also adopt
25 criteria in rule for determining whether a challenged school in need of
26 improvement is also a persistently lowest-achieving school for purposes
27 of the required action district process under this chapter, which shall
28 include the school's lack of progress for all students and subgroups of
29 students over a number of years. The criteria for identifying
30 persistently lowest-achieving schools shall also take into account the
31 level of state or federal resources available to implement a required
32 action plan.

33 (d) If the Washington achievement index is approved by the United
34 States department of education for use in identifying schools for
35 federal purposes, the superintendent of public instruction shall use
36 the approved index to identify schools under (b) and (c) of this
37 subsection.

1 **Sec. 4.** RCW 28A.657.030 and 2010 c 235 s 103 are each amended to
2 read as follows:

3 (1) Beginning in January 2011, the superintendent of public
4 instruction shall annually recommend to the state board of education
5 school districts for designation as required action districts. A
6 district with at least one school identified as a persistently lowest-
7 achieving school according to the criteria established by the
8 superintendent of public instruction under RCW 28A.657.020 shall be
9 designated as a required action district (~~((if it meets the criteria~~
10 ~~developed by the superintendent of public instruction))~~). However, a
11 school district shall not be recommended for designation as a required
12 action district if the district was awarded a federal school
13 improvement grant by the superintendent in 2010 or 2011 and for three
14 consecutive years following receipt of the grant implemented a federal
15 school intervention model at each school identified for improvement.
16 The state board of education may designate a district that received a
17 school improvement grant in 2010 or 2011 as a required action district
18 if after three years of voluntarily implementing a plan the district
19 continues to have a school identified as persistently lowest-achieving
20 and meets the criteria for designation established by the
21 superintendent of public instruction.

22 (2) The superintendent of public instruction shall provide a school
23 district superintendent with written notice of the recommendation for
24 designation as a required action district by certified mail or personal
25 service. A school district superintendent may request reconsideration
26 of the superintendent of public instruction's recommendation. The
27 reconsideration shall be limited to a determination of whether the
28 school district met the criteria for being recommended as a required
29 action district. A request for reconsideration must be in writing and
30 served on the superintendent of public instruction within ten days of
31 service of the notice of the superintendent's recommendation.

32 (3) The state board of education shall annually designate those
33 districts recommended by the superintendent in subsection (1) of this
34 section as required action districts. A district designated as a
35 required action district shall be required to notify all parents of
36 students attending a school identified as a persistently lowest-
37 achieving school in the district of the state board of education's

1 designation of the district as a required action district and the
2 process for complying with the requirements set forth in RCW
3 28A.657.040 through 28A.657.100.

4 **Sec. 5.** RCW 28A.657.050 and 2012 c 53 s 10 are each amended to
5 read as follows:

6 (1)(a) The local district superintendent and local school board of
7 a school district designated as a required action district must submit
8 a required action plan to the state board of education for approval.
9 Unless otherwise required by subsection (3) of this section, the plan
10 must be submitted under a schedule as required by the state board. A
11 required action plan must be developed in collaboration with
12 administrators, teachers, and other staff, parents, unions representing
13 any employees within the district, students, and other representatives
14 of the local community.

15 (b) The superintendent of public instruction shall provide a
16 district with assistance in developing its plan if requested, and shall
17 develop and publish guidelines for the development of required action
18 plans. The superintendent of public instruction, in consultation with
19 the state board of education, shall also publish a list of research and
20 evidence-based school improvement models, consistent with turnaround
21 principles, that are approved for use in required action plans.

22 (c) The school board must conduct a public hearing to allow for
23 comment on a proposed required action plan. The local school district
24 shall submit the plan first to the office of the superintendent of
25 public instruction to review and approve that the plan is consistent
26 with federal and state guidelines, as applicable. After the office of
27 the superintendent of public instruction has approved that the plan is
28 consistent with federal and state guidelines, the local school district
29 must submit its required action plan to the state board of education
30 for approval.

