THE WASHINGTON STATE BOARD OF EDUCATION

Governance I Accountability I Achievement I Oversight I Career & College Readiness

Title:	**Public Hearing on Proposed WAC 180-17**	
As Related To:	☐ Goal One: Effective and accountable P-13 governance. ☒ Goal Two: Comprehensive statewide K-12 accountability. ☐ Goal Three: Closing achievement gap.	☐ Goal Four: Strategic oversight of the K-12 system. ☐ Goal Five: Career and college readiness for all students. ☐ Other
Relevant To Board Roles:	☒ Policy Leadership ☐ System Oversight ☐ Advocacy	☐ Communication ☐ Convening and Facilitating
Policy Considerations / Key Questions:	What amendments, if any, do members wish to proposed rules to RCW 28A.657.110 concerning the accountability framework on the basis of testimony submitted in public hearing?	
Possible Board Action:	☐ Review ☐ Adopt ☐ Approve ☒ Other: Hear and consider public testimony on the proposed rules.	
Materials Included in Packet:	☐ Memo ☐ Graphs / Graphics ☒ Draft Rules, CR-102, Fiscal Impact Statement ☐ PowerPoint	
Synopsis:	According to E2SSB 5329, the Accountability Framework "creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based on the magnitude of need, and uses data for decisions." The draft Accountability Framework rules include: 1. A timeframe for approval of Level II required action plans. 2. Criteria for assigning districts from Level I required action to Level II required action. 3. Guiding principles that are intended to provide guidance to OSPI in the design of the Accountability System.	

PROPOSED RULE MAKING

CR-102 (June 2012)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

Agency: State Board of Education

☒ **Preproposal Statement of Inquiry was filed as WSR** 13-17-077**; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject) Amending WAC 180-17-050 Release of a school district from designation as a required action district, authorizing the SBE to provide for a district to remain as a Level I required action district or assign the district to Level II status. Additionally, proposing adoption of the following new sections: WAC 180-17-060 Designation of required action district to Level II status; WAC 180-17-070 Level II needs assessment and revised required action plan requirements; WAC 180-17-080 Level II required action plan—Procedures for direct submission to state board of education by superintendent of public instruction—Role of required action plan review panel; WAC 180-17-090 Input of the education accountability system oversight committee prior to Level II designations; WAC 180-17-100 Establishment of accountability framework to improve student achievement for all children.

Hearing location(s): New Market Skills Center
Lecture Hall Room
7299 New Market Street SW
Tumwater, WA 98501-6536

Date: January 8, 2013 Time: 2:15 p.m.

Date of intended adoption: January 9, 2014
(Note: This is **NOT** the **effective** date)

Submit written comments to:
Name: Linda Drake
Address: Old Capitol Building, 600 Washington Street S.E., Olympia, WA, 98504

e-mail linda.drake@k12.wa.us
fax (360)586-2357 by (date) January 3, 2014

Assistance for persons with disabilities: Contact

Denise Ross by January 1, 2013

TTY (360) 664-3631 or (360) 725-6025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Engrossed Second Substitute Senate Bill 5329 (E2SSB 5329) amended RCW 28A.657.110(1) to require the State Board of Education (SBE) to propose rules for establishing an accountability framework. In addition, E2SSB 5329 amended sections of RCW 28A. 657 expanding the scope and impact of the school district accountability system. The bill established a second level (Level II) of required action for districts that do not demonstrate sufficient improvement after three years of implementing a required action plan.

The purpose of proposed rules are to: 1) establish a timeline of activities associated with the implementation of Level II required action; 2) articulate the criteria for assigning districts to Level II required action; and, 3) establish guiding principles that articulate an accountability framework. The anticipated effects of the proposed rules are to:

- provide for the SBE to determine that a school district remain a Level I required action district and submit a new or revised plan, or be assigned to Level II status
- clarify the process and criteria for assigning districts to Level II required action
  - defines the criteria for designation of a district to Level II required action status
  - establishes timelines for 1) Level II needs assessments and revised required action plan, 2) review by the Required Action Plan Review Panel , if needed, 3) input of the Education Accountability System Oversight Committee and requirement for a public hearing
- provide a basis for OSPI to create the accountability system design, as directed by RCW 28A.657.110 (1)
  - establishes the principles and priorities that fulfill the statutory purpose of the accountability framework

Statutory authority for adoption: RCW 28A.657

Statute being implemented: RCW 28A.657 (E2SSB 5329)

