



## THE WASHINGTON STATE BOARD OF EDUCATION

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*An education system where students are engaged in personalized education pathways that prepare them for civic engagement, careers, postsecondary education, and lifelong learning*

### COVER: RULE REVISIONS FOR REQUIRED ACTION DISTRICTS

Prepared for the January 2019 Board Meeting

Information item.

As related to:

- Goal One:** All students feel safe at school, and have the supports necessary to thrive.
- Goal Two:** All students are able to engage in their schools and their broader communities, and feel invested in their learning pathways, which lead to their post-secondary aspirations.
- Goal Three:** School and district structures and systems adapt to meet the evolving needs of the student population and community, as a whole. Students are prepared to adapt as needed and fully participate in the world beyond the classroom.

- Goal Four:** Students successfully transition into, through, and out of the P-12 system.
- Goal Five:** Students graduate from Washington State high schools ready for civic engagement, careers, postsecondary education, and lifelong learning.
- Goal Six:** Equitable funding across the state to ensure that all students have the funding and opportunities they need, regardless of their geographical location or other needs.
- Other**

Materials included in packet:

- Memo: Rule Revisions for Required Action Districts
- Draft Rules WAC 180-17

Synopsis and Policy Considerations:

OSPI and SBE are working in collaboration to design the new model for Required Action. A workgroup was established that includes SBE members and staff and OSPI leadership. A [revised model](#) was discussed at the Board's September meeting and staff have developed draft rules to implement that model. The Board will be asked to approve the draft rules for public review and comment.



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## RULE REVISIONS FOR REQUIRED ACTION DISTRICTS

Prepared for the January 2019 Board Meeting

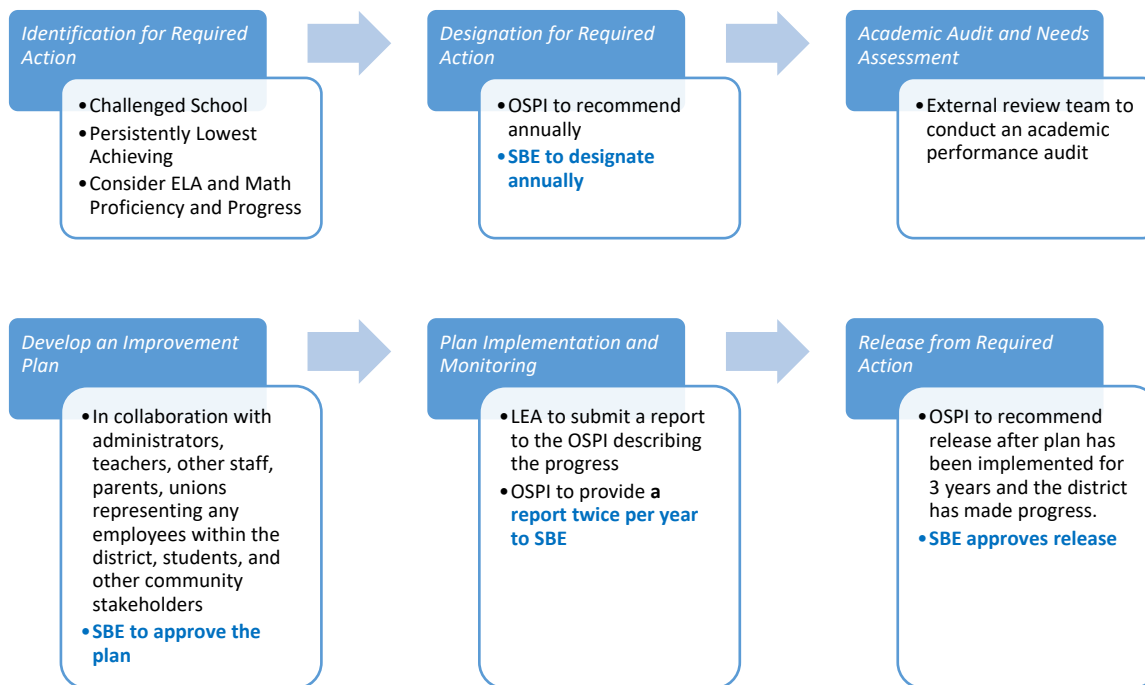
### Policy Considerations

SBE and OSPI must each adopt rules to align the Required Action District program with the current accountability and support framework under the state’s ESSA plan.

### Background

The Required Action District (RAD) program is established in RCW 28A.657 to support districts and schools that are determined to be “persistently lowest achieving” and that are not making substantial improvement. The program was designed in a manner to meet requirements in [state law](#) and is generally aligned with elements of the No Child Left Behind (NCLB) Act, not the reauthorized ESSA. As such, some changes to required action are needed to better align with the current accountability and support framework.

### Overview of the Current RAD Process



Changes required in Rule:

OSPI and SBE are working in collaboration to design the new model for Required Action. A workgroup was established that includes SBE members and staff and OSPI leadership. A [revised model](#) was discussed at the Board's September meeting and staff drafted revised rules to implement that model.