31 (2) A required action plan must include all of the following:

32 (a) Implementation of ~~((one of the four federal intervention))~~ an
33 approved school improvement model~~((s))~~ required for the receipt of
34 ~~((a))~~ federal or state funds for school improvement ~~((grant,))~~ for
35 those persistently lowest-achieving schools that the district will be
36 focusing on for required action. ~~((However, a district may not~~
37 ~~establish a charter school under a federal intervention model without~~

1 ~~express legislative authority. The intervention models are the~~
2 ~~turnaround, restart, school closure, and transformation models.))~~ The
3 ~~((intervention))~~ approved school improvement model selected must
4 address the concerns raised in the academic performance audit and be
5 intended to improve student performance to allow a school district to
6 be removed from the list of districts designated as a required action
7 district by the state board of education within three years of
8 implementation of the plan. The required action plan for districts
9 with multiple persistently lowest-achieving schools must include
10 separate plans for each school as well as a plan for how the school
11 district will support the schools collectively;

12 (b) Submission of an application for ~~((a federal school improvement~~
13 ~~grant or a grant from other))~~ federal or state funds for school
14 improvement to the superintendent of public instruction;

15 (c) A budget that provides for adequate resources to implement the
16 ~~((federal))~~ model selected and any other requirements of the plan;

17 (d) A description of the changes in the district's or school's
18 existing policies, structures, agreements, processes, and practices
19 that are intended to attain significant achievement gains for all
20 students enrolled in the school and how the district intends to address
21 the findings of the academic performance audit; and

22 (e) Identification of the measures that the school district will
23 use in assessing student achievement at a school identified as a
24 persistently lowest-achieving school, which include closing the
25 educational opportunity gap, improving mathematics and reading or
26 English language arts student achievement, and improving graduation
27 rates as defined by the office of the superintendent of public
28 instruction that enable the school to no longer be identified as a
29 persistently lowest-achieving school.

30 (3)(a) For any district designated for required action, the parties
31 to any collective bargaining agreement negotiated, renewed, or extended
32 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the
33 agreement, or negotiate an addendum, if needed, to make changes to
34 terms and conditions of employment that are necessary to implement a
35 required action plan. For any district applying to participate in a
36 collaborative schools for innovation and success pilot project under
37 RCW 28A.630.104, the parties to any collective bargaining agreement
38 negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after

1 June 7, 2012, must reopen the agreement, or negotiate an addendum, if
2 needed, to make changes to terms and conditions of employment that are
3 necessary to implement an innovation and success plan.

4 (b) If the school district and the employee organizations are
5 unable to agree on the terms of an addendum or modification to an
6 existing collective bargaining agreement, the parties, including all
7 labor organizations affected under the required action plan, shall
8 request the public employment relations commission to, and the
9 commission shall, appoint an employee of the commission to act as a
10 mediator to assist in the resolution of a dispute between the school
11 district and the employee organizations. Beginning in 2011, and each
12 year thereafter, mediation shall commence no later than April 15th.
13 All mediations held under this section shall include the employer and
14 representatives of all affected bargaining units.

15 (c) If the executive director of the public employment relations
16 commission, upon the recommendation of the assigned mediator, finds
17 that the employer and any affected bargaining unit are unable to reach
18 agreement following a reasonable period of negotiations and mediation,
19 but by no later than May 15th of the year in which mediation occurred,
20 the executive director shall certify any disputed issues for a decision
21 by the superior court in the county where the school district is
22 located. The issues for determination by the superior court must be
23 limited to the issues certified by the executive director.

24 (d) The process for filing with the court in this subsection (3)(d)
25 must be used in the case where the executive director certifies issues
26 for a decision by the superior court.

27 (i) The school district shall file a petition with the superior
28 court, by no later than May 20th of the same year in which the issues
29 were certified, setting forth the following:

30 (A) The name, address, and telephone number of the school district
31 and its principal representative;

32 (B) The name, address, and telephone number of the employee
33 organizations and their principal representatives;

34 (C) A description of the bargaining units involved;

35 (D) A copy of the unresolved issues certified by the executive
36 director for a final and binding decision by the court; and

37 (E) The academic performance audit that the office of the
38 superintendent of public instruction completed for the school district

1 in the case of a required action district, or the comprehensive needs
2 assessment in the case of a collaborative schools for innovation and
3 success pilot project.

4 (ii) Within seven days after the filing of the petition, each party
5 shall file with the court the proposal it is asking the court to order
6 be implemented in a required action plan or innovation and success plan
7 for the district for each issue certified by the executive director.
8 Contemporaneously with the filing of the proposal, a party must file a
9 brief with the court setting forth the reasons why the court should
10 order implementation of its proposal in the final plan.