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

CODE REVISER USE ONLY

DATE
December 4, 2013

NAME (type or print)
Ben Rarick

SIGNATURE Ben Rarick

TITLE
Executive Director of the State Board of Education

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization) SBE

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Ben Rarick	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6025
Implementation....	Ben Rarick	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6025
Enforcement.....	Ben Rarick	Old Capitol Building, 600 Washington Street S.E., Olympia, WA	(360) 725-6025

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☒ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:
Name: Thomas J. Kelly
Address: Old Capitol Building, 600 Washington Street S.E., Olympia WA

phone (360)725-6031
fax (NA)
e-mail thomas.kelly@k12.wa.us

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:

phone ( )
fax ( )
e-mail

☒ No: Please explain: None Required.

AMENDATORY SECTION (Amending WSR 10-23-083, filed 11/16/10, effective 12/17/10)

WAC 180-17-050 Release of a school district from designation as a required action district. (1) The state board of education shall release a school district from designation as a required action district upon recommendation by the superintendent of public instruction, and confirmation by the board, that the district has met the requirements for release set forth in RCW 28A.657.100.

(2) If the board determines that the required action district has not met the requirements for a release in RCW 28A.657.100, ((~~the school district shall remain in required action and submit a new or revised required action plan under the process and timeline as prescribed in WAC 180-17-020 or 180-17-030~~)) the state board of education may determine that the district remain a Level I required action district and submit a new or revised required action plan under the process and timeline prescribed in WAC 180-17-020, or to the extent applicable in WAC 180-17-030, or it may assign the district to Level II status, according to the requirements of WAC 180-17-060.

[Statutory Authority: RCW 28A.657.120. WSR 10-23-083, § 180-17-050, filed 11/16/10, effective 12/17/10.]

NEW SECTION

WAC 180-17-060 Designation of required action district to Level II status. (1) For required action districts which have not demonstrated recent and significant progress toward the requirements for release under RCW 28A.657.100, the state board of education may direct that the district be assigned to Level II status of the required action process.

(2) For the purposes of this section, recent and significant progress shall be defined as progress occurring within the two most recently completed school years, which is determined by the board to be substantial enough to put the school on track to exit the list of persistently lowest-achieving schools list, as defined in RCW 28A.657.020, if the rate of progress is sustained for an additional three school years. Schools meeting their annual measurable objectives (AMOs) for the all students group for two consecutive years, as established by the office of the superintendent of public instruction, may also be deemed to have made recent and significant progress under this section.

(3) If the required action district received a federal School Improvement Grant for the same persistently lowest-achieving school in

2010 or 2011, the superintendent may recommend that the district be assigned to Level II of the required action process after one year of implementing a required action plan under this chapter if the district is not making progress.

(4) Districts assigned by the state board of education as required action districts must be evaluated for exit under the same criteria used for their original designation into required action status; except, the board may, at its discretion, exit a district if subsequent changes in the exit criteria make them eligible for exit.

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NEW SECTION

WAC 180-17-070 Level II needs assessment and revised required action plan requirements. (1) Upon assignment of a school district to Level II required action district status, the state board shall notify the superintendent of public instruction who shall direct that a Level II needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement. The needs assessment shall be completed within

ninety days of the Level II designation and presented to the board at its next regularly scheduled meeting.

(2) The needs assessment and review shall include an evaluation of the extent to which the instructional and administrative practices of the school materially changed in response to the original Level I needs assessment and the periodic reviews conducted by the office of the superintendent of public instruction, during Phase I required action.

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

(4) The Level II required action plan shall include the following components:

(a) A list of the primary reasons why the previous plan did not succeed in improving student achievement.

(b) A list of the conditions which will be binding on the district in the Level II plan. These may include:

(i) Assignment of on-site school improvement specialists or other personnel by the superintendent of public instruction;

(ii) Targeted technical assistance to be provided through an educational service district or other provider;

(iii) Assignment or reassignment of personnel;

(iv) Reallocation of resources, which may include redirection of budgeted funds or personnel, as well as changes in use of instructional and professional development time;

(v) Changes to curriculum or instructional strategies;

(vi) Use of a specified school improvement model; or

(vii) Other conditions which the superintendent of public instruction determines to be necessary to ensure that the revised action plan will be implemented with fidelity and will result in improved student achievement.

