

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2167

Chapter 191, Laws of 2014

(partial veto)

63rd Legislature
2014 Regular Session

K-12 EDUCATION--CHALLENGED SCHOOLS

EFFECTIVE DATE: 06/12/14

Passed by the House February 11, 2014
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 6, 2014
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 2, 2014, 3:50 p.m., with
the exception of Section 2, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is **HOUSE
BILL 2167** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 4, 2014

**Secretary of State
State of Washington**

HOUSE BILL 2167

Passed Legislature - 2014 Regular Session

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Lytton, Haigh, Magendanz, Kagi, Dahlquist, and Carlyle; by request of Superintendent of Public Instruction

Prefiled 01/07/14. Read first time 01/13/14. Referred to Committee on Education.

1 AN ACT Relating to changing the date by which challenged schools
2 are identified; amending RCW 28A.657.020; and declaring an emergency.

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

4 **Sec. 1.** RCW 28A.657.020 and 2013 c 159 s 3 are each amended to
5 read as follows:

6 (1) Beginning in 2010, and each year thereafter through December 1,
7 2012, the superintendent of public instruction shall annually identify
8 schools as one of the state's persistently lowest-achieving schools if
9 the school is a Title I school, or a school that is eligible for but
10 does not receive Title I funds, that is among the lowest-achieving five
11 percent of Title I or Title I eligible schools in the state.

12 (2) The criteria for determining whether a school is among the
13 persistently lowest-achieving five percent of Title I schools, or Title
14 I eligible schools, under subsection (1) of this section shall be
15 established by the superintendent of public instruction. The criteria
16 must meet all applicable requirements for the receipt of a federal
17 school improvement grant under the American recovery and reinvestment
18 act of 2009 and Title I of the elementary and secondary education act
19 of 1965, and take into account both:

1 (a) The academic achievement of the "all students" group in a
2 school in terms of proficiency on the state's assessment, and any
3 alternative assessments, in reading and mathematics combined; and

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

6 (3)(a) Beginning (~~(December 1, 2013)~~) February 1, 2014, and each
7 (~~(December)~~) February thereafter, the superintendent of public
8 instruction shall annually identify challenged schools in need of
9 improvement and a subset of such schools that are the persistently
10 lowest-achieving schools in the state.

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

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

35 (d) If the Washington achievement index is approved by the United
36 States department of education for use in identifying schools for
37 federal purposes, the superintendent of public instruction shall use

1 the approved index to identify schools under (b) and (c) of this
2 subsection.

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

**Sec. 2 was vetoed. See message at end of chapter.*

Passed by the House February 11, 2014.

Passed by the Senate March 6, 2014.

Approved by the Governor April 2, 2014, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2014.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, House
Bill No. 2167 entitled:

"AN ACT Relating to changing the date by which challenged schools
are identified."

This legislation changes the date by which OSPI is required to
identify challenged schools in need of improvement and schools that
are persistently lowest-achieving in the state.

Section 2 is an emergency clause section that will make this act
effective immediately. The due dates in this legislation have come to
pass and the emergency clause is therefore not necessary to implement
the substantive provisions of the bill.

For these reasons I have vetoed Section 2 of House Bill No. 2167.

With the exception of Section 2, House Bill No. 2167 is approved."