11 (iii) Following receipt of the proposals and briefs of the parties,
12 the court must schedule a date and time for a hearing on the petition.
13 The hearing must be limited to argument of the parties or their counsel
14 regarding the proposals submitted for the court's consideration. The
15 parties may waive a hearing by written agreement.

16 (iv) The court must enter an order selecting the proposal for
17 inclusion in a required action plan that best responds to the issues
18 raised in the school district's academic performance audit, and allows
19 for the award of (~~a federal school improvement grant or a grant from~~
20 ~~other~~) federal or state funds for school improvement to the district
21 from the office of the superintendent of public instruction to
22 implement (~~one of the four federal intervention~~) an approved school
23 improvement model(~~s~~). In the case of an innovation and success plan,
24 the court must enter an order selecting the proposal for inclusion in
25 the plan that best responds to the issues raised in the school's
26 comprehensive needs assessment. The court's decision must be issued no
27 later than June 15th of the year in which the petition is filed and is
28 final and binding on the parties; however the court's decision is
29 subject to appeal only in the case where it does not allow the school
30 district to implement a required action plan consistent with the
31 requirements for the award of (~~a federal school improvement grant or~~
32 ~~other~~) federal or state funds for school improvement by the
33 superintendent of public instruction.

34 (e) Each party shall bear its own costs and attorneys' fees
35 incurred under this statute.

36 (f) Any party that proceeds with the process in this section after
37 knowledge that any provision of this section has not been complied with

1 and who fails to state its objection in writing is deemed to have
2 waived its right to object.

3 (4) All contracts entered into between a school district and an
4 employee must be consistent with this section and allow school
5 districts designated as required action districts to implement (~~one of~~
6 ~~the four federal~~) an approved school improvement model(~~s~~) in a
7 required action plan.

8 **Sec. 6.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to
9 read as follows:

10 (1)(a) The local district superintendent and local school board of
11 a school district designated as a required action district must submit
12 a required action plan to the state board of education for approval.
13 Unless otherwise required by subsection (3) of this section, the plan
14 must be submitted under a schedule as required by the state board. A
15 required action plan must be developed in collaboration with
16 administrators, teachers, and other staff, parents, unions representing
17 any employees within the district, students, and other representatives
18 of the local community.

19 (b) The superintendent of public instruction shall provide a
20 district with assistance in developing its plan if requested, and shall
21 develop and publish guidelines for the development of required action
22 plans. The superintendent of public instruction, in consultation with
23 the state board of education, shall also publish a list of research and
24 evidence-based school improvement models, consistent with turnaround
25 principles, that are approved for use in required action plans.

26 (c) The school board must conduct a public hearing to allow for
27 comment on a proposed required action plan. The local school district
28 shall submit the plan first to the office of the superintendent of
29 public instruction to review and approve that the plan is consistent
30 with federal and state guidelines, as applicable. After the office of
31 the superintendent of public instruction has approved that the plan is
32 consistent with federal and state guidelines, the local school district
33 must submit its required action plan to the state board of education
34 for approval.

35 (2) A required action plan must include all of the following:

36 (a) Implementation of (~~one of the four federal intervention~~) an
37 approved school improvement model(~~s~~) required for the receipt of

1 ((a)) federal or state funds for school improvement (~~grant,~~) for
2 those persistently lowest-achieving schools that the district will be
3 focusing on for required action. (~~However, a district may not~~
4 ~~establish a charter school under a federal intervention model without~~
5 ~~express legislative authority. The intervention models are the~~
6 ~~turnaround, restart, school closure, and transformation models.)) The
7 (~~intervention~~) approved school improvement model selected must
8 address the concerns raised in the academic performance audit and be
9 intended to improve student performance to allow a school district to
10 be removed from the list of districts designated as a required action
11 district by the state board of education within three years of
12 implementation of the plan. The required action plan for districts
13 with multiple persistently lowest-achieving schools must include
14 separate plans for each school as well as a plan for how the school
15 district will support the schools collectively;~~

16 (b) Submission of an application for (~~a federal school improvement~~
17 ~~grant or a grant from other~~) federal or state funds for school
18 improvement to the superintendent of public instruction;

19 (c) A budget that provides for adequate resources to implement the
20 (~~federal~~) model selected and any other requirements of the plan;

21 (d) A description of the changes in the district's or school's
22 existing policies, structures, agreements, processes, and practices
23 that are intended to attain significant achievement gains for all
24 students enrolled in the school and how the district intends to address
25 the findings of the academic performance audit; and

26 (e) Identification of the measures that the school district will
27 use in assessing student achievement at a school identified as a
28 persistently lowest-achieving school, which include closing the
29 educational opportunity gap, improving mathematics and reading or
30 English language arts student achievement, and improving graduation
31 rates as defined by the office of the superintendent of public
32 instruction that enable the school to no longer be identified as a
33 persistently lowest-achieving school.