(5) The plan shall be submitted to the state board of education for approval prior to May 30th of the year preceding implementation, with a cover letter bearing the signatures of the superintendent of public instruction and the chair of the board of directors of the required action district, affirming mutual agreement to the plan.

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NEW SECTION

WAC 180-17-080 Level II required action plan—Procedures for direct submission to state board of education by superintendent of public instruction—Role of required action plan review panel. (1) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a Level II required action plan within ninety days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superintendent of public instruction shall complete and submit a Level II required action plan directly to the state board of education for approval. Such submissions must be presented and approved by the board prior to July 15th of the year preceding the school year of implementation.

(2) The school district board of directors may submit a request to the required action plan review panel for reconsideration of the superintendent's Level II required action plan within ten days of the submission of the plan to the state board of education. The state board of education will delay decision on the Level II required action plan for twenty calendar days from the date of the request, in order to receive any recommendations and comment provided by the review pan-

el, which shall be convened expeditiously by the superintendent of public instruction as required, pursuant to RCW 28A.657.070 (2)(c). After the state board of education considers the recommendations of the required action review panel, the decision of the board regarding the Level II required action plan is final and not subject to further reconsideration. The board's decision must be made by public vote, with an opportunity for public comment provided at the same meeting.

(3) If changes to a collective bargaining agreement are necessary to implement a Level II required action plan, the procedures prescribed under RCW 28A.657.050 shall apply. A designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.

(4) In Level II required action, the superintendent of public instruction shall work collaboratively with the local board of education. However, if the superintendent of public instruction finds that the Level II required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel and the board of directors to implement the Level II required action plan. If necessary, the superintendent of

public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

(5) If the superintendent of public instruction seeks to make material changes to the Level II required action plan at any time, those changes must be submitted to the state board of education for approval at a public meeting where an opportunity for public comment is provided.

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NEW SECTION

WAC 180-17-090 Input of the education accountability system oversight committee prior to Level II designations. (1) Prior to assigning a required action district to Level II status, the board must hold a public hearing on the proposal, and must take formal action at a public meeting to submit its recommendation to the education accountability system oversight committee established in chapter 28A.657 RCW for review and comment.

(2) Prior to assigning a district to Level II status, the board must provide a minimum of thirty calendar days to receive comments by the education accountability system oversight committee. If written

comment is provided by the committee, it shall be included in board meeting materials, and posted to the board's web site for public review. The superintendent of public instruction may begin the Level II needs assessment process once the board has formally requested committee input on a Level II designation, but may not initiate any part of the required action process until the board has made an official designation into Level II status.

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NEW SECTION

WAC 180-17-100 Establishment of accountability framework to improve student achievement for all children. (1) Pursuant to the requirements of RCW 28A.657.110 (chapter 159, Laws of 2013), the state board of education adopts the following guiding principles in fulfillment of its responsibility to establish an accountability framework. The framework establishes the guiding principles for a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The statutory purpose of the accountability framework is to provide guidance to the superintendent of public instruction in the design of a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance and, if necessary, intervention in underperforming schools and school districts, as defined under RCW 28A.657.020.

(3) The board finds that the accountability system design and implementation should reflect the following principles and priorities:

(a) Student growth is an essential element in an effective school accountability system. However, inclusion of student growth shall not come at the expense of a commitment to and priority to get all students to academic standard. Washington's accountability system should work toward incorporating metrics of growth adequacy, which measure how much growth is necessary to bring students and schools to academic standard within a specified period of time. An objective standard of career and college-readiness for all students should remain the long-term focus of the system.

(b) The board recognizes that the transition to common core state standards creates practical challenges for shorter term goal-setting, as a new baseline of student performance is established on a series of more rigorous standards and assessments. Normative measures of ac-

countability are a transitional strategy during periods of significant change. Long-term, however, the accountability framework shall establish objective standards for index performance tiers and exit criteria for required action status. The board does not support a permanent system of moving, normative performance targets for our schools and students. The long-term goal remains gradually reduced numbers of schools in the bottom tiers of the index.

(c) To the greatest extent allowable by federal regulations, the federal accountability requirements for Title I schools should be treated as an integrated aspect of the overall state system of accountability and improvement applying to all schools. The composite achievement index score should be used as the standard measure of school achievement, and should be directly aligned with designations of challenged schools in need of improvement made annually by the superintendent of public instruction, and the lists of persistently low-achieving schools as required under federal regulations.

