

The Washington State Board of Education

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Title:	SBE Statutory Authority for Accountability	
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Policy Considerations / Key Questions:	What is SBE's statutory authority for development of a revised Accountability Index and a framework for school accountability that includes assistance and intervention strategies? What additional statutory authority may be needed?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input checked="" type="checkbox"/> PowerPoint	
Synopsis:	<p>SBE's statutory authority for a framework for school accountability is established by:</p> <ul style="list-style-type: none"> • 2005 legislation (ESSB 5732) reconstituting SBE's powers and duties, codified as RCW 28A.305.130. • 2009 legislation (ESHB 2261) redefining basic education, in findings on shared accountability for school and district improvement. • 2010 legislation (E2SSB 6696), codified as RCW 28A.657 (Academic Achievement and Accountability). <ul style="list-style-type: none"> ○ RCW 28A.657.005 establishes closely connected roles for SBE and SPL in the development and implementation of an accountability system. ○ RCW 28A.657.110 recognizes the need for continued refinement of the accountability index. ○ RCW 28A.657.120 grants broad rule-making authority to SBE and OSPI to implement the powers and duties granted by Chapter 28A.657. 	

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SBE Statutory Authority for Accountability Framework

Policy Consideration

The Board will review its statutory authority for development of a framework for school accountability, and consider what additional authority may be necessary or helpful in moving that work to completion.

Summary

The State Board of Education's authority for developing a framework for school accountability is established in the law that created the present agency in 2005, and in the omnibus education reform legislation that set the current state policy for school accountability in 2010.

In ESHB 5732, the 2005 Legislature declared its intent to "reconstitute the state board of education and to refocus its purpose." Section 104 stated in the first sentence that "The purpose of the state board of education is to provide advocacy and strategic oversight of public education [and] *implement a standards-based accountability system.*" It is at the heart of the mission the Legislature set for SBE in reconstituting it with new powers and duties.

The Legislature reiterated this purpose in SHB 2261, the landmark 2009 act redefining and revising the funding of basic education. In Part V, "Shared Accountability for School and District Improvement," the Legislature declared that it "*has already charged the state board of education to develop criteria to identify schools that are successful, [those] in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies.*" SBE, it found, "should build on the work that the board has already begun in these areas." The act amended the State Board's enabling statute, RCW 28A.305.130, to clarify that the agency's purpose is to "implement a standards-based accountability *framework that creates a unified system of increasing levels of support for schools* in order to improve student academic achievement."

E2SSB 6696, from the 2010 session relating to education reform, gave specific direction to the State Board of Education in carrying out the responsibilities charged to it for school accountability. The act assigned distinct yet closely collaborative roles to the Office of Superintendent of Public Instruction and the State Board of Education in the development and implementation of an accountability system. In the first section, the act states:

The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement of all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data

reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. **The legislature assigned the state board of education responsibility and oversight for creating an accountability framework.** This framework provides 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. Such a system will identify schools and their districts for recognition as well as for additional state support. . . . -- RCW. 28A.657.005. [Emphasis added.]

The references to “accountability framework” in the successive acts of the Legislature indicate that the State Board of Education’s accountability framework is intended to be comprehensive, embracing in its design data reporting, performance measurement, and support for schools to raise achievement. Implementation is reserved to the Superintendent of Public Instruction, including the “developing and implementing the accountability tools to build district capacity” cited in the opening section of SB 6696.

SB 6696 goes on to identify two phases in the development of the accountability framework (used interchangeably in the act with “accountability system”):

- **A Phase One**, in which schools that have done an exemplary job raising student achievement and closing the achievement gap will be recognized, and the lowest five percent of persistently lowest-achieving schools will be assisted through federal funds and intervention models through first a voluntary, and then a required action process.
- **A Phase Two**, in which the state will work toward implementation of SBE’s accountability index for identification of schools in need of improvement, and use state and local intervention models and state funds through a required action process beginning in 2013, in addition to the federal program, to raise the achievement of those schools.

The Legislature recognized in Senate Bill 6696 that the accountability index is not a fixed product, but a dynamic process requiring ongoing development as more data become available and improved ways of measuring student achievement emerge:

(1) The state board of education *shall continue to refine the development of an accountability framework that creates 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 state board of education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. *Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. . . .* – RCW 28A.657.110. [Emphasis added.]

The Legislature made clear in this section that the accountability index is not and cannot be limited to performance measures specifically named in the act. It is on this statutory authority that SBE will move forward on development of a new draft Achievement Index, aligned with ESEA flexibility principles, that incorporates student growth within current measures of school and district performance.

RCW 28A.657.120 grants the State Board of Education, together with the Superintendent of Public Instruction, broad rule-making authority to implement the powers and duties granted it by this chapter of state law. That rule authority is sufficient to support revision of the accountability index without additional legislation.

As the State Board moves on to the next stage in development of the accountability framework, in which it identifies specific strategies of support and intervention, it should consider what additional legislation should be pursued to establish a sufficient statutory basis for implementation. Under the current timeline such legislation is unlikely to be needed before the 2014 Session.

Background

None

Action

None