
HOUSE BILL 1807

State of Washington

58th Legislature

2003 Regular Session

By Representatives Talcott, Moeller, Tom, Anderson, Schindler, Ahern and Holmquist

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1 AN ACT Relating to student achievement and accountability; amending
2 RCW 28A.165.030, 28A.165.060, 28A.165.070, 28A.505.120, 28A.505.210,
3 and 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.** A new section is added to chapter 28A.655
7 RCW to read as follows:

8 The legislature finds that, in order to raise student achievement
9 to and beyond state standards, schools and school districts need
10 predictable and sustainable funding that is not reduced when
11 achievement and improvement goals are met. The legislature also finds
12 that, in order to unify programs that assist struggling students while
13 saving time and resources, schools and districts need relief from laws
14 and rules that inhibit flexibility and creative problem solving. In
15 addition, schools and districts should have complete flexibility in the
16 use of state student assistance funds as long as the schools and
17 districts are meeting state academic and improvement goals. The
18 legislature further finds that, once schools and districts have these
19 tools, the state should hold them accountable for meeting state student

1 learning goals, using an accountability system that is aligned to the
2 accountability provisions in the federal "no child left behind act of
3 2001."

4 Therefore, the legislature intends to help schools and districts in
5 their efforts to raise student achievement by combining state and
6 federal assistance programs, removing state rules that inhibit
7 flexibility in those programs, and aligning the state accountability
8 system with the provisions in federal law.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.655
10 RCW to read as follows:

11 The purpose of the learning assistance program in chapter 28A.165
12 RCW and student achievement funds under RCW 28A.505.210 is to help all
13 students meet or exceed the state's academic standards.

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

16 SCHOOL IMPROVEMENT PLANS AND CORRECTIVE ACTIONS. (1) When a school or
17 school district is identified for school improvement under state or
18 federal law, the school district shall:

- 19 (a) Make public the list of schools so identified;
- 20 (b) With the assistance of parents, school and district staff,
21 interested members of the community, and the superintendent of public
22 instruction, help the identified school or identified district perform
23 an educational audit and develop or revise an improvement plan;
- 24 (c) Approve each school's improvement plan;
- 25 (d) Offer students in the identified school or identified district
26 an opportunity to move to another school or district that is not so
27 identified, and provide transportation to the new school or district;
- 28 and
- 29 (e) Subject to funding provided for this purpose by the state or
30 federal government, provide supplemental services to eligible students.

31 (2) When a school is identified for corrective action under state
32 or federal law, in addition to the provisions of subsection (1) of this
33 section, the superintendent of public instruction shall work with the
34 school and the school district to implement one or more of the
35 following actions:

- 36 (a) Provision of an outside expert adviser for the school;

1 (b) Public notification of the decision to put the school under
2 corrective action;

3 (c) Implementation of a new curriculum, including the provision of
4 professional development for teachers and paraeducators responsible for
5 helping students learn the curriculum;

6 (d) Revision of the school's internal organization;

7 (e) Reduction of the authority of principals and others making
8 decisions on the management of the identified school;

9 (f) Replacement of school staff; or

10 (g) Extension of the school day or school year.

11 (3) When a school district is identified for corrective action
12 under state or federal law, in addition to the provisions of subsection
13 (1) of this section, the superintendent of public instruction shall
14 work with the district to implement one or more of the following
15 actions:

16 (a) Deferment, withholding, or reduction of federal and nonbasic
17 education state funds;

18 (b) Implementation of a new curriculum, including the provision of
19 professional development for staff; or

20 (c) Replacement of district personnel.

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

23 Beginning January 1, 2004, a board of school directors may not
24 enter or extend any contract or agreement that prevents or inhibits the
25 implementation of any of the provisions of section 3 of this act for a
26 school or district identified for school improvement or corrective
27 action.

