April 27, 2009

Legislative Update

The 2009 Legislative Session has concluded and the Legislature adjourned on time! However, some bills that have been deemed necessary to implement the budget did not make it out of the House, so a special session may be called by the Governor to complete this work. The 2009-11 Operating Budget did pass both houses, though, and now heads to the Governor for her consideration and signature.

The Board was included in many bills this session in one capacity or another and some of the surviving bills have given the Board new and continuing tasks. The Legislature affirmed the Board's direction on CORE 24 and accountability and the Legislature requested the Board to create civics content for any additional graduation requirements in Social Studies that are proposed in CORE 24. The Board has also been given new authority in granting waivers from the 180-day school year requirement to small, rural school districts in a pilot program.

One of the biggest pieces of news is the passage of Engrossed Substitute House Bill 2261, sponsored by Representative Sullivan. This bill creates a road map for a 21st century education for our kids with a new definition of Basic Education, as well as an affirmation of the Board's work on CORE 24 and accountability. Another big piece of news is the Senate's confirmation of the reappointments of both Amy Bragdon and Bernal Baca.

The House Operating Budget Bill (SHB 1244) was the vehicle for the 2009-11 Operating Budget. The agreed upon budget, called the Conference Budget, was considered and passed by the Legislature during the last few days of session. The Conference Budget provides funding at levels that allow the Board to continue its current work and to meet new responsibilities provided through legislation, see the Appendices for more information. The table in Appendix B outlines the funds that were originally requested by the Board and the funds that have been proposed in the Governor's budget and the Conference Budget as it passed the Legislature.

Key Bills from the 2009 Legislature

Basic Education

Both the House and the Senate have passed ESHB 2261- the Basic Education Funding Reform Bill. The bill now goes to the Governor's desk for her consideration. She has twenty days to consider the bill. Please see Appendix A and Appendix C for a summary of items in the bill and responsibilities given to the Board.

Statewide Assessments

Engrossed Substitute Senate Bill 5414, sponsored by Senator McAuliffe, has passed both the House and Senate and has been delivered to the Governor. The bill:

- Requires SPI, in consultation with SBE, to create an implementation plan to ensure that students have the opportunity to learn both the new science and math standards (instead of only the science standards);
- Removes the requirements of SBE to verify the validity and reliability of the assessments;
- Includes a modified set of end-of-course assessments, so that the two sequences of end-of-course assessments in high school mathematics (Algebra I and Geometry, as well as, Integrated Math I and II) with one sequence of end-of-course assessments: an assessment for the first year of high school math which includes standards common to Algebra I and Integrated Math I, and then an assessment for the second year of high school math which includes standards common to Geometry and Integrated Math II; and
- Creates subtests that do not count towards meeting state standards. The subtests assess student's knowledge of elements of Algebra I and Integrated Math I that are not included in the first year high school math assessment also created in the bill. The results from the subtests will be reported at the student, teacher, school, and district level.

High School Diploma and Options for Students

Substitute House Bill 1758, sponsored by Representative Quall, has passed both the House and the Senate. The bill expands students' options and choices for completing high school by awarding diplomas to students who complete certain postsecondary programs. The bill was amended by the Senate to establish two options of obtaining a high school diploma from a community or technical college. The first is for students in Running Start who earn an Associate's Degree while enrolled in the college. The second is for people over the age of twenty-one who complete an Associate's Degree at a community or technical college.

Minimum High School Graduation Requirements and Civic Instruction

House Bill 2132, sponsored by Representative Quall, has passed both the House and the Senate. The bill adds to statute that "The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner". The bill also requires that if the SBE increases graduation requirements in Social Studies, at least one-half credit of the requirement must be in civics and that the content of the civics requirement must include, but not be limited to:

a) Federal, state, and local government organization and procedures;
b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions;
c) Current issues addressed at each level of government; and
d) Electoral issues, including elections, ballot measures, initiatives, and referenda.

Reducing the Achievement Gap

Second Substitute Senate Bill 5973, sponsored by Senator Kauffman, has passed both the House and the Senate**.** The bill creates an Achievement Gap Oversight and Accountability Committee to synthesize findings and recommendations from the 2008 studies into an implementation plan, and recommend policies and strategies in specified areas to SBE, OSPI, and PESB to close the achievement gap. The Committee is comprised of six legislators, a representative of federally recognized tribes in Washington, and four members appointed by the Governor in consultation with the

state ethnic commissions and representing African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans. The Committee is staffed by the Center for the Improvement of Student Learning and reports annually to the Legislature. All student data-related reports required of OSPI must be disaggregated into specific subgroups.

