
HOUSE BILL 3073

State of Washington

58th Legislature

2004 Regular Session

By Representatives Quall, Talcott, Rockefeller, Sullivan and Upthegrove; by request of Academic Achievement and Accountability Commission

Read first time 01/27/2004. Referred to Committee on Education.

1 AN ACT Relating to alignment of state and federal educational
2 accountability systems; amending RCW 28A.300.040, 28A.655.030, and
3 28A.655.010; and adding a new section to chapter 28A.300 RCW.

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

5 **Sec. 1.** RCW 28A.300.040 and 1999 c 348 s 6 are each amended to
6 read as follows:

7 In addition to any other powers and duties as provided by law, the
8 powers and duties of the superintendent of public instruction shall be:

9 (1) To have supervision over all matters pertaining to the public
10 schools of the state;

11 (2) To report to the governor and the legislature such information
12 and data as may be required for the management and improvement of the
13 schools;

14 (3) To prepare and have printed such forms, registers, courses of
15 study, rules for the government of the common schools, and such other
16 material and books as may be necessary for the discharge of the duties
17 of teachers and officials charged with the administration of the laws
18 relating to the common schools, and to distribute the same to
19 educational service district superintendents;

1 (4) To travel, without neglecting his or her other official duties
2 as superintendent of public instruction, for the purpose of attending
3 educational meetings or conventions, of visiting schools, of consulting
4 educational service district superintendents or other school officials;

5 (5) To prepare and from time to time to revise a manual of the
6 Washington state common school code, copies of which shall be provided
7 in such numbers as determined by the superintendent of public
8 instruction at no cost to those public agencies within the common
9 school system and which shall be sold at approximate actual cost of
10 publication and distribution per volume to all other public and
11 nonpublic agencies or individuals, said manual to contain Titles 28A
12 and 28C RCW, rules related to the common schools, and such other matter
13 as the state superintendent or the state board of education shall
14 determine. Proceeds of the sale of such code shall be transmitted to
15 the public printer who shall credit the state superintendent's account
16 within the state printing plant revolving fund by a like amount;

17 (6) To act as ex officio member and the chief executive officer of
18 the state board of education;

19 (7) To file all papers, reports and public documents transmitted to
20 the superintendent by the school officials of the several counties or
21 districts of the state, each year separately. Copies of all papers
22 filed in the superintendent's office, and the superintendent's official
23 acts, may, or upon request, shall be certified by the superintendent
24 and attested by the superintendent's official seal, and when so
25 certified shall be evidence of the papers or acts so certified to;

26 (8) To require annually, on or before the 15th day of August, of
27 the president, manager, or principal of every educational institution
28 in this state, a report as required by the superintendent of public
29 instruction; and it is the duty of every president, manager or
30 principal, to complete and return such forms within such time as the
31 superintendent of public instruction shall direct;

32 (9) To keep in the superintendent's office a record of all teachers
33 receiving certificates to teach in the common schools of this state;

34 (10) To issue certificates as provided by law;

35 (11) To keep in the superintendent's office at the capital of the
36 state, all books and papers pertaining to the business of the
37 superintendent's office, and to keep and preserve in the

1 superintendent's office a complete record of statistics, as well as a
2 record of the meetings of the state board of education;

3 (12) With the assistance of the office of the attorney general, to
4 decide all points of law which may be submitted to the superintendent
5 in writing by any educational service district superintendent, or that
6 may be submitted to the superintendent by any other person, upon appeal
7 from the decision of any educational service district superintendent;
8 and the superintendent shall publish his or her rulings and decisions
9 from time to time for the information of school officials and teachers;
10 and the superintendent's decision shall be final unless set aside by a
11 court of competent jurisdiction;

12 (13) To administer oaths and affirmations in the discharge of the
13 superintendent's official duties;

14 (14) To deliver to his or her successor, at the expiration of the
15 superintendent's term of office, all records, books, maps, documents
16 and papers of whatever kind belonging to the superintendent's office or
17 which may have been received by the superintendent's for the use of the
18 superintendent's office;

19 (15) To administer family services and programs to promote the
20 state's policy as provided in RCW 74.14A.025;

21 (16)(a) To intervene at the request of the academic achievement and
22 accountability commission in school districts that meet the following
23 criteria:

24 (i) School districts that are served under Title I of the federal
25 elementary and secondary education act of 1965, as amended, and in
26 which a significant proportion of students persistently do not meet
27 state academic standards; or

28 (ii) School districts that did not carry out their responsibilities
29 under subsection (b) of section 1116 of P.L. 107-110, the no child left
30 behind act of 2001.

31 (b) The superintendent shall determine, in consultation with
32 affected school districts, the interventions that are appropriate and
33 that are in compliance with state law to assist the school district in
34 removing obstacles and providing support to make the necessary changes
35 to achieve improvement in student academic performance. Intensity of
36 interventions shall represent graduated levels of interventions as
37 identified in RCW 28A.655.010(5);

38 (17) To perform such other duties as may be required by law.