28 **Sec. 5.** RCW 28A.165.030 and 1999 c 78 s 1 are each amended to read
29 as follows:

30 Unless the context clearly indicates otherwise the definitions in
31 this section apply throughout RCW 28A.165.010 through 28A.165.090.

32 (1) "Basic skills" means reading, mathematics, and language arts as
33 well as readiness activities associated with such skills.

34 (2) "Placement testing" means the administration of objective
35 measures by a school district for the purposes of diagnosing the basic
36 skills achievement levels, determining the basic skills areas of

1 greatest need, and establishing the learning assistance needs of
2 individual students in conformance with instructions established by the
3 superintendent of public instruction for such purposes.

4 (3) "Approved program" means a program conducted pursuant to a plan
5 submitted by a district and approved by the superintendent of public
6 instruction under RCW 28A.165.040.

7 (4) "Participating student" means a student in kindergarten through
8 grade (~~(nine)~~) twelve who scores below grade level in basic skills, as
9 determined by placement testing, and who is identified under RCW
10 28A.165.050 to receive additional services or support under an approved
11 program.

12 (5) "Basic skills tests" means (~~(statewide)~~) tests (~~(at the third~~
13 ~~grade level)~~) established pursuant to (~~(RCW 28A.230.190 and eighth~~
14 ~~grade level established pursuant to RCW 28A.230.230)~~) district
15 policies, and state and federal law.

16 **Sec. 6.** RCW 28A.165.060 and 1989 c 233 s 3 are each amended to
17 read as follows:

18 Services or activities (~~(which)~~) that may be supported under an
19 approved program of learning assistance shall (~~(include but not be~~
20 ~~limited to:~~

21 ~~(1) Consultant teachers to assist classroom teachers in meeting the~~
22 ~~needs of participating students;~~

23 ~~(2) Instructional support staff and instructional assistants to~~
24 ~~assist classroom teachers in meeting the needs of participating~~
25 ~~students;~~

26 ~~(3) In service training for classroom teachers, instructional~~
27 ~~support staff, and instructional assistants in multicultural~~
28 ~~differences and the identification of learning problems or in~~
29 ~~instructional methods for teaching students with learning problems;~~

30 ~~(4) Special instructional programs for participating students, of~~
31 ~~sufficient size, scope, and quality to address the needs of these~~
32 ~~students and to give reasonable promise of substantial progress toward~~
33 ~~meeting their educational objectives;~~

34 ~~(5) Tutoring assistance during or after school or on Saturday~~
35 ~~provided by instructional support staff, a student tutor, teacher, or~~
36 ~~instructional assistant;~~

37 ~~(6) In service training for parents of participating students; and~~

1 ~~(7) Counseling, with an emphasis on services for elementary~~
2 ~~students who are in need of learning assistance, provided by~~
3 ~~instructional support staff such as school counselors, school~~
4 ~~psychologists, school nurses, and school social workers. Pursuant to~~
5 ~~the provisions of section 4(2) of this act, learning assistance funds~~
6 ~~may be used to provide counseling for students who in the absence of~~
7 ~~counseling would likely become in need of such learning assistance))~~
8 emphasize best practices and research-based activities and
9 instructional techniques that have been proven effective in raising
10 student achievement.

11 **Sec. 7.** RCW 28A.165.070 and 1995 1st sp.s. c 13 s 1 are each
12 amended to read as follows:

13 Each school district which has established an approved program
14 shall be eligible, as determined by the superintendent of public
15 instruction, for state funds made available for the purposes of such
16 programs.

17 (1) For the (~~1995-96~~) 2003-04 school year and thereafter, the
18 superintendent of public instruction shall distribute funds
19 appropriated for the learning assistance program in accordance with the
20 biennial appropriations act. The distribution formula shall be based
21 upon (~~an assessment of students and~~) student enrollment weighted by
22 a poverty factor.