34 (3)(a) For any district designated for required action, the parties
35 to any collective bargaining agreement negotiated, renewed, or extended
36 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the
37 agreement, or negotiate an addendum, if needed, to make changes to

1 terms and conditions of employment that are necessary to implement a
2 required action plan.

3 (b) If the school district and the employee organizations are
4 unable to agree on the terms of an addendum or modification to an
5 existing collective bargaining agreement, the parties, including all
6 labor organizations affected under the required action plan, shall
7 request the public employment relations commission to, and the
8 commission shall, appoint an employee of the commission to act as a
9 mediator to assist in the resolution of a dispute between the school
10 district and the employee organizations. Beginning in 2011, and each
11 year thereafter, mediation shall commence no later than April 15th.
12 All mediations held under this section shall include the employer and
13 representatives of all affected bargaining units.

14 (c) If the executive director of the public employment relations
15 commission, upon the recommendation of the assigned mediator, finds
16 that the employer and any affected bargaining unit are unable to reach
17 agreement following a reasonable period of negotiations and mediation,
18 but by no later than May 15th of the year in which mediation occurred,
19 the executive director shall certify any disputed issues for a decision
20 by the superior court in the county where the school district is
21 located. The issues for determination by the superior court must be
22 limited to the issues certified by the executive director.

23 (d) The process for filing with the court in this subsection (3)(d)
24 must be used in the case where the executive director certifies issues
25 for a decision by the superior court.

26 (i) The school district shall file a petition with the superior
27 court, by no later than May 20th of the same year in which the issues
28 were certified, setting forth the following:

29 (A) The name, address, and telephone number of the school district
30 and its principal representative;

31 (B) The name, address, and telephone number of the employee
32 organizations and their principal representatives;

33 (C) A description of the bargaining units involved;

34 (D) A copy of the unresolved issues certified by the executive
35 director for a final and binding decision by the court; and

36 (E) The academic performance audit that the office of the
37 superintendent of public instruction completed for the school district.

1 (ii) Within seven days after the filing of the petition, each party
2 shall file with the court the proposal it is asking the court to order
3 be implemented in a required action plan for the district for each
4 issue certified by the executive director. Contemporaneously with the
5 filing of the proposal, a party must file a brief with the court
6 setting forth the reasons why the court should order implementation of
7 its proposal in the final plan.

8 (iii) Following receipt of the proposals and briefs of the parties,
9 the court must schedule a date and time for a hearing on the petition.
10 The hearing must be limited to argument of the parties or their counsel
11 regarding the proposals submitted for the court's consideration. The
12 parties may waive a hearing by written agreement.

13 (iv) The court must enter an order selecting the proposal for
14 inclusion in a required action plan that best responds to the issues
15 raised in the school district's academic performance audit, and allows
16 for the award of (~~a federal school improvement grant or a grant from~~
17 ~~other~~) federal or state funds for school improvement to the district
18 from the office of the superintendent of public instruction to
19 implement (~~one of the four federal intervention~~) an approved school
20 improvement model(~~s~~). The court's decision must be issued no later
21 than June 15th of the year in which the petition is filed and is final
22 and binding on the parties; however the court's decision is subject to
23 appeal only in the case where it does not allow the school district to
24 implement a required action plan consistent with the requirements for
25 the award of (~~a federal school improvement grant or other~~) federal or
26 state funds for school improvement by the superintendent of public
27 instruction.

28 (e) Each party shall bear its own costs and attorneys' fees
29 incurred under this statute.

30 (f) Any party that proceeds with the process in this section after
31 knowledge that any provision of this section has not been complied with
32 and who fails to state its objection in writing is deemed to have
33 waived its right to object.