(d) The integration of state and federal accountability policies should also be reflected in program administration. To the greatest extent allowed by federal regulation, state and federal improvement planning should be streamlined administratively through a centralized planning tool. Improvement and compliance plans required across vari-

ous state programs and federal title programs should be similarly integrated to the extent allowable. Planning will become less burdensome and more meaningful when the linkages between programs become more apparent in the way they are administered.

(e) The state's graduation requirements should ultimately be aligned to the performance levels associated with career and college readiness. During implementation of these standards, the board recognizes the necessity of a minimum proficiency standard for graduation that reflects a standard approaching full mastery, as both students and educators adapt to the increased rigor of common core and the underlying standard of career and college-readiness for all students.

(f) In the education accountability framework, goal-setting should be a reciprocal process and responsibility of the legislature, state agencies, and local districts and schools. The state education system should set clearly articulated performance goals for itself in a manner consistent with the planning requirements established for school districts and schools. State goal-setting should be grounded in what is practically achievable in the short-term and aspirational in the long-term, and should reflect realistic assumptions about the level of resources needed, and the time necessary, for implementation of reforms to achieve the desired system outcomes.

(g) While the board supports the use of school improvement models beyond those identified by the federal Department of Education under the No Child Left Behind Act, the board will uphold a standard of rigor in review of these plans to ensure that authentic change occurs in instructional and leadership practices as a result of required action plan implementation. Rigorous school improvement models should not be overly accommodating of existing policies and practices in struggling schools, and summative evaluations should be able to document verifiable change in practice.

(h) Recognition of school success is an important part of an effective accountability framework. The board is committed to an annual process of school recognition, and believes that award-winning schools can make significant contributions to the success of the system by highlighting replicable best practices. All levels of success should be celebrated, including identifying improvement in low-performing schools, and highlighting examples of good schools that later achieve exemplary status.

(i) Fostering quality teaching and learning is the ultimate barometer of success for a system of school accountability and support. The central challenge for the superintendent of public instruction is developing delivery systems to provide the needed resources and tech-

nical assistance to schools in need, whether they be rural or urban, homogenous or diverse, affluent or economically challenged. In instances where traditional approaches have failed, the system will need to be prepared to develop innovative ways to secure the right instructional and leadership supports for districts and schools that need them.

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STATE BOARD OF EDUCATION RULE CHANGE
SCHOOL DISTRICT FISCAL IMPACT STATEMENT

WSR:	**Title of Rule:** WAC Chapter 180-17 Accountability	**Agency:** SDF - School District Fiscal Impact - SPI

Part I: Estimates

☐ **No Fiscal Impact**

Fiscal impact is indeterminate.

Estimated Cash Receipts to:

☐No Estimated Cash Receipts

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total $					

Estimated Expenditures From:

☐ No Estimated Expenditures

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total $					

Estimated Capital Impact:

☐ No Estimated Capital Impact

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Total $					

The cash receipts and expenditures estimate on this page represent the most likely fiscal impact.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note from Parts I-IV.

☐ If fiscal impact is less than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Agency Preparation:	T.J. Kelly	Phone: 360-725-6301	Date: 11/25/2013
Agency Approval:	T.J. Kelly	Phone: 360-725-0000	Date: 08/16/2012

Part II: Narrative Explanation

II. A – Brief Description Of What the Measure Does That Has Fiscal Impact

Briefly describe by section, the significant provisions of the rule, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

WAC 180-17-070 requires that upon assignment of a school district to Level II required action district status, the state board shall notify the superintendent of public instruction who shall direct that a Level II needs assessment and review be conducted to determine the reasons why the previous required action plan did not succeed in improving student achievement. The needs assessment shall be completed within ninety (90) days of the Level II designation and presented to the board at its next regularly scheduled meeting.

The cost of this needs assessment was not covered in prior fiscal estimates, and is indeterminate because we do not know how many schools will be required to perform this task. The per school estimate is $10,000 per school.

II. B – Cash Receipts Impact

Briefly describe and quantify the cash receipts impact of the rule on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None.

II. C – Expenditures

Briefly describe the agency expenditures necessary to implement this rule (or savings resulting from this rule), identifying by section number the provisions of the rule that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Expenditures to be incurred by school districts are indeterminate.

Part III: Expenditure Detail

III. A – Expenditures by Object or Purpose

Indeterminate

Part IV: Capital Budget Impact

None