23 ~~(2) ((The distribution of funds is for allocation purposes only.~~

24 ~~(3) The superintendent of public instruction shall recommend to the~~
25 ~~legislature a new allocation formula that uses additional elements~~
26 ~~consistent with performance based education and the new assessment~~
27 ~~system developed by the commission on student learning. The~~
28 ~~superintendent of public instruction shall develop the recommendations~~
29 ~~for a new allocation formula not later than the 1997-98 school year,~~
30 ~~based upon the initial implementation of the assessment system for~~
31 ~~reading, writing, communication, and mathematics.))~~ School districts
32 are strongly encouraged to provide the schools in their districts with
33 stable funding from this program and to refrain from reducing funding
34 when achievement and improvement goals are met by a school.

35 **Sec. 8.** RCW 28A.505.120 and 1975-'76 2nd ex.s. c 118 s 12 are each
36 amended to read as follows:

1 If a local school district fails to comply with any binding
2 restrictions issued by the superintendent of public instruction, the
3 allocation of state funds for support of the local school district may
4 be withheld, pending an investigation of the reason for such
5 noncompliance by the office of the superintendent of public
6 instruction. Written notice of the intent to withhold state funds,
7 with reasons stated for this action, shall be made to the school
8 district by the office of the superintendent of public instruction
9 before any portion of the state allocation is withheld.

10 The superintendent of public instruction may withhold, reduce, or
11 defer the allocation of all or a portion of federal and nonbasic
12 education state funding from a school district in corrective action, as
13 provided in section 3(3) of this act.

14 **Sec. 9.** RCW 28A.505.210 and 2001 c 3 s 3 are each amended to read
15 as follows:

16 (1) School districts shall have the authority to decide the best
17 use of student achievement funds to assist students in meeting and
18 exceeding the new, higher academic standards in each district
19 consistent with the provisions of chapter 3, Laws of 2001.

20 ~~((1) Student achievement funds shall be allocated for the~~
21 ~~following uses:~~

22 ~~(a) To reduce class size by hiring certificated elementary~~
23 ~~classroom teachers in grades K-4 and paying nonemployee related costs~~
24 ~~associated with those new teachers;~~

25 ~~(b) To make selected reductions in class size in grades 5-12, such~~
26 ~~as small high school writing classes;~~

27 ~~(c) To provide extended learning opportunities to improve student~~
28 ~~academic achievement in grades K-12, including, but not limited to,~~
29 ~~extended school year, extended school day, before and after school~~
30 ~~programs, special tutoring programs, weekend school programs, summer~~
31 ~~school, and all day kindergarten;~~

32 ~~(d) To provide additional professional development for educators,~~
33 ~~including additional paid time for curriculum and lesson redesign and~~
34 ~~alignment, training to ensure that instruction is aligned with state~~
35 ~~standards and student needs, reimbursement for higher education costs~~
36 ~~related to enhancing teaching skills and knowledge, and mentoring~~
37 ~~programs to match teachers with skilled, master teachers. The funding~~

1 ~~shall not be used for salary increases or additional compensation for~~
2 ~~existing teaching duties, but may be used for extended year and~~
3 ~~extended day teaching contracts;~~

4 ~~(e) To provide early assistance for children who need~~
5 ~~prekindergarten support in order to be successful in school;~~

6 ~~(f) To provide improvements or additions to school building~~
7 ~~facilities which are directly related to the class size reductions and~~
8 ~~extended learning opportunities under (a) through (c) of this~~
9 ~~subsection.))~~

10 (2) Annually on or before May 1st, the school district board of
11 directors shall meet at the time and place designated for the purpose
12 of a public hearing on the proposed use of these funds to improve
13 student achievement for the coming year. Any person may appear or by
14 written submission have the opportunity to comment on the proposed plan
15 for the use of these funds. No later than August 31st, as a part of
16 the process under RCW 28A.505.060, each school district shall adopt a
17 plan for the use of these funds for the upcoming school year.
18 Annually, each school district shall provide to the citizens of their
19 district a public accounting of the funds made available to the
20 district during the previous school year under chapter 3, Laws of 2001,
21 how the funds were used, and the progress the district has made in
22 increasing student achievement, as measured by required state
23 assessments and other assessments deemed appropriate by the district.
24 Copies of this report shall be provided to the superintendent of public
25 instruction and to the academic achievement and accountability
26 commission.