34 (4) All contracts entered into between a school district and an
35 employee must be consistent with this section and allow school
36 districts designated as required action districts to implement (~~one of~~
37 ~~the four federal~~) an approved school improvement model(~~s~~) in a
38 required action plan.

1 **Sec. 7.** RCW 28A.657.060 and 2010 c 235 s 106 are each amended to
2 read as follows:

3 A required action plan developed by a district's school board and
4 superintendent must be submitted to the state board of education for
5 approval. The state board must accept for inclusion in any required
6 action plan the final decision by the superior court on any issue
7 certified by the executive director of the public employment relations
8 commission under the process in RCW 28A.657.050. The state board of
9 education shall approve a plan proposed by a school district only if
10 the plan meets the requirements in RCW 28A.657.050 and provides
11 sufficient remedies to address the findings in the academic performance
12 audit to improve student achievement. Any addendum or modification to
13 an existing collective bargaining agreement, negotiated under RCW
14 28A.657.050 or by agreement of the district and the exclusive
15 bargaining unit, related to student achievement or school improvement
16 shall not go into effect until approval of a required action plan by
17 the state board of education. If the state board does not approve a
18 proposed plan, it must notify the local school board and local
19 district's superintendent in writing with an explicit rationale for why
20 the plan was not approved. Nonapproval by the state board of education
21 of the local school district's initial required action plan submitted
22 is not intended to trigger any actions under RCW 28A.657.080. With the
23 assistance of the office of the superintendent of public instruction,
24 the superintendent and school board of the required action district
25 shall either: (~~(a)-(1)~~) (1) Submit a new plan to the state board
26 of education for approval within forty days of notification that its
27 plan was rejected, or (~~(b)-(2)~~) (2) submit a request to the
28 required action plan review panel established under RCW 28A.657.070 for
29 reconsideration of the state board's rejection within ten days of the
30 notification that the plan was rejected. If federal or state funds for
31 school improvement are not available, the plan is not required to be
32 implemented until such funding becomes available. If federal or state
33 funds for this purpose are available, a required action plan must be
34 implemented in the immediate school year following the district's
35 designation as a required action district.

36 **Sec. 8.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to
37 read as follows:

1 (1) A required action plan review panel shall be established to
2 offer an objective, external review of a request from a school district
3 for reconsideration of the state board of education's rejection of the
4 district's required action plan or reconsideration of a level two
5 required action plan developed only by the superintendent of public
6 instruction as provided under section 11 of this act. The review and
7 reconsideration by the panel shall be based on whether the state board
8 of education or the superintendent of public instruction gave
9 appropriate consideration to the unique circumstances and
10 characteristics identified in the academic performance audit or level
11 two needs assessment and review of the local school district (~~whose~~
12 ~~required action plan was rejected~~)).

13 (2)(a) The panel shall be composed of five individuals with
14 expertise in school improvement, school and school district
15 restructuring, or parent and community involvement in schools. Two of
16 the panel members shall be appointed by the speaker of the house of
17 representatives; two shall be appointed by the president of the senate;
18 and one shall be appointed by the governor.

19 (b) The speaker of the house of representatives, president of the
20 senate, and governor shall solicit recommendations for possible panel
21 members from the Washington association of school administrators, the
22 Washington state school directors' association, the association of
23 Washington school principals, the (~~achievement~~) educational
24 opportunity gap oversight and accountability committee, and
25 associations representing certificated teachers, classified school
26 employees, and parents.

27 (c) Members of the panel shall be appointed no later than December
28 1, 2010, but the superintendent of public instruction shall convene the
29 panel only as needed to consider a school district's request for
30 reconsideration. Appointments shall be for a four-year term, with
31 opportunity for reappointment. Reappointments in the case of a vacancy
32 shall be made expeditiously so that all requests are considered in a
33 timely manner.

34 (3)(a) In the case of a rejection of a required action plan, the
35 required action plan review panel may reaffirm the decision of the
36 state board of education, recommend that the state board reconsider the
37 rejection, or recommend changes to the required action plan that should
38 be considered by the district and the state board of education to

1 secure approval of the plan. The state board of education shall
2 consider the recommendations of the panel and issue a decision in
3 writing to the local school district and the panel. If the school
4 district must submit a new required action plan to the state board of
5 education, the district must submit the plan within forty days of the
6 board's decision.