PESB, in consultation with the Committee, must identify model standards for cultural competency and make recommendations to the legislative education committees regarding the strengths and weaknesses of those standards. PESB will provide assistance to districts identified by OSPI to develop partnerships with teacher preparation programs to offer alternative route certification programs and to recruit paraeducators and other individuals in the local community to become certified as teachers. A partnership grant program proposed by an identified district receives priority for alternative route partnership grants. To the maximum extent possible, PESB must coordinate the Recruiting Washington Teachers program with the alternative route programs. OSPI must take actions to secure federal funds to support data collection and other model programs.

180-Day School Year Waivers

Substitute House Bill 1292, sponsored by former Representative Newhouse, has passed both the House and the Senate. The bill provides new authority to SBE to grant waivers from the 180 day school year requirement for purposes of economy and efficiency. The waivers are given on a pilot basis and can be reevaluated annually by the Board. In the bill, SBE is granted authority to waive the 180-day requirement for no more than five school districts that propose to operate one or more schools on a flexible school calendar for purposes of economy and efficiency. Two waivers will be available for school districts with student enrollments under 150, and three waivers will be available for school districts with enrollments of between 150 and 500. The requirement of an annual average of at least 1,000 instructional hours shall not be waived. SBE must adopt criteria to evaluate these waiver requests. A waiver may be granted for up to three years with an opportunity to reapply for an extension. All such waivers expire August 31, 2014. By December 15, 2013 the SBE shall examine these waivers and make a recommendation to the education committees of the Legislature as to whether this program should be continued, modified, or allowed to terminate.

Comprehensive Education Data System

The original bill is dead but many of the components of Engrossed Second Substitute Senate Bill 5941, sponsored by Senator Oemig have been wrapped into ESHB 2261 – Concerning the State's Education System. ESHB 2261 creates a K-12 Data Governance Group that begins the process of creating need assessments and an implementation plan for updating the K-12 data systems. The Group includes a representative from the Board. The Group is described in more detail in Appendix A and Appendix C.

Online Learning

Substitute Senate Bill 5410, sponsored by Senator Oemig, has passed both the House and Senate. The bill creates an Office of Online Learning within OSPI which is initially made up of staff employed by Digital Learning Commons (DLC) to the extent that funds are available. The bill provides definitions for "multidistrict online course provider," "online course," and "online school program." Basic education funding is permitted for approved providers beginning in the 2011-12 school year.

OSPI is in charge of the provider approval process, Web site, and model agreements. Initial provider approval is for a four-year period. Annual approval decisions must be made by November 1. All online programs must be accredited by the Northwest Association of Accredited Schools (NAAS) or another national, regional, or state accreditation program listed by OSPI after consultation with the Washington Coalition for Online Learning. Multidistrict providers that are currently approved by DLC or accredited by the NAAS and meet teacher certification requirements are exempt from the initial approval process until August 31, 2012. However, these providers must still meet renewal, and other, requirements

established for approved providers. OSPI must conduct a review of online courses and programs offered in 2008-09 to create baseline information about student enrollment, how programs are offered, contract terms and funding, fiscal impact on levy bases and levy equalization from interdistrict enrollment, staffing ratios, course completion and success rates, and other issues. OSPI must also assess funding provided for online enrollment relating to the basic education allocation and provide a report to the Legislature by December 1, 2009. The OSPI rule/approval criteria and process is due December 1, 2009. OSPI's initial decision on applications is due April 1, 2010. OSPI must disseminate its model policies by February 1, 2010. School districts must adopt online policies by August 31, 2010.

Professional Educator Standards Board

Substitute House Bill 2003, sponsored by Representative Orwall, has passed both the House and the Senate. The bill reduces the number of governor-appointed members to PESB from 20 to 12 and alters the membership criteria. The bill increases the term of the PESB chair from one year to two years, subject to a term limit that is expanded from two consecutive years to four consecutive years. It also allows PESB to create informal advisory groups and deletes statutory provisions which allow a right of appeal to the PESB following certificate revocation. PESB is given some new responsibilities, some of which were previously the responsibility of OSPI, that include developing and maintaining a research base of educator preparation best practices; developing and coordinating initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations; providing program improvement technical assistance to educator preparation programs; assuring educator preparation program compliance; and preparing and maintaining a cohesive educator development policy framework.