27 **Sec. 10.** RCW 28A.655.030 and 2002 c 37 s 1 are each amended to
28 read as follows:

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

32 (1) For purposes of statewide accountability, the commission shall:
33 (a) Adopt and revise performance improvement goals in reading,
34 writing, science, and mathematics by subject and grade level as the
35 commission deems appropriate to improve student learning, once
36 assessments in these subjects are required statewide. The goals shall
37 be consistent with student privacy protection provisions of RCW

1 28A.655.090(7) and shall not conflict with requirements contained in
2 Title I of the federal elementary and secondary education act of 1965,
3 as amended. The goals may be established for all students,
4 economically disadvantaged students, limited English proficient
5 students, students with disabilities, and students from
6 disproportionately academically underachieving racial and ethnic
7 backgrounds. The commission may establish school and school district
8 goals addressing high school graduation rates and dropout reduction
9 goals for students in grades seven through twelve. (~~The goals shall
10 be in addition to any goals adopted in RCW 28A.655.050. The commission
11 may also revise any goal adopted in RCW 28A.655.050.~~) The commission
12 shall adopt the goals by rule. However, before each goal is
13 implemented, the commission shall present the goal to the education
14 committees of the house of representatives and the senate for the
15 committees' review and comment in a time frame that will permit the
16 legislature to take statutory action on the goal if such action is
17 deemed warranted by the legislature;

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

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

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

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

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

5 When determining the baseline year or years for recognizing
6 individual schools, the commission may use the assessment results from
7 the initial years the assessments were administered, if doing so with
8 individual schools would be appropriate;

9 (d) Adopt objective, systematic criteria to identify schools and
10 school districts in need of assistance and those in which significant
11 numbers of students persistently fail to meet state standards. In its
12 deliberations, the commission shall consider the use of all statewide
13 mandated criterion-referenced and norm-referenced standardized tests;

14 (e) Identify, based on state and federal criteria and available
15 appropriations, schools and school districts ((in which state
16 intervention measures will be needed and a range of appropriate
17 intervention strategies, beginning no earlier than June 30, 2001, and
18 after the legislature has authorized a set of intervention strategies.
19 Beginning no earlier than June 30, 2001, and after the legislature has
20 authorized a set of intervention strategies, at the request of the
21 commission,)) for school improvement and corrective action. The
22 superintendent shall ((intervene in)) provide assistance as identified
23 under section 3 of this act to the school or school district ((and take
24 corrective actions. This chapter does not provide additional authority
25 for the commission or the superintendent of public instruction to
26 intervene in a school or school district)) so identified;

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

29 (g) Annually review the assessment reporting system to ensure
30 fairness, accuracy, timeliness, and equity of opportunity, especially
31 with regard to schools with special circumstances and unique
32 populations of students, and ((a recommendation)) recommend to the
33 superintendent of public instruction ((of)) any improvements needed to
34 the system;

35 (h) Annually report by December 1st to the legislature, the
36 governor, the superintendent of public instruction, and the state board
37 of education on the progress, findings, and recommendations of the

1 commission. The report may include recommendations of actions to help
2 improve student achievement;

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

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

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

12 (l) Establish advisory committees, which may include persons who
13 are not members of the commission;

14 (2) Holding meetings and public hearings, which may include
15 regional meetings and hearings;

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

28 (4) Receiving per diem and travel allowances as permitted under RCW
29 43.03.050 and 43.03.060.

30 NEW SECTION. **Sec. 11.** Captions used in this act are not any part
31 of the law.

32 NEW SECTION. **Sec. 12.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

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