7 (b) In the case of a level two required action plan where the local
8 school district and the superintendent of public instruction have not
9 come to agreement, the required action plan review panel may reaffirm
10 the level two required action plan submitted by the superintendent of
11 public instruction or recommend changes to the plan that should be
12 considered by the state board of education, the superintendent of
13 public instruction, and the local school district. The state board of
14 education shall consider the recommendations of the panel and issue a
15 decision in writing to the local school district, the superintendent of
16 public instruction, and the panel.

17 (4) The state board of education and superintendent of public
18 instruction must develop timelines and procedures for the deliberations
19 under this section so that school districts can implement a required
20 action plan within the time frame required under RCW 28A.657.060.

21 **Sec. 9.** RCW 28A.657.090 and 2010 c 235 s 109 are each amended to
22 read as follows:

23 A school district must implement a required action plan upon
24 approval by the state board of education. The office of (~~{the}~~) the
25 superintendent of public instruction must provide the required action
26 district with technical assistance and (~~{federal school improvement~~
27 ~~grant funds or other}~~) federal or state funds for school improvement,
28 if available, to implement an approved plan. The district must submit
29 a report to the superintendent of public instruction that provides the
30 progress the district is making in meeting the student achievement
31 goals based on the state's assessments, identifying strategies and
32 assets used to solve audit findings, and establishing evidence of
33 meeting plan implementation benchmarks as set forth in the required
34 action plan.

35 **Sec. 10.** RCW 28A.657.100 and 2010 c 235 s 110 are each amended to
36 read as follows:

1 (1) The superintendent of public instruction must provide a report
2 twice per year to the state board of education regarding the progress
3 made by all school districts designated as required action districts.

4 (2) The superintendent of public instruction must recommend to the
5 state board of education that a school district be released from the
6 designation as a required action district after the district implements
7 a required action plan for a period of three years; has made progress,
8 as defined by the superintendent of public instruction(~~(, in reading~~
9 ~~and mathematics on the state's assessment over the past three~~
10 ~~consecutive years)) using the criteria adopted under RCW 28A.657.020
11 including progress in closing the educational opportunity gap; and no
12 longer has a school within the district identified as persistently
13 lowest-achieving. The state board shall release a school district from
14 the designation as a required action district upon confirmation that
15 the district has met the requirements for a release.~~

16 (3) If the state board of education determines that the required
17 action district has not met the requirements for release(~~(7))~~ after at
18 least three years of implementing a required action plan, the board may
19 recommend that the district remain(~~(8))~~ in required action and (~~(must))~~
20 submit a new or revised plan under the process in RCW 28A.657.050, or
21 the board may direct that the school district be assigned to level two
22 of the required action process as provided in section 11 of this act.
23 If the required action district received a federal school improvement
24 grant for the same persistently lowest-achieving school in 2010 or
25 2011, the board may direct that the school district be assigned to
26 level two of the required action process after one year of implementing
27 a required action plan under this chapter if the district is not making
28 progress. Before making a determination of whether to recommend that
29 a school district that is not making progress remain in required action
30 or be assigned to level two of the required action process, the state
31 board of education must submit its findings to the education
32 accountability system oversight committee under section 13 of this act
33 and provide an opportunity for the oversight committee to review and
34 comment.

35 NEW SECTION. Sec. 11. A new section is added to chapter 28A.657
36 RCW to read as follows:

37 (1) School districts assigned by the state board of education to

1 level two of the required action process under this chapter are those
2 with one or more schools that have remained as persistently lowest-
3 achieving for more than three years and have not demonstrated recent
4 and significant improvement or progress toward exiting persistently
5 lowest-achieving status, despite implementation of a required action
6 plan.

7 (2) Within ninety days following assignment of a school district to
8 level two of the required action process, the superintendent of public
9 instruction shall direct that a needs assessment and review be
10 conducted to determine the reasons why the previous required action
11 plan did not succeed in improving student achievement.

12 (3)(a) Based on the results of the needs assessment and review, the
13 superintendent of public instruction shall work collaboratively with
14 the school district board of directors to develop a revised required
15 action plan for level two.