Summary of Senate Amendment to ESHB 2261 - Act Relating to Education

(Modified from a report by the House Office of Program Research)

- **Intent**. States Legislative intent to continue to review, evaluate, and revise the definition and funding of Basic Education under Article IX, with the intent to fully implement a redefined program and funding by 2018. States Legislative intent that the policies and formulas adopted will be the definition of Basic Education once fully implemented.
- **Program of Basic Education**. Effective 2011, includes in the definition of "Program of Basic Education" those programs referenced by prior court decisions
    - Instructional Program of Basic Education (BEA) amended to include Learning Assistance Program (LAP), Bilingual program, and Special Education.
    - Program for residential schools, juvenile detention, under 18 in adult corrections.
    - Transportation for eligible students to and from school.
- **Meaningful High School Diploma**. Includes the overall Program definition, as well as the Instructional Program required to be provided by school districts, the opportunity for students to complete graduation requirements intended to prepare them for postsecondary education, gainful employment, and citizenship. Includes the opportunity for students to complete 24 credits for graduation, as phased-in by the Legislature. Requires changes to graduation requirements proposed by the State Board of Education (SBE) to be reviewed by the Legislature and, if there is fiscal impact, authorized and funded before being implemented.
- **Instructional Hours**. Based on a schedule adopted by the Legislature, phases-in increased instructional hours from 1,000 per year averaged across all grades to 1,000 in grades 1-6 and 1,080 in grades 7-12.
- **Kindergarten**. Includes all-day kindergarten within the Instructional Program of Basic Education, to be phased in starting with the highest poverty schools. Phases-in 1,000 minimum instructional hours.
- **Gifted**. Adds the program for Highly Capable students to the definition of Basic Education, funded at 2.314 percent of a district's student population, but not as an entitlement to individual students. Adds a safety net for districts with demonstrated needs beyond amounts provided through the funding formula.
- **Funding Allocations/Appropriations**. Beginning in 2011 and to the extent the Legislature has adopted the technical details, creates a new distribution formula, for allocation purposes only, for funds to support the Instructional Program of Basic Education:
    - Creates the structure and framework of the funding formula based on prototypical schools, but without numeric values assigned to the variables. Specifies core funding allocations based on class size; other building staff; categories of maintenance, supplies, and operating costs; and central administration.
    - Provides minimum allocations for small schools.
    - Creates supplemental allocations to support LAP, Bilingual, and Highly Capable programs.
    - Incorporates Special Education Excess Cost formula (without an enhanced base) and Safety Net.
- **Early Learning**. States Legislative intent to include in the definition of Basic Education a Program of Early Learning for at-risk children. Directs a working group to recommend parameters for the program; develop eligibility criteria focused on at-risk 3 and 4-year olds; develop options for a mixed service delivery system and a shared governance system including the SPI and the Department of Early Learning; and continue development of a kindergarten assessment process. Requires progress reports September 2010 and 2011, with a final report September 2012.
- **Transportation**. Authorizes a new pupil transportation funding formula using a regression analysis to allocate funds to school districts and removing the funding basis of a radius mile. Phases-in

implementation of the formula starting no later than 2013-14. Provides a method for allocation of increased funding during the phase-in period.