OSPI Rules include:

- 392-501-710 Purpose.
- 392-501-715 Definitions.
- 392-501-720 Process and criteria for identifying challenged schools in need of improvement.
- 392-501-730 Process and criteria for recommending to the state board of education school districts for required action.
- 392-501-740 Exit criteria for required action designation.

SBE Rules Include:

- 180-17 Accountability (see attached draft).

Key changes outline:

- Updated the language to be consistent with the current state and federal accountability framework.
- Removed most specific review dates from current rule that do not line up with the board meeting schedule and create an overly rigid structure. The specified dates that remain are those determined in statute. The statute also includes specific review timelines that are included in the draft rule.
- Removed outdated SIG references.
- Added definitions section (referencing other WAC sections where appropriate).

**Action**

Consider Approval of Draft Rules for public comment and review.

If you have questions regarding this memo, please contact [Randy Spaulding](#).

## Chapter 180-17 WAC

### ACCOUNTABILITY

**Last Update:** 10/12/15

#### WAC

#### 180-17-005 Definitions

- 180-17-010 Designation of required action districts.
- 180-17-020 Process for submittal and approval of required action plan.
- 180-17-030 Process for submittal and approval of a required action plan when mediation or superior court review is involved.
- 180-17-040 Failure to submit or receive approval of a required action plan.
- 180-17-050 Release of a school district from designation as a required action district.
- 180-17-060 Designation of required action district to Level II status.

180-17-070 Level II needs assessment and revised required action plan requirements.

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.

180-17-090 Input of the education accountability system oversight committee prior to Level II designations.

180-17-100 Establishment of accountability framework to improve student achievement for all children.

**WAC 180-17-005 Definitions**

In addition to the definitions outlined in WAC 392-501-715 the following definitions apply to this chapter:

(1) "School and school district improvement plans" means the data-driven plan for the district and each school described and required under WAC 180-16-220 that promotes a positive impact on student learning and includes a continuous improvement process.

(2) "Federal requirements" means the accountability and other requirements specified by the U.S. Department of Education in the elementary and secondary education act of 1965 as amended.

(3) "Washington school improvement framework" or "WSIF" means the system of school differentiation described in the Washington accountability plan approved by the U.S. Department of Education as meeting federal requirements. The framework methodology establishes a summative score for the all students group and the reportable student groups specified in WAC 180-105-020 (b) from up to five indicators broadly categorized as academic achievement, student academic growth, English learner progress, high school graduation, and school quality or student success.

**WAC 180-17-010 Designation of required action districts.**

Upon receipt of the recommendation from the office of the superintendent of public instruction to designate school districts for required action, in ~~January~~ March, or another time mutually agreed upon by the superintendent of public instruction and the state board of education, of each year the state board

of education shall designate such districts as required action districts.

[Statutory Authority: RCW 28A.657.120. WSR 15-21-019, § 180-17-010, filed 10/12/15, effective 11/12/15; WSR 10-23-083, § 180-17-010, filed 11/16/10, effective 12/17/10.]

**WAC 180-17-020 Process for submittal and approval of required action plan.** (1) Except as otherwise provided in WAC 180-17-030, the school and school district improvement plans required under WAC 180-16-220 shall be amended to ensure all the requirements listed in RCW 28A.657.050 (2) are met ~~school districts designated as required action districts by the state board of education shall develop a required action plan~~ according to the following schedule:

(a) Within forty calendar days of designation by the State Board of Education ~~By April 15th of the year in which the district is designated,~~ a school district shall submit amended school and school district improvement plans ~~a required action plan to the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines for the receipt of a School Improvement Grant. The required action~~

~~plan must comply with all of the requirements set forth in RCW 28A.657.050.~~

~~(b) By May 1st of the year in which the district is designated, a school district shall submit a required action plan~~ approved by the superintendent of public instruction to the state board of education for approval.

(2) At the next regularly scheduled meeting, or at a special board meeting if no meeting is scheduled within a reasonable time, ~~T~~he state board of education shall, ~~by May 15th of each year,~~ either:

(a) Approve the school district's required action plan; or

(b) Notify the school district that the required action plan has not been approved stating the reasons for the disapproval.

(3) A school district notified by the state board of education that its required action plan has not been approved under subsection (2)(a) of this section shall either:

(a) Submit a new required action plan to the superintendent of public instruction and state board of education for review and approval within forty ~~days~~ calendar days of notification that



its plan was rejected. The state board of education shall approve the plan at its next regularly scheduled meeting, or at a special board meeting ~~approve the school district's required action plan by no later than July 15th~~ if it meets all of the requirements set forth in RCW 28A.657.050; or

(b) Submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten ~~days~~ calendar days of the notification that the plan was rejected. The review panel shall consider and issue a ~~decision~~ recommendation regarding a district's request for reconsideration to the state board of education ~~by no later than June 10th~~ within forty calendar days. The state board of education shall consider the recommendations of the panel at its next regularly scheduled meeting, or at a special board meeting, and issue a decision in writing to the school district and the panel ~~by no later than June 20th~~. If the state board of education accepts the changes to the required action plan recommended by the panel, the school district shall submit a revised required action plan to the superintendent of public instruction and state board of education ~~by July~~

~~30th~~within forty calendar days. The state board of education shall approve the plan by no later than ~~August 10th~~that its next regularly scheduled meeting or a special board meeting if it incorporates the recommended changes of the panel.

(4) If the review panel issues a decision that reaffirms the decision of the state board of education rejecting the school district's required action plan, then the school district shall submit a revised plan to the superintendent of public instruction and state board of education within ~~forty~~twenty ~~days~~calendar days of the panel's decision. The state board of education shall approve the district's required action plan at its next regularly scheduled meeting, or special board meeting ~~by no later than July 15th~~ if it meets all of the requirements set forth in RCW 28A.657.050.

[Statutory Authority: RCW 28A.657.120. WSR 10-23-083, § 180-17-020, filed 11/16/10, effective 12/17/10.]

**WAC 180-17-030 Process for submittal and approval of a required action plan when mediation or superior court review is involved.** (1) ~~By April 1st of the year in which Aa~~ school district that is designated for required action, ~~it~~ shall notify

the superintendent of public instruction and the state board of education within ten calendar days if that it is pursuing mediation with the public employment relations commission in an effort to agree to changes to terms and conditions of employment to a collective bargaining agreement that are necessary to implement a required action plan. ~~Mediation with the public employment relations commission must commence no later than April 15th.~~

(2) If the parties are able to reach agreement in mediation, the ~~following timeline shall apply:~~

~~(a) A~~ school district shall submit its required action plan according to the ~~following~~ schedule outlined in WAC 180-17-020.

~~(i) By June 1st, the school district shall submit its required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.~~

~~(ii) By June 10th, the school district shall submit its required action plan to the state board of education for approval.~~

~~(b) The state board of education shall, by June 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.~~

(3) If the parties are unable to reach an agreement in mediation, the school district shall file a petition with the superior court for a review of any disputed issues under the timeline prescribed in RCW 28A.657.050. After receipt of the superior court's decision, according to the schedule outlined in WAC 180-17-020.~~the following timeline shall apply:~~

~~(a) A school district shall submit its revised required action plan according to the following schedule:~~

~~(i) By June 30th, the school district shall submit its revised required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.~~

~~(ii) By July 7th, the school district shall submit its revised required action plan to the state board of education for approval.~~

~~(b) The state board of education shall, by July 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW 28A.657.050 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.~~

~~[Statutory Authority: RCW 28A.657.120. WSR 10-23-083, § 180-17-030, filed 11/16/10, effective 12/17/10.]~~

**WAC 180-17-040 Failure to submit or receive approval of a required action plan.** The state board of education ~~shall~~ directly recommend the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

[Statutory Authority: RCW 28A.657.120. WSR 10-23-083, § 180-17-040, 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 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 following review by the education accountability system oversight committee authorized under RCW 28A.657.130, the Board ~~it~~ may assign the district to Level II status, according to the requirements of WAC 180-17-060. The oversight committee will have thirty calendar days to review and comment on the findings prior to a Board determination.

[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and 28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-050, filed 5/18/14, effective 6/18/14. Statutory Authority: RCW

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

**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) performance improvement goals, as required under WAC 180-105-020, 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. At the discretion of the state board of education, adjustments may be made to account for changes in standards or assessments, as well as fluctuation in the exit criteria over time due to a normative definition of "persistently lowest-achieving schools" as defined in WAC 392-501-720 ~~established in RCW 28A.657.020~~.

~~(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.



[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and 28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-060, filed 5/18/14, effective 6/18/14.]

**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 superintendent of public instruction shall contract with an external review team to conduct a needs assessment and review. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from agency, the school district that is the subject of the assessment, or members of the staff of the state board of education. The needs assessment shall be completed within ninety dayscalendar days of the Level II designation and presented to the board at its next regularly scheduled meeting or a special board 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. The needs assessment and review may consider both school and community factors which may include, but are not limited to, class size, resources and building capacity, recent bond or levy failures, kindergarten readiness, student mobility, poverty, student homelessness, rate of parental unemployment, and other factors contributing to the opportunity gap.

(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. The school district board of directors shall seek public comment on the proposed Level II required action plan prior to submitting the plan to the state board of education for approval.

(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 the start of the school year in which implementation will take place ~~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.

[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and 28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-070, filed 5/18/14, effective 6/18/14.]

**WAC 180-17-080 Level II required action plan**~~p~~**Procedures for direct submission to state board of education by superintendent of public instruction** and~~r~~**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~~ calendar 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~~ start of 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~~ calendar 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 panel, 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.

[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and 28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-080, filed 5/18/14, effective 6/18/14.]

**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.

[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and 28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-090, filed 5/18/14, effective 6/18/14.]

**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 a new accountability system created ~~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 accountability 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~~deciles of the Washington school improvement framework.

(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~~Washington school improvement framework 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 various 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.~~

(ef) 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.~~

(fh) 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.

(gi) 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 technical 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.

[Statutory Authority: RCW 28A.657.040 - 28A.657.070 and  
28A.657.105 - 28A.657.110. WSR 14-11-062, § 180-17-100, filed  
5/18/14, effective 6/18/14.]