16 (b) The level two required action plan must explicitly address the
17 reasons why the previous plan did not succeed and must specify the
18 interventions that the school district must implement, which may
19 include assignment or reassignment of personnel, reallocation of
20 resources, use of specified curriculum or instructional strategies, use
21 of a specified school improvement model, or any other conditions
22 determined by the superintendent of public instruction to be necessary
23 for the level two required action plan to succeed, which conditions
24 shall be binding on the school district. The level two required action
25 plan shall also include the specific technical assistance and support
26 to be provided by the office of the superintendent of public
27 instruction, which may include assignment of school improvement
28 specialists to have a regular on-site presence in the school and
29 technical assistance provided through the educational service district.
30 Individuals assigned as on-site school improvement specialists must
31 have demonstrated experience in school turnaround and cultural
32 competence.

33 (c) The level two required action plan must be submitted to the
34 state board of education for approval.

35 (4) If the superintendent of public instruction and the school
36 district board of directors are unable to come to an agreement on a
37 level two required action plan within ninety days of the completion of
38 the needs assessment and review conducted under subsection (2) of this

1 section, the superintendent of public instruction shall complete and
2 submit a level two required action plan directly to the state board of
3 education for approval. The school district board of directors may
4 submit a request to the required action plan review panel established
5 under RCW 28A.657.070 for reconsideration of the superintendent's level
6 two required action plan within ten days of the submission of the plan
7 to the state board of education. After the state board of education
8 considers the recommendations of the required action plan review panel,
9 the decision of the board regarding the level two required action plan
10 is final and not subject to further reconsideration.

11 (5) If changes to a collective bargaining agreement are necessary
12 to implement a level two required action plan, the parties must reopen
13 the agreement, or negotiate an addendum, using the process outlined
14 under RCW 28A.657.050. If the level two required action plan is
15 developed by the superintendent of public instruction under subsection
16 (4) of this section, a designee of the superintendent shall participate
17 in the discussions among the parties to the collective bargaining
18 agreement.

19 (6) While a school district is assigned to level two of the
20 required action process under this chapter, the superintendent of
21 public instruction is responsible and accountable for assuring that the
22 level two required action plan is implemented with fidelity. The
23 superintendent of public instruction shall defer to the school district
24 board of directors as the governing authority of the school district
25 and continue to work in partnership with the school district to
26 implement the level two required action plan. However, if the
27 superintendent of public instruction finds that the level two required
28 action plan is not being implemented as specified, including the
29 implementation of any binding conditions within the plan, the
30 superintendent may direct actions that must be taken by school district
31 personnel to implement the level two required action plan or the
32 binding conditions. If necessary, the superintendent of public
33 instruction may exercise authority under RCW 28A.505.120 regarding
34 allocation of funds.

35 (7) The superintendent of public instruction shall include in the
36 budget estimates and information submitted to the governor under RCW
37 28A.300.170 a request for sufficient funds to support implementation of
38 the level two required action plans established under this section.

1 (8) The superintendent of public instruction must recommend to the
2 state board of education that a school district be released from
3 assignment to level two of the required action process after the
4 district implements the level two required action plan for a period of
5 three years; has made progress, as defined by the superintendent of
6 public instruction using the criteria established under RCW
7 28A.657.020; and no longer has a school within the district identified
8 as persistently lowest-achieving. The state board of education shall
9 release a school district from the level two assignment upon
10 confirmation that the school district has met the requirements for a
11 release.

12 **Sec. 12.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to
13 read as follows:

14 (1) By November 1, 2013, the state board of education shall
15 ((continue to refine the development of)) propose rules for adoption
16 establishing an accountability framework that creates a unified system
17 of support for challenged schools((7)) that aligns with basic
18 education, increases the level of support based upon the magnitude of
19 need, and uses data for decisions. The board must seek input from the
20 public and interested groups in developing the framework. Based on the
21 framework, the superintendent of public instruction shall design a
22 comprehensive system of specific strategies for recognition, provision
23 of differentiated support and targeted assistance, and, if necessary,
24 requiring intervention in schools and school districts. The
25 superintendent shall submit the system design to the state board of
26 education for review. The state board of education shall recommend
27 approval or modification of the system design to the superintendent no
28 later than January 1, 2014, and the system must be implemented
29 statewide no later than the 2014-15 school year. To the extent state
30 funds are appropriated for this purpose, the system must apply equally
31 to Title I, Title I-eligible, and non-Title I schools in the state.

32 (2) The state board of education shall develop ((an
33 accountability)) a Washington achievement index to identify schools and
34 school districts for recognition, for continuous improvement, and for
35 additional state support. The index shall be based on criteria that
36 are fair, consistent, and transparent. Performance shall be measured
37 using multiple outcomes and indicators including, but not limited to,

1 graduation rates and results from statewide assessments. The index
2 shall be developed in such a way as to be easily understood by both
3 employees within the schools and school districts, as well as parents
4 and community members. It is the legislature's intent that the index
5 provide feedback to schools and school districts to self-assess their
6 progress, and enable the identification of schools with exemplary
7 ((~~student~~)) performance and those that need assistance to overcome
8 challenges in order to achieve exemplary ((~~student~~)) performance.

9 (3) The state board of education, in cooperation with the office of
10 the superintendent of public instruction, shall annually recognize
11 schools for exemplary performance as measured on the ((~~state board of~~
12 ~~education accountability~~)) Washington achievement index. The state
13 board of education shall have ongoing collaboration with the
14 ((~~achievement~~)) educational opportunity gap oversight and
15 accountability committee regarding the measures used to measure the
16 closing of the achievement gaps and the recognition provided to the
17 school districts for closing the achievement gaps.

18 (4) In coordination with the superintendent of public instruction,
19 the state board of education shall seek approval from the United States
20 department of education for use of the ((~~accountability~~)) Washington
21 achievement index and the state system of differentiated support,
22 assistance, and intervention((~~7~~)) to replace the federal accountability
23 system under P.L. 107-110, the no child left behind act of 2001.

24 (5) The state board of education shall work with the education data
25 center established within the office of financial management and the
26 technical working group established in ((~~section 112, chapter 548, Laws~~
27 ~~of 2009~~)) RCW 28A.290.020 to determine the feasibility of using the
28 prototypical funding allocation model as not only a tool for allocating
29 resources to schools and school districts but also as a tool for
30 schools and school districts to report to the state legislature and the
31 state board of education on how the state resources received are being
32 used.

33 NEW SECTION. Sec. 13. A new section is added to chapter 28A.657
34 RCW to read as follows:

35 (1) The education accountability system oversight committee is
36 established to provide ongoing monitoring of the outcomes of the

1 comprehensive system of recognition, support, and intervention for
2 schools and school districts established under this chapter.

3 (2) The oversight committee shall be composed of the following
4 members:

5 (a) Two members from each of the largest caucuses of the house of
6 representatives, to be appointed by the speaker of the house of
7 representatives;

8 (b) Two members from each of the largest caucuses of the senate, to
9 be appointed by the president of the senate;

10 (c) Two members appointed by the governor; and

11 (d) One nonlegislative member of the educational opportunity gap
12 oversight and accountability committee.

13 (3) The oversight committee shall choose a chair from among its
14 membership who shall serve as chair for no more than one consecutive
15 year.

16 (4) The committee shall:

17 (a) Monitor the progress and outcomes of the education
18 accountability system established under this chapter, including but not
19 limited to the effectiveness in improving student achievement of the
20 tiered system of assistance and intervention provided to challenged
21 schools in need of improvement, persistently lowest-achieving schools
22 in required action districts, and level two required action districts;

23 (b) Review and make recommendations to the state board of education
24 regarding the proposed assignment of a required action district to
25 level two of the required action process under section 11 of this act;

26 (c) Make recommendations to the state board of education, the
27 superintendent of public instruction, the governor, and the legislature
28 as necessary if the oversight committee finds that changes to the
29 accountability system should be made; and

30 (d) Report biennially to the education committees of the
31 legislature.

32 (5) Staff support for the oversight committee must be provided by
33 the senate committee services and the house of representatives office
34 of program research.

35 (6) Legislative members of the oversight committee may be
36 reimbursed for travel expenses in accordance with RCW 44.04.120.
37 Nonlegislative members are entitled to be reimbursed for travel
38 expenses in accordance with RCW 43.03.050 and 43.03.060.

1 NEW SECTION. **Sec. 14.** RCW 28A.657.125 (Joint select committee on
2 education accountability--Reports) and 2010 c 235 s 114 are each
3 repealed.

4 NEW SECTION. **Sec. 15.** Section 5 of this act expires June 30,
5 2019.

6 NEW SECTION. **Sec. 16.** Section 6 of this act takes effect June 30,
7 2019.

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