- **Quality Education Council (QEC)**. Creates a Quality Education Council (8 legislators, Governor's Office, the State Board of Education, OSPI, PESB, and the Department of Early Learning) to recommend ongoing implementation of an evolving program of Basic Education; develop strategic recommendations that take capacity and availability of data into consideration; identify measurable goals and priorities; oversee various working groups, and report to the Legislature annually. Requires their initial report to include a recommended schedule for concurrent phase-in of program changes and increased funding to be completed by September 1, 2018, as well as consideration of a statewide mentoring program and recommendations for Early Learning.
- **System Capacity**. Requires OSPI to make annual determinations of the education system's capacity to accommodate increased resources and report to the Legislature. "System capacity" includes capital facilities, qualified staff and the higher education system's capacity to prepare them, and data and data systems capable of helping the state allocate resources.
- **Working Groups**. Directs OFM, with assistance from OSPI, to convene three technical working groups with broad representation, who are monitored by the QEC and report to the Legislature:
    - Funding: Develop details of funding formulas; examine revenue; recommend phase-in schedule; report by December 1, 2009.
    - Local Finance: Beginning July 2010, develop options for new system of supplemental funding through levies and LEA; report by December 1, 2011.
    - Compensation: Beginning July 2011, recommend details of enhanced salary model that aligns with certification; conduct comparative labor market analysis; report by December 1, 2012.
- **Shared Accountability**. States Legislative intent to create a proactive, collaborative system of accountability based on progressive levels of support and with a goal of continuous improvement in student achievement. Directs the SBE and SPI to seek approval for use of the system for federal accountability purposes.
  Requires the SBE to continue refining an accountability framework that includes:
    - An accountability index to identify successful schools and those in need of assistance;
    - A proposal and timeline for a comprehensive system of voluntary support and assistance to be submitted to the Legislature before being implemented; and
    - A proposal and timeline for a system targeted to those that have not demonstrated improvement that takes effect only if authorized by the Legislature and that includes an academic performance audit, a school board-developed corrective action plan which would be subject to SBE approval and become binding; and progress monitoring by SPI.
- **Certification**. Directs the Professional Educator Standards Board (PESB) to adopt effective teaching standards that include cultural competency; continue development of an external assessment for professional certification; develop a proposal for a classroom-based means of evaluation for residency certification; make recommendations for the term of residency certification; and adopt a definition of master teacher which must include NBPTS certification. Beginning in 2011, requires that professional certification be based on two years' of teaching experience and the assessment and not on enrollment in a higher education program.
- **Data Improvement System**. Declares the Legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data, with the capacity to link data components at the student, classroom, school, district, and state level. Articulates a detailed vision for the specific types of information and functionality of the system. Creates a K-12 Data Governance Group in OSPI to develop a needs requirement document; conduct a gap analysis; and define operating rules and data standards with specified elements and aspects. Requires SPI to report certain financial, assessment, and staffing data per student, by student using a specified method of calculation, to the extent data is available.

SBE 09-11 Budget Comparison

	$ in Thousands SBE Request			$ in Thousands Governor's Budget			$ in Thousands Legislative Conference Budget		
	2010	2011	Total	2010	2011	Total	2010	2011	Total
Maintenance Level	$947.5	$947.5	$1,895.0	$815.0	$815.0	$1,630.0	$965.0	$965.0	$1,930.0
Policy Enhancements	$410.0	$410.0	$820.0	$0.0	$0.0	$0.0	$75.0	$75.0	$150.0
Total	$1,357.5	$1,357.5	$2,715.0	$815.0	$815.0	$1,630.0	$1,040.0	$1,040.0	$2,080.0

$410K for High School Grad work
Not in final budget

$150K for developing our accountability system

Summary of Work Delegated to SBE from 2009 Legislation

Bill	Subject	Item	Due date	Notes
ESHB 2261	Quality Education Council	The Quality Education Council is created to recommend and inform the ongoing implementation by the Legislature of an evolving program of Basic Education and the financing necessary to support such a program. It will inform future educational policy and funding decisions of the Legislature and Governor; identify measurable goals and priorities for the educational system for a ten-year time period, including the goals of Basic Education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and enable the state of Washington to continue to implement an evolving program of Basic Education. The Council will include four members of the House, four members of the Senate, and one representative each from the Office of the Governor, SBE, OSPI, PESB, and the Department of Early Learning. The Chair of the Council shall be selected from the council members.	An initial report of the Council is due to the Governor and the Legislature by January 1, 2010.	The Council's report will include consideration of how to establish a statewide beginning teacher mentoring and support system; recommendations for a program of early learning for at-risk children; a recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education. The phase-in schedule shall have full implementation completed by September 1, 2018; and a recommended schedule for phased-in implementation of a new pupil transportation formula beginning no later than September 1, 2013. The Council shall update the statewide strategic recommendations every four years. In the 2009 fiscal year, the council shall meet as often as necessary. In subsequent years, the council shall meet no more than four times a year. The Council shall be staffed by OSPI and OFM and additional staff support shall be provided by the state entities with representatives on the committee.