1 **Sec. 2.** RCW 28A.655.030 and 2002 c 37 s 1 are each amended to read
2 as follows:

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

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

7 (a) Adopt and revise performance improvement goals in reading,
8 writing, science, and mathematics by subject and grade level as the
9 commission deems appropriate to improve student learning, once
10 assessments in these subjects are required statewide. The goals shall
11 be consistent with student privacy protection provisions of RCW
12 28A.655.090(7) and shall not conflict with requirements contained in
13 Title I of the federal elementary and secondary education act of 1965,
14 as amended. The goals may be established for all students,
15 economically disadvantaged students, limited English proficient
16 students, students with disabilities, and students from
17 disproportionately academically underachieving racial and ethnic
18 backgrounds. The commission may establish school and school district
19 goals addressing high school graduation rates and dropout reduction
20 goals for students in grades seven through twelve. The goals shall be
21 in addition to any goals adopted in RCW 28A.655.050. The commission
22 may also revise any goal adopted in RCW 28A.655.050. The commission
23 shall adopt the goals by rule. However, before each goal is
24 implemented, the commission shall present the goal to the education
25 committees of the house of representatives and the senate for the
26 committees' review and comment in a time frame that will permit the
27 legislature to take statutory action on the goal if such action is
28 deemed warranted by the legislature;

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

37 (c) Adopt objective, systematic criteria to identify successful
38 schools and school districts and recommend to the superintendent of

1 public instruction schools and districts to be recognized for two types
2 of accomplishments, student achievement and improvements in student
3 achievement. Recognition for improvements in student achievement shall
4 include consideration of one or more of the following accomplishments:

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

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

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

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

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

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

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

36 (g) Annually review the assessment reporting system to ensure
37 fairness, accuracy, timeliness, and equity of opportunity, especially

1 with regard to schools with special circumstances and unique
2 populations of students, and a recommendation to the superintendent of
3 public instruction of any improvements needed to the system;

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

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

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

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

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

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

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

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

36 **Sec. 3.** RCW 28A.655.010 and 1993 c 336 s 201 are each amended to
37 read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout RCW ~~((28A.630.885))~~ 28A.655.030,
3 28A.655.060, 28A.300.040, and 28A.300.130.

4 ~~((1))~~ ~~((("Commission" means the commission on student learning created~~
5 ~~in RCW 28A.630.885.~~

6 ~~(+2))~~ "Student learning goals" ~~((mean[s]))~~ means the goals
7 established in RCW 28A.150.210.

8 ~~((+3))~~ (2) "Essential academic learning requirements" means more
9 specific academic and technical skills and knowledge, based on the
10 student learning goals, as determined under RCW ~~((28A.630.885))~~
11 28A.655.060(3)(a). Essential academic learning requirements shall not
12 limit the instructional strategies used by schools or school districts
13 or require the use of specific curriculum.

14 ~~((+4))~~ (3) "Performance standards" or "standards" means the
15 criteria used to determine if a student has successfully learned the
16 specific knowledge or skill being assessed as determined under RCW
17 ~~((28A.630.885))~~ 28A.655.060(3)(b). The standards should be set at
18 internationally competitive levels.

19 ~~((+5))~~ (4) "Assessment system" or "student assessment system"
20 means a series of assessments used to determine if students have
21 successfully learned the essential academic learning requirements. The
22 assessment system shall be developed under RCW ~~((28A.630.885))~~
23 28A.655.060(3)(b).

24 (5) "Intervene" or "state intervention measures" means any of the
25 actions listed in (a) through (g) of this subsection taken by the
26 superintendent of public instruction in a school district or in a
27 school in consultation with the school district in which a significant
28 proportion of students persistently do not meet state academic
29 standards. Interventions described in (a) through (c) of this
30 subsection are deemed initial interventions and include the
31 interventions designed to assist the school district in removing
32 obstacles that are preventing improvements. Initial interventions
33 shall be implemented when interventions are required. If a significant
34 proportion of students continue to fail to meet standards,
35 interventions in (d) through (g) of this subsection shall be
36 implemented as appropriate.

37 (a) Jointly develop a school district or specific school

1 performance agreement after completing an educational audit that
2 targets improvements needed to support an increase in students meeting
3 state academic standards;

4 (b) Instituting and fully implementing a new curriculum in a
5 specific content area that is based on state and local academic content
6 and achievement standards;

7 (c) Providing appropriate professional development based on
8 scientifically based research for all relevant staff, that offers
9 substantial promise of improving educational achievement for low-
10 achieving students;

11 (d) Deferring programmatic funds or reducing administrative funds;

12 (e) Working in consultation with the local school board, replacing
13 the school district personnel who are relevant to the failure to make
14 adequate yearly progress;

15 (f) Working in consultation with the local school board, removing
16 particular schools from the jurisdiction of the school district and
17 establishing alternative arrangements for public governance and
18 supervision of such schools;

19 (g) Working in consultation with the local school board,
20 restructuring the school district.

21 (6) "Performance-based education system" means an education system
22 in which a significantly greater emphasis is placed on how well
23 students are learning, and significantly less emphasis is placed on
24 state-level laws and rules that dictate how instruction is to be
25 provided. The performance-based education system does not require that
26 schools use an outcome-based instructional model. Decisions regarding
27 how instruction is provided are to be made, to the greatest extent
28 possible, by schools and school districts, not by the state.

29 NEW SECTION. Sec. 4. A new section is added to chapter 28A.300
30 RCW to read as follows:

31 The superintendent of public instruction may adopt rules under
32 chapter 34.05 RCW to implement this act.

33 NEW SECTION. Sec. 5. If any provision of this act or its
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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