ESHB 2261	K-12 Data Governance Group	A K-12 Data Governance Group is created within OSPI to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. The Group will include representatives of the Education Data Center, SBE, OSPI, PESB, the Legislative Evaluation and Accountability Program Committee, and school district staff, including information technology staff.	OSPI will provide a preliminary report to the Legislature by November 15, 2009 and a final report is due September 1, 2010.	The Group is to define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them and include performance goals for each K-12 data collection system, including: defining and maintaining standards for privacy and confidentiality; setting data collection priorities; defining and updating a standard data dictionary; ensuring data compliance with the data dictionary; ensuring data accuracy; and establishing minimum standards for school, student, financial, and teacher data systems. The final report will include a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data.
ESHB 2261	Minimum High School Graduation Requirements	Revise minimum high school graduation requirements.	No due date.	The Board will need to forward any proposed changes to the high school graduation requirements to the education committees of the Legislature for review and to the newly established Quality Education Council. The Legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the Board

ESHB 2261	Shared Accountability for School and District Improvement	The Board is directed to continue to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The Board will create a proposal with two components: 1) In consultation with OSPI, create a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts, and 2) develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system.	The proposal and timeline due to the legislature by Dec. 1, 2009.	The proposal will take effect only if formally authorized by the Legislature. Also, the Board, in coordination with the OSPI, will seek approval from the United States Department of Education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system.
ESHB 2261	Feasibility of using the prototypical funding	Work with the Education Data Center and the Technical Working Group to determine the feasibility of using the prototypical funding allocation model as a tool for allocating resources and as a tool for districts to report on how the state resources received are being used.	No due date.	

ESSB 5414	Statewide assessments	OSPI, in consultation with SBE, shall begin design and development of an overall assessment system with formative and summative assessments. SPI and SBE must report annually to the Legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments.	Beginning December 1, 2009, SPI and SBE must jointly annually report to the Legislature.	
ESSB 5414	Opportunity to learn new math and science curricula	SPI, with the SBE, and PESB must develop an implementation plan to ensure that all students have the opportunity to learn the new science and mathematics standards.	December 1, 2009, SPI must report the plan to the Governor and the Legislature.	The plan must include strategies to help districts improve alignment of curriculum and teacher instruction to the new standards; identify effective programs for struggling students; and assess the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards on the statewide high school assessments.
ESSB 5414	End-of-Course Assessments	SPI, with the SBE, must recommend whether to use a comprehensive assessment or end-of-course assessments for assessing whether high school students have met the state science standards.	Report due December 1, 2009.	The assessments shall be implemented statewide in the 2010-11 school year.

ESSB 5414	Science Curricula	The timeline is extended by 45 days for SPI to present science curricula to SBE. The date for SBE to respond has been changed from being a set date to being two months after receiving SPI's recommendations.	OSPI will present recommendations to SBE by June 30, 2009 and SBE has two months to respond.	By June 30, 2009, OSPI shall present to the state board of education recommendations for no more than three basic science curricula each for elementary and middle school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science. (d) Within two months after the presentation of the recommended curricula, SBE shall provide official comment and recommendations to OSPI regarding the recommended science curricula.
HB 2132	Graduation Requirements	If SBE increases the number of course credits in social studies, then SBE shall require that at least one-half credit of that requirement be coursework in civics with the following content, at a minimum: (a) Federal, state, and local government organization and procedures; (b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions; (c) Current issues addressed at each level of government; and (d) Electoral issues, including elections, ballot measures, initiatives, and referenda.	Tied to adopting new graduation requirements.	The bill adds to statute that “The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner”

SHB 1292	180-day school year waivers	The bill is a pilot program that gives new authority to SBE to grant waivers from the 180 day school year for purposes of economy and efficiency. Two waivers will be for school districts with student enrollments under 150, and three waivers will be for school districts with enrollments of between 150 and 500. The requirement of an annual average of at least 1,000 instructional hours shall not be waived. All such waivers expire August 31, 2014.	By December 15, 2013 the SBE provide recommendations to the Legislature about whether the program should be continued.	SBE must adopt criteria to evaluate the waiver requests. A waiver may be granted for up to three years with an opportunity to reapply for an extension. After each school year, SBE can analyze empirical evidence to determine whether the reduction is affecting student learning. If the SBE determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible
SSB 5410	Regarding online learning	OSPI, in collaboration with the SBE, shall develop and implement approval criteria and a process for approving multidistrict online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online course provider; and an appeals process. The criteria and processes shall be adopted by rule by December 1, 2009.	OSPI will adopt into rule the criteria and processes by December 1, 2009 and report to SBE annually.	By January 15, 2011, and annually, OSPI will report regarding online learning to SBE, the governor, and the Legislature. The report will cover the previous school year and include but not be limited to student demographics, course enrollment data, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews.