



# K-12 EDUCATION

## A Legislative Handbook

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# Education Agencies

This section provides an overview of the major local and state agencies and committees that provide or support K-12 education in Washington.

## LOCAL DISTRICTS

<b>SCHOOL DISTRICTS</b>	
WHO THEY ARE	There are 295 local school districts, each governed by an elected board of directors whose members serve staggered four-year terms. Each board hires a superintendent who oversees the day-to-day operation of the district. "First class" school districts are defined as those with more than 2,000 students. Districts with fewer than 2,000 students are called "second class" districts.
RESPONSIBILITIES	The primary responsibility of school districts is to provide an education to all children, age 5 to 21, who reside within the district boundaries. School boards have broad corporate powers to hire staff, provide and contract for educational and other services, incur debt, issue bonds, build and maintain facilities, buy property, and collect local property taxes (if authorized by the district voters). A school board may be approved by the State Board of Education as a charter school authorizer for charter schools within district boundaries.
BACKGROUND	School districts are not referenced in the state Constitution, but are solely creatures of statute, and thus their powers, duties, and boundaries may be altered or abolished by statute. Washington once had over 2,000 school districts.

<b>EDUCATIONAL SERVICE DISTRICTS (ESDs)</b>	
WHO THEY ARE	There are nine regional Educational Service Districts in the state. Each is governed by a board consisting of seven to nine members elected by the school directors of that ESD.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• Provides cooperative, administrative, and informational services to and on behalf of local school districts.</li> <li>• Assists the SPI and the SBE in the performance of their duties.</li> <li>• Has limited powers and authority (no taxing authority; no statutory responsibility for providing education).</li> </ul>
BACKGROUND	School districts were once partial subdivisions of the counties. In 1969 county offices regulating school districts were eliminated and, at the same time, regional organizations called intermediate school districts were created in statute. These intermediate school districts were renamed ESDs in 1975. ESDs receive some core state funding, but most of their budget comes through cooperative services and fee-for-service programs, such as professional development.

## STATE AGENCIES

<b>SUPERINTENDENT OF PUBLIC INSTRUCTION (SPI)/ OFFICE OF THE SUPERINTENDENT (OSPI)</b>	
WHO THEY ARE	The SPI serves as Washington's Chief State School Officer and is elected on a nonpartisan basis every four years. The OSPI employs approximately 350 people.
RESPONSIBILITIES	<p>Washington's Constitution provides that the SPI "shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law."</p> <p>Among its duties, the OSPI:</p> <ul style="list-style-type: none"> <li>• Establishes state learning standards and statewide assessments;</li> <li>• Monitors and consults in such areas as basic education, professional development, curriculum development, special needs programs, and educational technology;</li> <li>• Apportions and distributes moneys to local school districts and ESDs;</li> <li>• Provides technical assistance and administers special programs; and</li> <li>• Gathers and reports information to state and federal authorities.</li> </ul>
BACKGROUND	The SPI is one of eight statewide executive officials of state government whose positions are established by the Constitution.

<b>STATE BOARD OF EDUCATION (SBE)</b>	
WHO THEY ARE	16 members: 7 appointed by the Governor; 5 elected by public school directors; 1 elected by private school directors; SPI; and 2 students. Separate staff (5-6 people) hired by the SBE, housed in the OSPI for administrative convenience.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• System oversight - "The Big Picture"</li> <li>• Student performance and accountability (student performance goals, school and district performance goals, systems of support and assistance)</li> <li>• Basic Education Act compliance (private school accreditation, 180-day waivers)</li> <li>• High school graduation requirements</li> <li>• Other (math and science standards review, curriculum review)</li> </ul>
BACKGROUND	Before 2005, all voting members were elected: 11 by public school directors and 1 by private school directors. The SPI served as a non-voting member. Also in 2005 the SBE assumed the student performance and accountability functions previously performed by the A+ Commission, and previous SBE responsibilities for educator certification were transferred to the PESB. In 2006, other ministerial responsibilities of the SBE were transferred to the OSPI.

<b>PROFESSIONAL EDUCATOR STANDARDS BOARD (PESB)</b>	
WHO THEY ARE	12 members: all appointed by Governor; majority active classroom-based practitioners. Legislation in 2009 reduced size of the PESB. Separate staff (13 people) hired by the PESB, housed in the OSPI for administrative convenience.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• Educator certification including standards and procedures for certification of teachers, educational staff associates, principals, and administrators</li> <li>• Approval of educator preparation programs</li> <li>• Alternative routes to certification</li> </ul>
BACKGROUND	The PESB was established in 2000 as an advisory committee to the SBE, which retained the actual authority for certification until 2005, when the PESB received full policy authority for all certification matters. In 2009 the PESB also received management authority over the staff of the certification office, who previously reported to the SPI.

<b>CHARTER SCHOOL COMMISSION</b>	
WHO THEY ARE	9 members: 3 appointed by the Governor, 3 appointed by the President of the Senate, and 3 appointed by the Speaker of the House of Representatives. Separate staff, housed in the Office of the Governor for administrative convenience.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• Solicits and evaluates charter applications for charter schools throughout state.</li> <li>• Authorizes public charter schools; deny weak or inadequate applications.</li> <li>• Manages, supervises, and enforces its charter contracts.</li> <li>• Ensures accountability and oversight for the charter schools it authorizes.</li> </ul>
BACKGROUND	Established in 2013 pursuant to Initiative Measure No. 1240, approved November 6, 2013.

<b>OFFICE OF THE EDUCATION OMBUDS (OEO)</b>	
WHO THEY ARE	Separate office within the Office of the Governor, with the Education Ombuds appointed by the Governor.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• Serves a voluntary mediator function between parents and school districts, but does not act on behalf of either party and cannot compel action by either party.</li> <li>• Promotes parent involvement and provides information to parents about the public school system.</li> </ul>
BACKGROUND	Established in 2006.

## OTHER MAJOR COUNCILS OR COMMITTEES

<b>QUALITY EDUCATION COUNCIL (QEC)</b>	
WHO THEY ARE	14 members: 8 legislators, 4 education agency heads (SPE, SBE, PESB, Department of Early Learning), Governor's Office, plus one member of the EOGOAC. Staffed by the OSPI, with assistance from other agency and legislative staff as needed.
RESPONSIBILITIES	<p><u>Short-Term:</u> Provided policy guidance and received progress reports and recommendations from various working groups assigned to implement Basic Education reform legislation.</p> <p><u>Long-Term:</u></p> <ul style="list-style-type: none"> <li>• Oversees ongoing implementation of Basic Education reform legislation and "an evolving Program of Basic Education."</li> <li>• Develops strategic recommendations and sets measurable goals and priorities for the education system.</li> </ul>
BACKGROUND	Established in 2009. Loosely modeled after an entity in Oregon that is responsible for making recommendations to the Legislature on the basic education program and, in particular, the financing needed to support it.

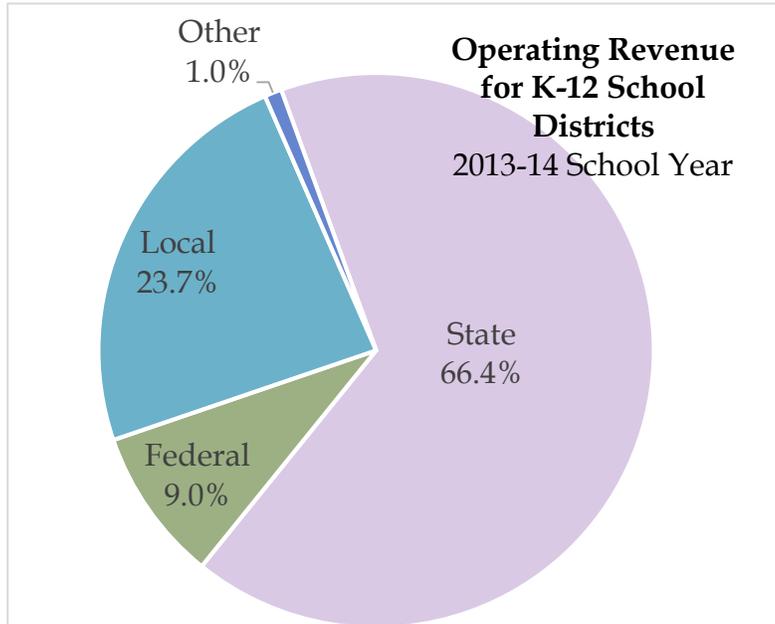
<b>EDUCATIONAL OPPORTUNITY GAP OVERSIGHT &amp; ACCOUNTABILITY COMMITTEE (EOGOAC)</b>	
WHO THEY ARE	13 members: 6 legislators, Education Ombuds, Center for the Improvement of Student Learning (CISL), and 5 representatives of major student populations (Native American, African American, Hispanic American, Asian American, Pacific Islander American). Staffed by the CISL, an office within the OSPI. However, funding for the CISL was eliminated during the 2011 legislative session.
RESPONSIBILITIES	<ul style="list-style-type: none"> <li>• Synthesizes the 2008 achievement gap studies into a single strategic plan.</li> <li>• Recommends to the SPE, SBE, and PESB policies and strategies to close the achievement gap in a variety of topic areas.</li> </ul>
BACKGROUND	Established in 2009 as a response to five achievement gap studies commissioned by the Legislature in 2008. Originally named the Achievement Gap Committee and renamed in 2011.

# School District Finance

## OVERVIEW

For the 2013-14 school year, Washington's 295 school districts received a total of approximately \$10.9 billion in operating revenue from all sources.

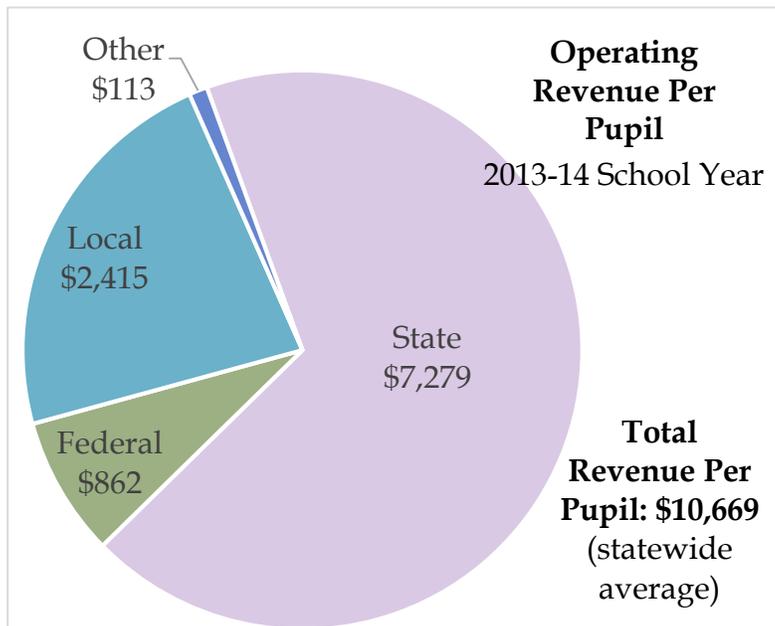
State	\$7,410 million
Local	2,459
Federal	878
Other	115
<b>Total Revenue</b>	<b>\$10,861 million</b>



In Washington, slightly more than two-thirds of school district revenue comes from the state. This is higher than the national average of roughly 50 percent. Other states support schools by relying more heavily on local taxes, which make up only 22 to 23 percent of the total revenue in Washington.

In recent years, federal funding to Washington temporarily increased due to Federal Stimulus funding through the American Recovery and

Reinvestment Act (ARRA). Those funds are now largely gone and federal funding has returned to about 8 percent of overall school district revenue.



School districts received over \$10,600 per pupil in total revenue in the 2013-14 school year for operating expenses. About \$7,200 per pupil came from the state.

These figures represent a *statewide average* of all school districts. Each district's proportion and per pupil revenue varies by the characteristics of its students, the size of its voter-approved levy, and its eligibility for certain types of federal funding.

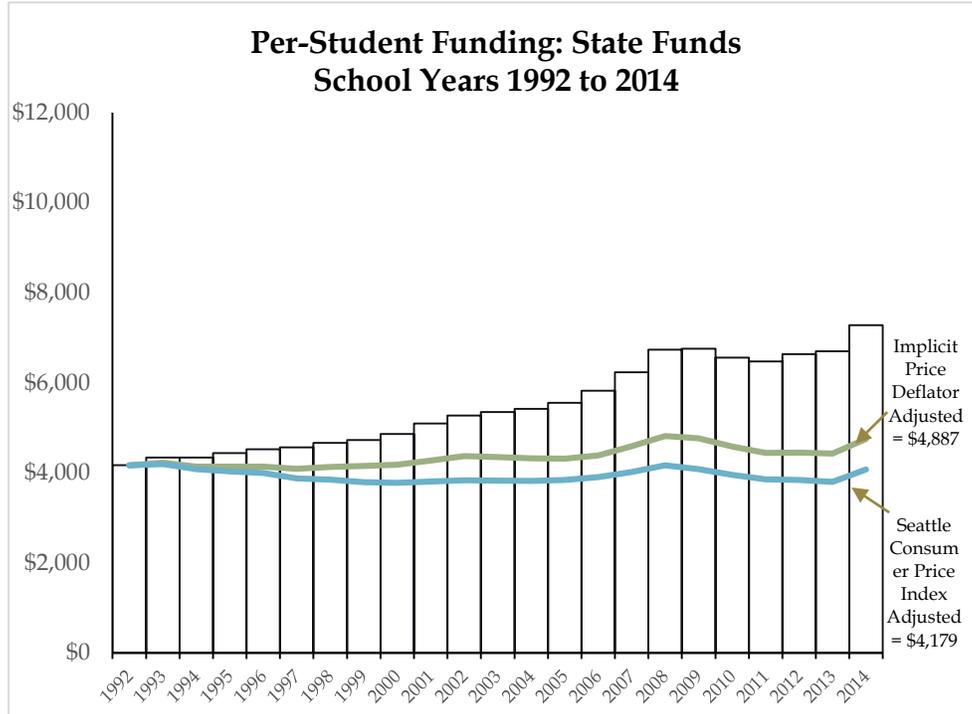
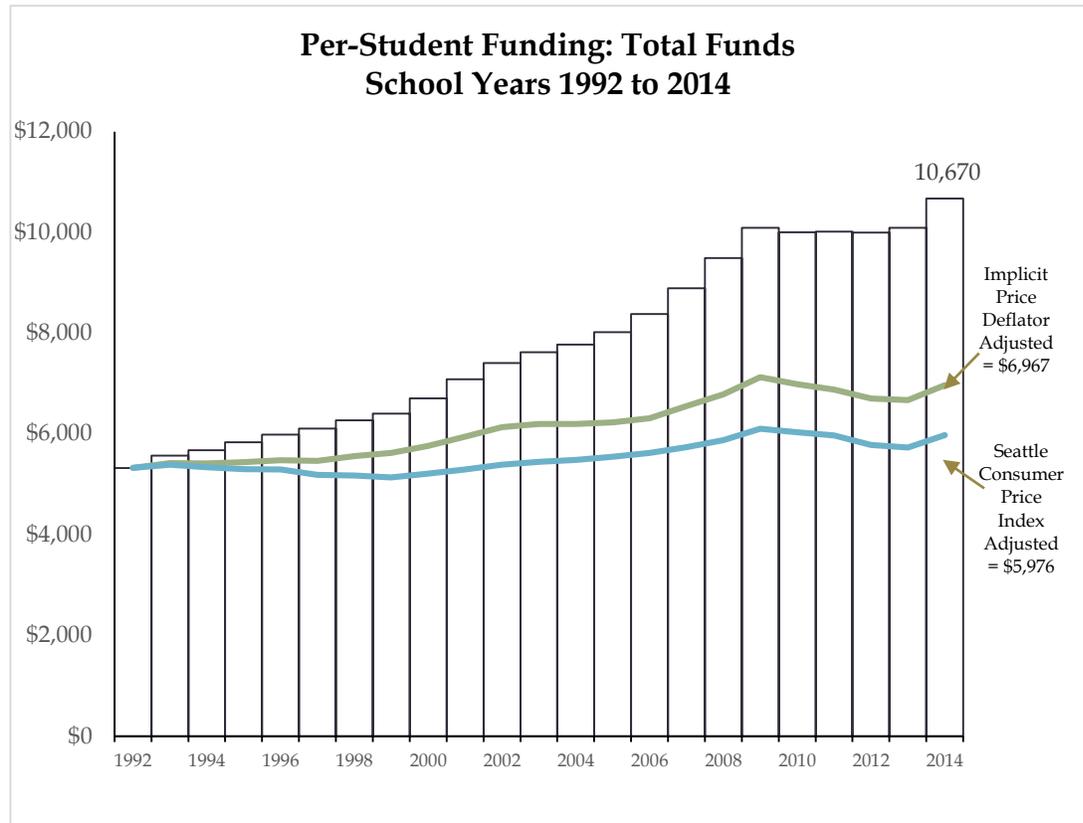
Data Source: School District and ESD Financial Reporting Summary 2013-14 School Year, Detail General Fund Revenue and Other Financing Sources

Report

## OVER TIME

Total per-student revenue from *all fund sources* has increased from \$5,323 in 1992 to \$10,670 in 2014.

This represents an increase of approximately 110 percent over this period. Adjusting for real dollars, as compared to total funding available in 1992, the Consumer Price Index (CPI) adjusted per pupil funding has increased about 16 percent and the Implicit Price Deflator (IPD) adjusted figure has increased about 36 percent.



Per-student funding from *state sources* increased from \$4,112 in 1992 to \$7,279 in 2014.

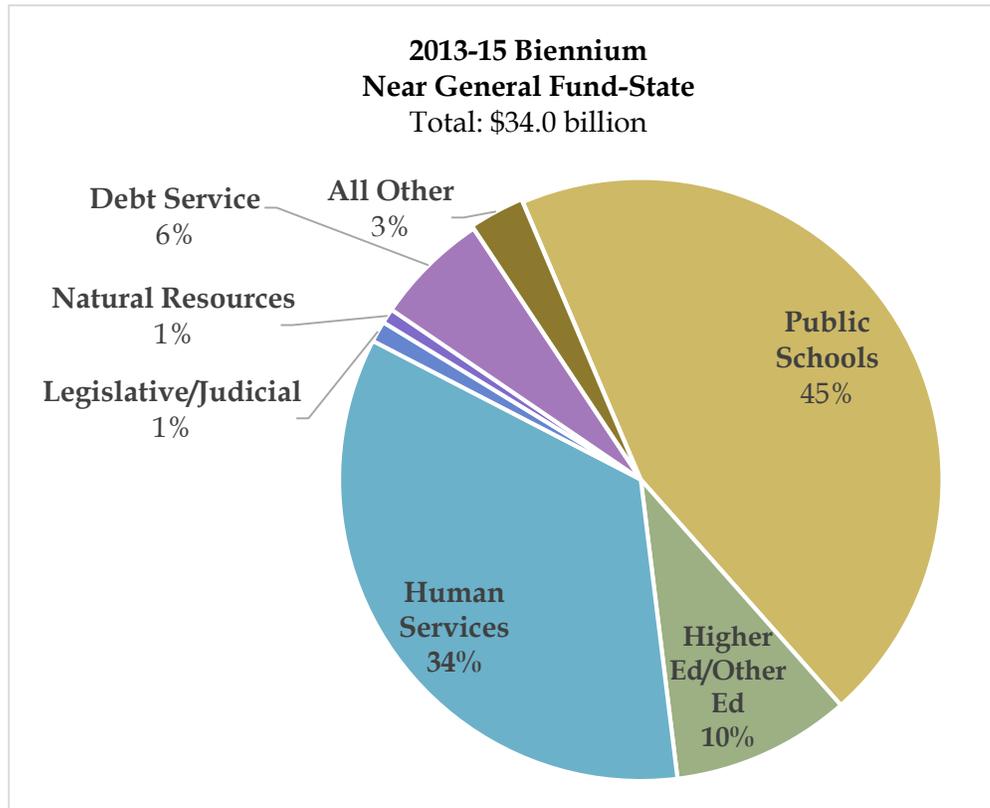
This represents approximately a 59 percent increase over this period and also exceeds the IPD and the CPI.

Per-student state funding increased in 2014, but was still below 2008 and 2009.

Data Source: School District and ESD Annual Financial Reporting Summary, each year 1992 to 2014.

For the 2013-15 biennium, 45 percent of the general state operating budget goes to K-12: \$15.3 billion out of a total \$34 billion.

Data Source: Legislative Budget Notes, 2013-15 Biennium.



## STATE FUNDS - DETAIL

### School Districts - State Funding 2013-14 School Year

Basic Education/ Apportionment	\$5,610,596,616
Special Education	729,327,779
Local Effort Assistance	314,994,642
Pupil Transportation	322,286,786
Learning Assistance Program	207,062,107
Transitional Bilingual	94,772,761
Special & Pilot Programs	71,057,902
State Forests	12,247,153
Institutional Education	12,085,931
Highly Capable	9,510,174
School Food Services	7,299,480
Day Care	2,635,448
Other	15,962,337
<b>Total State Revenue</b>	<b>\$7,409,839,116</b>

#### Basic Education/Apportionment

**\$5,610.6 million**

76 percent of state funding for school districts is driven out through the general apportionment funding formula to support Basic Education and the general operation of schools. Beginning in the 2011-12 school year, funds are allocated based on a "prototypical school" funding formula that assumes certain class sizes at each grade level and provides allocations for other building-level staff (principals, librarians, counselors, aides) for elementary, middle, and high schools. The formula contains allocations for maintenance, supplies, and operating costs (MSOC); district-wide staff; and central administration. The formula drives dollars to school districts, but districts make decisions about staffing and resource allocation among schools at the local level.

#### Special Education

**\$729.3 million**

State funds to support education for students with disabilities is provided over and above regular funding for Basic Education. Districts receive 0.9309 times the per-pupil amount for Basic Education for each student in grades K-12, and 1.15 times this amount for special education students aged birth to 3. Formula funding for K-12 students is capped at 12.7 percent of the district's student population, with additional safety net funding available through an application process for particularly high cost students and unusual situations. This allocation is in addition to the Basic Education allocation described above.

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**Local Effort Assistance (LEA)****\$315.0 million**

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Created in 1987, Local Effort Assistance is state funding provided to school districts with above average property tax rates due to low property valuations. To qualify for the assistance, a district must make the effort to pass a local levy. For 2011 through 2017, maximum matching assistance is at the school district's 14 percent levy rate. 215 out of 295 (73%) school districts qualified in Calendar Year 2014.

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**Pupil Transportation****\$322.3 million**

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Beginning in 2011-12, pupil transportation funds are allocated based on a formula that calculates expected costs through a statistical regression analysis. Full funding under the new formula was phased in during the 2013-15 biennium with full funding of the new formula provided in the 2014-15 school year.

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**Learning Assistance Program (LAP)****\$207.1 million**

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The Learning Assistance Program is a state program that provides funding for school districts to offer supplemental instruction and support for struggling students. Funds are allocated based on the proportion of low-income students in the district, on the presumption that there is an inverse relationship between student poverty and student achievement. Beginning with the 2013-14 school year, LAP allocations were increased to 2.3975 hours of additional instruction.

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**Transitional Bilingual Instructional Program (TBIP)****\$94.8 million**

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Funding is also allocated for supplemental instruction for students who are English language learners. Funds are allocated for each student who does not pass a standardized English proficiency assessment that measures reading, writing, listening, and speaking. Additionally, beginning with the 2013-14 school year, funds are also provided to support students for the first two years after they reach a level of proficient.

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**Special and Pilot Programs****\$71.1 million**

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This category of state funding represents a number of diverse and ever-changing special programs with funds typically allocated through competitive grants or other specific eligibility criteria. Examples include beginning teacher mentor support, implementation of revised teacher and principal evaluation systems, dropout prevention, and principal internships.

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**State Forests****\$12.2 million**

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The state Department of Natural Resources distributes funds to school districts from the lease of state forest lands or the sale of forest and mineral products from those lands.

## **Institutional Education**

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**\$12.1 million**

Supplemental funding is provided to school districts that must offer education and services to students housed in various types of institutions, including residential habilitation centers, state group homes, facilities for juvenile delinquents, and youth in detention and state prisons.

## **Highly Capable**

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**\$9.5 million**

Supplemental funds are also provided based on 2.314 percent of each school district's student population, so that districts can offer enhanced learning opportunities for the most highly capable (gifted) students.

## **School Food Services**

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**\$7.3 million**

Most funding for school food services is federal, but the state is required to provide a minimum matching amount based on the number of federally-supported meals served. In addition, the state supports free breakfasts for all low-income students and free lunches for low-income students in kindergarten through 3rd grade.

## **Day Care**

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**\$2.6 million**

Some school districts receive funds from state agencies such as the Department of Social and Health Services for day care services and programs provided by the district.

## FEDERAL FUNDS - DETAIL

### School Districts - Federal Funding 2013-14 School Year

School Food Services	\$261,080,653
Special Education	216,466,426
Title I	203,270,356
School Improvement	47,873,033
Impact Aid	34,717,219
Federal Stimulus	5,182,052
Misc. Special Purpose Federal Grants	24,908,718
Headstart	16,368,361
Limited English Proficiency	15,098,626
Migrant	11,535,953
Federal Forests & In Lieu of Taxes	9,234,896
Secondary Vocational Ed	8,202,207
Indian Education	4,223,283
Other	19,703,090
<b>Total Federal Revenue</b>	<b>\$877,864,873</b>

#### School Food Services

**\$261.1 million**

School districts receive funds to operate school lunch and breakfast programs and provide free and reduced price meals for low-income children. Included in the amount shown is \$22.1 million in commodities for school food programs from the U.S. Department of Agriculture.

#### Special Education

**\$216.5 million**

Funding through the federal Individuals with Disabilities Education Act is allocated on a per-student basis to provide services to students with disabilities. In addition, approximately \$11.5 million is reimbursement for Medicaid-eligible services provided for these students.

#### Title I

**\$203.3 million**

Title I refers to the Elementary and Secondary Education Act (ESEA), which was reauthorized in 2001 as the No Child Left Behind (NCLB) Act. There are a number of subgrants under the Title I umbrella, but the largest is Part A, Basic, which provides funding to school districts based primarily on the number of low-income children (according to Census data) in a district. Funds must be used to help struggling students improve their achievement.

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**School Improvement****\$47.9 million**

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School districts receive grants from a number of other Titles under the ESEA, including Title II (teacher quality and educational technology); Title IV (safe and drug free schools and 21st century community learning centers); and Title V (innovative programs). Each grant has separate criteria, purposes, and allowable uses.

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**Impact Aid****\$34.7 million**

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Financial assistance is provided for those school districts that are impacted by federal activities, such as military bases and the children associated with the military personnel stationed there. The intent is to compensate the school district for the loss of taxes on federal property.

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**Federal Stimulus****\$5.2 million**

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For several years, a significant infusion of federal funding from the American Recovery and Reinvestment Act of 2009 was used to offset reductions in general state funding. These funds have largely been spent.

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**Misc. Federal Grants****\$24.9 million**

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School districts are asked to record "other" federal grant funds received, including monies received directly from a federal agency or another state agency rather than through the OSPI.

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**Headstart****\$16.4 million**

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Headstart is a federal comprehensive preschool program for low-income children and their families. The program is administered by the Department of Early Learning through contracted service providers, many of which are school districts.

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**Limited English Proficiency****\$15.1 million**

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Funding under Title III of the ESEA is provided to supplement instruction for English language learners. Funds are distributed to districts primarily based on their proportionate share of these students.

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**Migrant****\$11.5 million**

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Another part of Title I, Migrant funds are provided to school districts to establish and improve educational services and programs for children whose families are migratory farmworkers.

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**Federal Forests & In Lieu of Taxes****\$9.2 million**

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Similar to Impact Aid, these are payments to school districts to offset the loss of property taxes due to the significant presence of federal lands. However, these revenues are based on income from activities on the federal land (timber, mining, etc.). To avoid disproportionate benefit to a few districts, state revenue otherwise payable through general apportionment is reduced.

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**Secondary Vocational Education****\$8.2 million**

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Federal funds through the Perkins Act help school districts improve the standards, curriculum, and alignment with postsecondary training of their career and technical education programs, both in high schools and in skill centers. Also included in this amount is \$556,000 for youth training programs.

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**Indian Education****\$4.2 million**

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Two funding streams support programs designed to meet the educational and cultural needs of Native American students. The larger grant (about \$4.0 million) comes from the U.S. Department of Education; the remainder is from the Bureau of Indian Affairs.

## LOCAL FUNDS - LEVIES

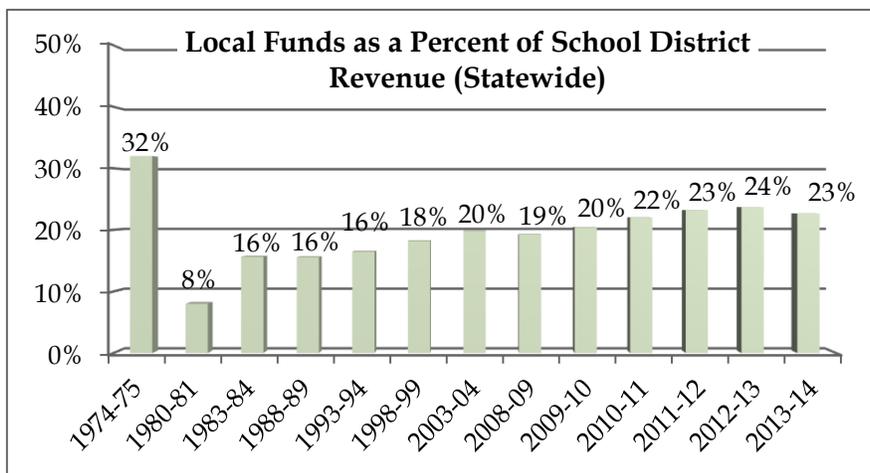
Eighty-five percent (\$2.1 billion) of the revenue received by school districts from local sources in the 2013-14 school year was generated by property tax levies approved by district voters. The remainder was fees (co-pays for meals and tuition for voluntary programs), donations, sale of goods, rent and lease income, investment earnings, and a variety of other sources.

**Levies Generally.** The state Constitution authorizes school districts to levy local property taxes to support public schools as long as the voters of the district approve. A constitutional amendment approved in 2007 allows a simple majority voter approval for Maintenance & Operations (M & O) levies. Levies to pay for bonds for capital projects still require 60 percent voter approval. M & O levies may be authorized for up to four years. Capital levies may be up to six years and are limited to specified costs to repair, improve, or construct facilities.

"Facilities" can include major technology systems; sometimes Capital levies run for this purpose are called Technology levies. Monies from the sale of bonds, which are paid for by a Debt Service levy, are restricted to land purchase and major capital projects. Districts are authorized to run two-year Transportation levies for bus purchases, but few do.

**Levy Lid.** The original Levy Lid law, which was enacted in 1977 and took effect in 1979, sought to limit the M & O levies to 10 percent of a school district's state Basic Education allocation. School districts with historically higher levies were grandfathered, with the intent to move all districts to 10 percent by 1982. In the past 35 years, the Levy Lid law and

calculation of the lid have been amended numerous times. Legislation enacted in 2010 temporarily raises the lid by 4 percent starting in the 2011 collection year through 2017. For 2012, the lid was 28 percent, with 91 school districts still grandfathered at a higher lid (the highest being 37.9 percent in Kahlotus, Franklin County).



Data Source: F196 compiled by LEAP and OPR

**Levy Base.** The base against which the levy lid is calculated has also been adjusted and amended over time. The levy base now includes most state funding (except for certain temporary or special projects) and federal funding that a district receives. Since 2004, the base has also included amounts that would have been paid to school districts under I-728 and I-732, had those initiatives been fully funded by the Legislature. The timeframe for this artificial base expansion has been extended several times. 2010 legislation extended the expansion to 2017 and adds to the base monies that would have otherwise been paid for enhanced K-4 staff allocations.

# K-12 Constitutional Context

## WASHINGTON CONSTITUTION - ARTICLE IX

**SECTION 1.** It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

**SECTION 2.** The Legislature shall provide for a general and uniform system of public schools.....

In light of these education provisions in the state Constitution, the courts have played a considerable role in school funding over the past 40 years. The most recent case is *McCleary v. State*, decided by the Washington Supreme Court in January 2012. In the *McCleary* decision, the Court retained jurisdiction over the case and has required periodic reports from the Legislature that summarize actions taken toward achieving constitutional compliance.

### **McCleary v. State (2012)** (Supreme Court)

- Art. IX, Sec. 1 confers on children in WA a positive constitutional right to an amply funded education.
- The word "education" means the basic knowledge and skills needed to compete in today's economy and meaningfully participate in the state's democracy. The current substantive content of the necessary basic knowledge and skills is found in: (1) the broad educational concepts outlined in School Funding I (*see below*); (2) the four Basic Education learning goals; and (3) the Essential Academic Learning Requirements.
- The program of Basic Education is not etched in constitutional stone. The Legislature has an obligation to review the program as the needs of students and the demands of society evolve. But to ensure that the legislature exercises its authority within constitutionally prescribed bounds, any reduction of programs or offerings from the Basic Education program must be accompanied by an educational policy rationale.
- The education required consists of the *opportunity* to obtain the knowledge and skills; it does not reflect a right to a guaranteed educational outcome.
- The word "ample" means fully, sufficient, and considerably more than just adequate. Ample funding for Basic Education must be accomplished by means of dependable and regular tax sources.
- The state has not complied with its duty to make ample provision for the education of all children in Washington. However, if fully funded, the recently enacted education reform package found in ESHB 2261 (2009) will remedy deficiencies in the K-12 funding system.
- The Court defers to the Legislature's chosen means of discharging its constitutional duty, but retains jurisdiction over the case to facilitate progress in the state's plan to fully implement the reforms by 2018.

## Ongoing Implementation of McCleary Decision

Shortly after this ruling, the Legislature approved House Joint Resolution 4410, establishing a bipartisan Joint Select Committee (Committee) on Article IX Litigation to represent the Legislature in communicating with the Court. In July 2012, the Court issued an order regarding the form of retained jurisdiction it would use to oversee legislative compliance with the *McCleary* decision. The state, through the Committee, must file an annual report within 60 days after the operating budget is signed by the Governor, summarizing the actions taken toward implementing Basic Education reforms and achieving compliance with Article IX. The plaintiffs may respond by filing written comments on the report with the Court. In this initial order, the Court stated that its review will focus on whether the actions show "real and measurable progress" toward achieving compliance by 2018.

The Committee filed its first report in September 2012. The Court responded in December 2012. The Court declared that the next subsequent report must "set out the state's plan in sufficient detail to allow progress to be measured according to periodic benchmarks" and must demonstrate that the budget meets this plan.

The Committee filed its second report at the end of August 2013. Although the Court acknowledged, in an order issued following this report, that education enhancements funded in the 2013-15 budget took "meaningful steps," the Court found these steps inadequate. The Court repeated its order that the state submit an implementation plan to the Court. Specifically, the order required the state to submit, no later than April 30, 2014, a complete year-by-year plan for fully implementing its program of Basic Education by the 2017-18 school year. The Court stated that this "plan must address each of the areas of K-12 education identified in ESHB 2261, as well as the implementation plan called for by SHB 2776, and must include a phase-in schedule for fully funding each of the components of Basic Education. "

The Committee filed its next report by the Court's due date, describing the funding progress that had been made in the 2014 session, particularly with respect to transportation, and materials, supplies, and operating costs (MSOC). Because the Legislature had not enacted or otherwise provided an implementation plan, the report did not include additional timelines to implement the program of Basic Education. The Committee asked the Court to "recognize that 2015 is the next and most critical year for the Legislature to reach the grand agreement needed to meet the state's Article IX duty by the statutorily scheduled full implementation date of 2018."

On June 12, 2014, the Court issued an order to show cause, summoning the state to appear before the Court on September 3, 2014 to address why the state should not be held in contempt for violation of the two orders to submit a complete plan for full implementation.

Following the September 3, 2014 show cause hearing, the Court held the state in contempt of its orders to submit a complete implementation plan. The Court did not impose any sanctions on the state or the Legislature. Instead, the court postponed a decision on sanctions until after the 2015 legislative session. The Court explained that this would allow the state the opportunity to

comply with the Court's order during the 2015 legislative session. But, the Court said, if by adjournment of the 2015 legislative session the state has not purged the contempt by complying with the Court's order, the Court will reconvene to impose sanctions and other remedial measures as necessary. If the state has not provided the Court with an implementation plan by adjournment of the 2015 session, it must file a brief explaining why the Court should not impose sanctions.

## Two Precursor School Funding Cases

Two other major school funding cases formed a foundation for the *McCleary* decision:

**School Funding I (1978)** (Supreme Court opinion also referred to as Doran I, titled after trial court Judge Robert Doran who issued the decision that was before the higher court)

- Article IX creates a state duty and a corresponding right for school children.
- All children residing within the state's borders have a right to be amply provided with an education.
- This right is constitutionally paramount and must be achieved through a general and uniform system of public schools.
- The duty to provide this education is imposed on the state, not school districts.
- The state complies with this duty only when it makes ample provision for a program of Basic Education through regular and dependable tax sources.
- Excess levies are not regular and dependable tax sources, because they vary by year and by district.
- The Legislature may authorize use of excess levies only for enrichment programs that the state is not required to support under its Basic Education obligation.
- The state may not cause districts to fund Basic Education with local levy funding.

**School Funding II (1983)** (Trial court decision issued by Judge Doran; not appealed. *McCleary* acknowledges the authoritative value of this trial court ruling. Referred to as Doran II.)

- Once the Legislature has defined and fully funded Basic Education, it may not reduce the level of funding merely because of a budget shortfall; however, Basic Education formulae and definitions are not cast in "constitutional concrete."
- The state must fund "salaries necessary to assure local school districts the ability to hire and retain competent staff."
- Items within the State's definition of Basic Education are not restricted to the general apportionment formulas and ratios found in the Basic Education Act (BEA).
- The state's funding obligation includes special education, some transportation, bilingual education, remedial education, and institutional education.
- Basic Education does *not* include gifted programs, food programs, "urban factors", extracurricular activities, desegregation costs, deferred maintenance, or enrollment decline costs.

# What is "Basic Education?"

The words "Basic Education" do not appear in the Washington Constitution. However, since the late 1970's, they have come to mean the program of education that the state must provide to children to meet the requirements of Article IX, including providing the funding necessary to support it. It is up to the Legislature to define and fund this program, and up to the Courts to determine the extent to which the Legislature's actions fulfill the constitutional obligations.

**1. Basic Education Goals.** The Legislature has stated that "a basic education is an evolving program of instruction intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives." To these ends, each school district is to provide opportunities for every student to develop the knowledge and skills essential to the Basic Education Goals.

**2. Basic Education Program.** The Legislature has defined the main Instructional Program of Basic Education with minimum components that must be provided by school districts:

- 180 school days per school year plus specified instructional hours per year.
- Full-day kindergarten (phased in from half-day K and implemented statewide by 2017-18).
- Instruction in the state Essential Academic Learning Requirements (EALRs).
- Instruction providing the opportunity for students to complete 24 credits for graduation (beginning with the graduating class of 2019 unless a waiver is granted extending implementation until 2020 or 2021).
- Programs for specified groups of students: underachieving students (Learning Assistance Program), English language learners (Transitional Bilingual Instructional Program), students with disabilities (Special Education), and Highly Capable students.

The legislative definition of Basic Education also includes educational programs for students in various types of state facilities, as well as transportation of eligible students to and from school.

**3. Basic Education Funding Formulas.** State funding to support Basic Education programs is allocated through various formulas whose details are specified in statute and through the omnibus appropriations act. The formula for the program is based on the number and types of building staff and non-staff resources assumed to be needed to operate "prototypical schools" of a certain size and grade span, as well as district-wide staff and administration. Funding assumptions for special programs (LAP, Special Education, etc.) and transportation are also outlined.

## **Basic Education Goals**

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate technology literacy and fluency as well as different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

# Enhancements to Basic Education

Legislation enacted in 2009 (ESHB 2261) established a new definition of the program of Basic Education, to be phased-in beginning in 2011 concurrently with the resources necessary to support it. Two enhancements (**increased instructional hours** and the opportunity for students to earn **24 credits for high school graduation**) were to be implemented according to a schedule adopted by the Legislature.

Legislation enacted in 2010 (SHB 2776) specified a new funding formula for Basic Education and four additional enhancements to the program:

1. **Class size reduction in grades K-3**, phased-in based on high-poverty schools to a class size allocation of 17.0 by 2017-18.
2. Continued incremental phase-in of **full-day kindergarten** based on high-poverty schools, with statewide implementation by 2017-18.
3. **Increased allocations for maintenance, supplies, and operating costs (MSOC)** to a total of \$1,082.76 per full-time equivalent (FTE) student by 2015-16, to be adjusted for inflation.
4. Full implementation of a new funding formula for **pupil transportation** by the 2013-15 biennium.

The table below shows the status of these enhancements as of the 2013 legislative session:

Basic Education Program	Before 2013	2013-14 School Yr.	2014-15 School Yr.	2013-15 Budget
<b>Instructional Hours</b>	1,000 districtwide average, K-12	---	1,000 each grade 1-6 1,080 each grade 7-12 Additional 2,222 hours/week 7-12	\$97.0 M
<b>24 Credits for Graduation</b>	20 credits	Not yet authorized		
<b>K-3 Class Size</b>	25.23 Regular 24.10 High Poverty	High Poverty: K-1: 20.85 2-3: 24.10	High Poverty: K-1: 20.30 2-3: 24.10	\$103.6 M
<b>Full-Day Kindergarten</b>	22% of K students	43.75%	43.75%	\$89.9 M
<b>MSOC</b>	\$560.67 per FTE	\$737.02 28% of target	\$781.72 33% of target	\$374.0 M
<b>Pupil Transportation</b>	\$2.8 M toward new formula	\$43.9 M 40% of target	\$109.7 M 100% of target	\$131.7 M

The 2013 Legislature made the following enhancements to Basic Education:

- Increased the funding allocations for the **Learning Assistance Program** from 1.5156 hours per week to 2.3975 hours per week (\$143.1 million).

- Expanded the **Transitional Bilingual Instruction Program** to include services for students who exited the program in the previous two years, funded at 3.0 hours per week (\$18.9 million).
- Increased building-level staff allocations for **Guidance Counselors** in prototypical middle and high schools by 0.1 FTE (\$12.2 million) and for **Parent Involvement Coordinators** in prototypical elementary schools by 0.0825 FTE (\$11.9 million).

In 2014 E2SSB 6552 required districts to offer a district-wide average of 1,000 hours in grades 1-8 and 1,080 in grades 9-12, beginning in 2015-16. A 24-credit Career and College Ready framework will take effect with the graduating class of 2019.

# Milestones in Education Reform

- 1991** - Governor's Council on Education Reform and Funding (GCERF) was created by Executive Order of Governor Gardner.
- 1992** - **SSB 5953** was adopted, establishing the initial framework for education reform:
- Created the Commission on Student Learning to identify what all students need to know and be able to do in a performance-based education system.
  - Provided for development of Essential Academic Learning Requirements (EALRs) and authorized design of a statewide assessment system.
  - Created the expectation that students earn a Certificate of Mastery for graduation.
  - Removed certain "input" requirements (credits, hours, required instruction) from law.
- 1993** - As result of GCERF recommendations, **ESHB 1209** was adopted. ESHB 1209 modified SSB 5953 and is widely considered "the" education reform law in Washington.
- Articulated the four State Learning Goals.
  - Established timelines for development of EALRs and statewide assessments.
  - Made the graduation requirement of a Certificate of Mastery contingent on the high school assessment being found valid and reliable.
  - Directed the Commission on Student Learning to develop recommendations for providing assistance to students, intervention in struggling schools, and awards and incentives.
  - Created the Joint Select Commission on Education Restructuring to monitor the progress of the reforms and recommend modification of regulations.
  - Created a Legislative Fiscal Study Committee to study the common school funding system and recommend a new funding model by 1995.
- 1996** - **ESHB 2695** made a number of significant adjustments in the implementation timeline and repealed the Certificate of Mastery requirement, but was vetoed by the Governor.
- 1997** - **ESHB 6072** modified assessment timelines and required the Commission, SPI, and SBE to make recommendations regarding the Certificate of Mastery and high school graduation.
- The agencies recommended the Certificate be required starting with the Class of 2006.
  - The 4<sup>th</sup> grade WASL for reading, writing, and math became mandatory statewide.
- 1999** - **SSB 5418** created the Academic Achievement and Accountability (A+) Commission.
- Directed the A+ Commission to adopt and revise student improvement goals; adopt cut scores on the WASL; identify schools for success, assistance, and intervention.
  - Transferred Commission on Student Learning responsibilities for the EALRs and assessment system.
  - Directed schools to adopt improvement goals for math in 4<sup>th</sup> and 7<sup>th</sup> grades.
- 2000** - State Board of Education adopted a rule requiring the Certificate of Mastery for high school graduation starting with the Class of 2008.
- The WASL in 7<sup>th</sup> and 10<sup>th</sup> grade for reading, writing, and math became mandatory statewide.
- 2004** - **3ESHB 2195** made significant modifications to the achievement and assessment system:
- Renamed the Certificate of Mastery as the Certificate of Academic Achievement (CAA). Created the Certificate of Individual Achievement for special education students.
  - Established in statute that the CAA is earned through success in reading, writing, and math on the high school assessment and is a requirement for high school graduation for the class of 2008. Science is added for the class of 2010.

- Directed the SPI to develop alternative assessments, of equal rigor, for the high school WASL, but made implementation subject to legislative approval.

**2005 - ESSB 5732** abolished the A+ Commission and transferred its responsibilities for achievement and accountability to a newly re-constituted SBE.

**2006 - ESSB 6475** authorized implementation of alternative assessments for graduation purposes, including a collection of evidence, cohort-grades comparison, and use of other test scores such as the SAT or ACT. Authorized the SPI to establish an appeals process.

- Under NCLB, testing of students in reading and mathematics is extended to each of grades 3-8 and 10.

**2007 - ESSB 6023** created a temporary exemption until the class of 2013 for students to pass the math WASL for graduation and delayed the science requirement to the class of 2013.

- Provisions that declared legislative intent to change the high school math and science WASL to an end-of-course assessment and directed the SBE to examine the issue were vetoed by the Governor.

**2008 - ESHB 3166** required revisions of the WASL to shorten the test and develop end-of-course assessments for high school mathematics.

- First graduating class required to pass reading and writing assessment to earn a diploma.

**2009 - SSB 5414** continued revisions of the WASL by further shortening the test at all grades and modifying the implementation of the new end-of-course assessments in math.

**2010 -** Based on SBE recommendations, **E2SSB 6696** established an accountability system that includes recognition of successful schools and districts and a process for required action in districts with persistently low performing schools, according to federal definitions.

- The SPI is authorized to provisionally adopt Common Core State Standards in English Language Arts and Mathematics as the state EALRs.

**2011 - ESHB 1410** required development of an end-of-course assessment for high school science and delayed the graduation requirement until the class of 2015.

**HB 1412** allowed the classes of 2013 and 2014 to pass one (rather than both) end-of-course assessment for math.

**2013 - E2SSB 5329** extended the accountability system to include all schools and use of state funds, if appropriated. A new "Level II" for required action provides additional authority for the SPI if necessary to improve achievement in a persistently low performing school.

**EHB 1450** authorized new consortia-developed assessments aligned with the Common Core State Standards beginning in 2014-15 and requires use of only these high school assessments for graduation starting with the class of 2019.

**2014 - E2SSB 6552** required districts to offer 1,000 hours in grades 1-8 and 1,080 hours in grades 9-12 beginning in 2015-16 (hours are calculated using a district-wide average of grades 1-12). The SBE was directed to adopt rules implementing the 24 credit Career and College Ready framework to take effect with the graduating class of 2019.

## Recent History of Basic Education Finance Reform

- 2004** - A **House K-12 Finance Workgroup** examined the K-12 funding formulas and concluded that, although the overall funding structure was responsive to student enrollment and student characteristics, the structure could be better aligned with state education policies.
- 2005/** - Legislation created **Washington Learns**, with a Governor-chaired Steering Committee  
**2006** and advisory committees for Early Learning, K-12, and Higher Education. The K-12 Committee commissioned a funding analysis "to identify how best to distribute current dollars and whether additional funding is necessary to achieve Washington's standards." Drs. Larry Picus and Allen Odden, national consultants in K-12 finance, recommended a funding allocation model and a level of funding based on the resources that a "prototypical" school would need to provide a quality education for students. The WA Learns final report recommended continued work on a ten-year strategy to redefine Basic Education and increase funding.
- 2007/-** The Legislature created the **Joint Task Force on Basic Education Finance** to review and  
**2008** propose a new definition of Basic Education and develop options for a new, aligned funding structure and formulas. The Task Force re-examined the Picus-Odden study and considered other comprehensive policy and funding proposals. The final report called for revising Basic Education to include increased instructional hours and graduation requirements; supplemental instruction for struggling, ELL, and gifted students; and early learning for at-risk children. It also recommended a revised educator compensation system and significantly increased funding for Basic Education (with formulas based on a prototypical school model) and pupil transportation.
- 2009** - **ESHB 2261 (Basic Education)** established a new definition of Basic Education, to be phased-in beginning in 2011 concurrently with the resources necessary to support it and according to a schedule adopted by the Legislature; established the framework for a funding formula based on prototypical schools; adopted a new pupil transportation funding formula as of 2013; directed the SBE and PESB to continue their work on accountability and educator certification; created working groups on the funding formula, compensation, data, and local finance; and established the Quality Education Council (QEC) to oversee short-term implementation and provide long-term strategic recommendations. Provisions adding early learning to Basic Education were vetoed.
- 2010** - **SHB 2776 (Basic Education Funding Formulas)** adopted details of and set forth in statute baseline funding values for the prototypical school formula; implemented the new pupil transportation formula in 2011; and adopted a schedule for enhancements of funding for K-3 class size, full-day kindergarten, and maintenance, supplies, and operating costs.
- 2012** - The **Joint Task Force on Education Funding** was established to develop a proposal by December 31, 2012, for a reliable and dependable funding mechanism to support Basic Education, and particularly the enhancements under ESHB 2261 and SHB 2776.

# Student Assessments

**Historical Background.** The foundational theory of education reform is to: a) establish clear standards for what students should know and be able to do; b) measure student performance in achieving those standards; and c) hold the school system accountable for ensuring that students have the opportunity to meet the standards. Thus a significant feature of reform since the 1990's has been development and implementation of common, statewide systems of student assessment.

Washington's 1992 reform legislation directed the Commission on Student Learning to develop a statewide student assessment system, which was then established in 1993 legislation (ESHB 1209). The implementation timeline was subsequently modified. The federal No Child Left Behind Act of 2001 (NCLB) imposes significant requirements on state assessment systems in terms of what and who must be assessed, the nature and design of the assessments, and what achievement data must be reported.

The graphic illustrates the grade levels, subjects, and the years the reading, writing, math, and science assessments were first implemented statewide. Social Studies, Civics, the Arts, and Health & Fitness are measured at the local level using classroom-based assessments or other strategies in at least one elementary, middle, and high school grade.

**Common Core State Standards.** The Common Core State Standards (CCSS) is an initiative led by the National Governors Association and the Council of Chief State School Officers to develop K-12 learning standards in English Language Arts and Mathematics that can be used by multiple states. The standards were finalized in 2010.

In Washington, E2SSB 6696 (2010) authorized the SPI to adopt the Common Core on a provisional basis by August 1, 2010, but prohibited further implementation until the Education Committees had an opportunity for further review. Subsequently, in July 2011, the SPI officially adopted the Common Core as Washington's learning standards, or EALRs.

**Consortium-Developed Assessments.** Washington belongs to a consortium of states that received a major federal grant in September 2010 to develop student assessments based on the Common Core. The Smarter Balanced Assessment Consortium (SBAC) produced a computer-based, adaptive summative test that measures student performance for NCLB purposes (grades

**Historical Look at Statewide Assessment System**

Grades	Reading	Writing	Math	Science
3	2006		2006	
4	1998	1998	1998	
5	2006		2006	2005
6	2006		2006	
7	2001	2001	2001	
8	2006		2006	2004
High School	2001	2001	2001	2004

3-8 and 11), along with other aligned diagnostic and formative assessments that measure student progress and can be used by teachers and principals to improve instruction. Scheduled implementation is the 2014-15 school year, with pilot-tests in 2013-14.

The SBAC assessments measure English Language Arts rather than reading and writing separately; the high school math assessment is comprehensive rather than an end-of-course exam; and the high school assessments are administered in 11th grade and intended to measure college and career readiness. EHB 1450 (2013) was adopted to align Washington's assessment system with the CCSS and assessments.

**Assessment System 2014-15, Based on EHB 1450**

Grades	English Language Arts	Math	Science
3 - 8	Consortium -Developed		
5 & 8			State Exam
High School	10th Grade State Exam (Through 2017)	Algebra & Geometry EOC (Through 2017)	Biology EOC
	11th Grade Consortium-Developed (Used for graduation Class of 2019)		<i>Intent to adopt Comprehensive Exam</i>

**Next Generation Science**

**Standards.** Achieve, Inc. and the National Research Council (among other national science groups) led a multi-state effort to develop common standards in Science. Washington was a partner state in this effort. The Next Generation Science Standards (NGSS) were completed in April 2013. The SPI adopted the NGSS as Washington's science learning standards in October 2013. Full implementation is expected to be phased in.

# Graduation Requirements

High school graduation requirements are established in one of three ways:

1. By the state - in statute;
2. By the state - under rules adopted by the State Board of Education; and
3. By local school districts - who must meet but may exceed state minimums.

**Statute.** It is a statutory requirement that, beginning with the class of 2008, students must earn a Certificate of Academic Achievement by passing the high school assessment in reading, writing, and mathematics in order to graduate from high school. Science was added for the class of 2015. Students with disabilities who are not appropriately assessed using the regular assessment earn a Certificate of Individual Achievement based on their Individualized Education Programs (IEP). Beginning with the class of 2019 students must meet the standard in English Language Arts and Mathematics using consortium-developed assessments administered in 11th grade.

A student must also have a High School and Beyond Plan.

**State Board of Education.** The SBE has statutory authority to adopt statewide minimum graduation requirements. Current requirements include 20 credits in specified subjects. In 2010

the SBE recommended a Career and College Ready graduation framework of 24 credits. A law passed in 2009 requires any changes in graduation requirements to be forwarded to the Legislature for review. Changes with fiscal impact on districts must be formally authorized and funded before taking effect.

Pursuant to E2SSB 6552 (2014), the SBE was directed to adopt rules implementing the 24-credit Career and College Ready graduation framework adopted by resolution on November 10, 2010, and revised on January 9, 2014, to take effect with the graduating class of 2019. However, school districts may apply

**Credits Required for Graduation**

Subject	Requirements for the Classes of 2016, 2017, & 2018	College & Career Ready Graduation Requirements for the Class of 2019 & Beyond
English	4	4
Math	3	3
Science	2 (1 lab)	3 (2 lab)
Social Studies	3	3
Career and Technical Education <sup>1</sup>	1	1
Health and Fitness	2	2
Arts	1	2 (1 can be PPR)
General Electives	4	4
World Language (or) PPR <sup>3</sup>		2 (Both can be PPR)
<b>Total Credits</b>	<b>20</b>	<b>24 <sup>2</sup></b>

<sup>1</sup> or 1 Occupational Education credit, as defined in WAC 180-51-067

<sup>2</sup> up to 2 credits can be waived locally based on a student's unusual circumstances

<sup>3</sup> The Personalized Pathway Requirement (PPR) is related courses that lead to a specific post-high school career or educational outcome chosen by the student based on the student's interests and High School and Beyond Plan, may include Career and Technical Education courses, and is intended to provide a focus for the student's learning.

to the SBE for a waiver to implement the 24-credit framework with the graduating class of 2020 or 2021, instead of the class of 2019.

**Local Requirements.** School districts are authorized to grant high school diplomas to students who meet state and local graduation requirements. It is also up to each district to determine which courses meet the SBE credit requirements and whether a student has satisfied the requirement for a high school and beyond plan.

### Assessments Required for Graduation

Graduating Class	English Language Arts	Math	Science
<b>2015</b>	10th Grade Reading & Writing	Algebra I EOC <i>Or</i> Geometry EOC	Biology EOC
<b>2016</b>	10th Grade Reading & Writing <i>Or</i> 11th Grade ELA (SBAC)	Algebra I EOC <i>Or</i> Geometry EOC <i>Or</i> 11th Grade Math (SBAC)	Biology EOC
<b>2017</b>	10th Grade ELA <i>Or</i> 11th Grade ELA (SBAC)	Algebra I EOC <i>Or</i> Geometry EOC <i>Or</i> 11th Grade Math (SBAC)	Biology EOC
<b>2018</b>	10th Grade ELA <i>Or</i> 11th Grade ELA (SBAC)	Algebra I EOC <i>Or</i> Geometry EOC <i>Or</i> 11th Grade Math (SBAC)	Biology EOC
<b>2019</b>	11th Grade ELA (SBAC)	11th Grade Math (SBAC)	Biology EOC*
ELA = English Language Arts EOC = End of Course SBAC = Smarter Balanced Assessment Consortium * = the Legislature has expressed intent to transition from Biology EOC to more comprehensive science assessment.			

### Chronology of Assessments for Graduation

<b>1992</b>	SSB 5953 (Initial framework for education reform). Directs newly-created Commission on Student Learning to design a statewide assessment system for high school, to lead to a Certificate of Mastery (COM), which would be required for graduation.
<b>1993</b>	ESHB 1209. Provides that the SBE must find the high school assessment system to be valid and reliable before requiring it for a COM.
<b>1997</b>	Directed Commission on Student Learning, OSPI, and SBE to make recommendations regarding COM and graduation. Recommendation: Class of 2006.
<b>2000</b>	SBE adopts rule to implement COM as graduation requirement with Class of 2008.
<b>2004</b>	3ESHB 2195. Legislature takes over assessment aspects of graduation requirements: Renames COM as Certificate of Academic Achievement (CAA). CAA is earned by passing state test in Reading, Writing, & Math with Class of 2008. Adds Science for Class of 2010.
<b>2007</b>	Temporary exemption until Class of 2013: Students may graduate without a CAA if they passed everything except Math, but take additional Math classes. Science delayed to Class of 2013.
<b>2011</b>	Science delayed to Class of 2015. Allows Class of 2013 and 2014 to pass one (rather than both) Math end-of-course assessments.
<b>2013</b>	EHB 1450. Implements new Common Core consortium-developed assessments beginning in 2014-15. Provides for transition period between current and new assessments and their use for graduation. Requires use of the 11th grade consortium-developed assessments in English Language Arts and Math for graduation beginning Class of 2019. Expresses intent to transition from Biology EOC to a more comprehensive science assessment.

## Other Current Topics

### TEACHER/PRINCIPAL EVALUATION (TPEP)

Legislation enacted in 2010 (E2SSB 6696) requires school districts to establish revised systems for evaluating the performance of classroom teachers and principals. New evaluation criteria were established in statute describing expected skills and behavior. The evaluation systems must describe performance along a continuum using four levels (as opposed to "satisfactory/unsatisfactory") and indicate the extent to which the criteria have been met or exceeded.

The revised systems were first implemented as a pilot project called TPEP. Eight school districts and a consortium of small rural districts were selected to participate in development and piloting of the evaluation systems in the 2010-11 and 2011-12 school years. The pilot districts, along with the OSPI and a stakeholder Steering Committee, developed models for the criteria, evaluation rubrics and rating systems, professional development, and evaluator training. The law required that all districts implement revised teacher and principal evaluation systems beginning in 2013-14.

In 2012 the Legislature enacted ESSB 5895, which added definitions and specificity to the revised evaluation systems, based in part on the work of the TPEP districts and Steering Committee. Other changes included requiring data on student growth (defined as a change in student achievement between two points in time) to be a substantial factor in evaluating the performance of a teacher or principal for at least three of the eight evaluation criteria. School districts were required to begin implementation in 2013-14, but have a three-year phase-in period to transition all of their staff to the new system.

#### **Major Provisions of ESSB 5895 (2012)**

- Requires districts to use one of three preferred frameworks for their evaluation systems, as designated by the OSPI.
- Requires student growth data to be a substantial factor in at least three evaluation criteria.
- Requires comprehensive evaluations (all 8 criteria) at least once every four years and focused evaluations (1 selected criteria) for higher-performing staff in other years.
- Defines "not-satisfactory," with higher performance expected for more experienced staff.
- Provides for a phase-in of district implementation starting in 2013-14 with full transition by 2015-16.
- Beginning in 2015-16, requires evaluation results to be one of multiple factors in making human resource decisions, including reduction in force.
- Requires professional development for those conducting evaluations.

Funding has been provided for training on a regional basis to help districts transition to the new systems, and the 2013-15 budget contains \$15 million to train teachers on the revised systems.

### CHARTER SCHOOLS

In November 2012, Washington voters approved Initiative 1240, which authorizes the establishment of up to 40 charter schools over a five-year period. A charter school applicant must be a non-religious, nonprofit organization. Charter school applications may be authorized by the Charter School Commission or by a local school board approved by the SBE to be an

authorizer. In 2013 the Spokane School District applied for and received approval to be an authorizer for charter schools within its district.

Charter schools are defined as being within the state system of common schools and receive public education funds in the same manner as other schools. They are exempt from all but a specified list of state laws but are still required to hire certified teachers, participate in state assessments and accountability, and comply with health, safety, and civil rights laws.

The law specifies the process for authorizing and monitoring charter schools, and outlines the contents of charter school applications and the performance contract that must be executed between an authorizer and each school. A charter school can be a new school or be converted from an existing school with the agreement of a majority of teachers or parents of the school.

In December 2013 the King County Superior Court issued a ruling that charter schools do not fall under the constitutional definition of common schools. It appears the ruling will allow most of the remaining elements of the charter school law to be implemented. The ruling was appealed to the Washington Supreme Court. No decision has yet been issued.

## TRIBAL-STATE EDUCATION COMPACT

Legislation enacted in 2013 (E2SHB 1134) authorized the SPI to enter into a tribal-state education compact with the governing body of any tribe or the governing body of any school currently receiving funding from the Bureau of Indian Affairs. The Legislature found that:

The state-tribal education compacts build upon the efforts highlighted by the [OSPI] in its 2012 Centennial Accord Agency Highlights, including: The Since Time Immemorial (STI): Tribal Sovereignty in Washington State Curriculum Project that imbeds the history surrounding sovereignty and intergovernmental responsibilities into this state's classrooms; the agency's regular meetings with the superintendents of the seven current tribal schools, as well as the federal bureau of Indian education representatives at the regional and national level on issues relating to student academic achievement, accessing of funding for tribal schools, and connecting tribal schools to the K-20 network; and the recent establishment, in statute, of the office of native education within the office of the superintendent of public instruction.

A tribal-state education compact must address certain provisions, including compliance, notices of violation, dispute resolution, recordkeeping and auditing, delineation of respective responsibilities, term length, and termination. Compact schools generally are exempt from state statutes and rules applicable to school districts and school boards, except as provided by law or by the terms of the compact.

Compact schools may implement a policy of Indian preference in employment and may prioritize the enrollment of tribal members and siblings of enrolled students.

The SPI must apportion funding for a compact school according to the general statutory school funding formula. Allocations for certified instructional staff must be based on the

average staff mix ratio of the school under the statewide salary allocation schedule. Allocations for classified staff and certified administrative staff must be based on the salary allocations of the school district in which the compact school is located. The funding allocation mechanism does not require compact schools to use the statewide salary allocation schedule. The funds allocated for a compact school must still be included in the tax levy base of a school district that formerly provided funding to the compact school through an interlocal agreement.

There is currently one school operating according to the terms of a tribal-state education compact: Chief Kitsap Academy in Suquamish.

# No Child Left Behind/Elementary and Secondary Education Act: Summary of Selected Provisions, 2012 Waiver, & 2014 Loss of Waiver

In January 2002, the federal No Child Left Behind (NCLB) Act was signed into law as the most recent reauthorization of the Elementary and Secondary Education Act (ESEA) first passed in 1965. The law's stated purpose is to close the achievement gaps between high- and low-performing students. Selected provisions include:

## Standards and Assessment

- States must adopt challenging academic standards in Mathematics, Language Arts, and Science that apply to all children and specify what children are expected to know and be able to do.
- Annual assessments, based on the state's standards, must be given every year in math and reading between grades 3 and 8, as well as in at least one high school grade. Science assessments must be given in elementary, middle, and high school.
- All students must be assessed, including those in special education and with limited English proficiency (LEP). LEP students must take their Language Arts assessment in English if they have attended schools in the United States for three consecutive years.
- All LEP students must take an annual English proficiency assessment.

## Performance Goal and Adequate Yearly Progress (AYP)

- All students are expected to reach proficiency in Language Arts and Mathematics by the 2013-14 school year. States must set annual benchmarks (AYP) for increasing performance to reach this goal, which apply to all schools in the state.
- AYP is reported for each school as a whole and broken out into the following student subgroups: economically disadvantaged students, students from major racial or ethnic groups, LEP students, and students with special needs.
- At a minimum, schools must meet two requirements to make AYP: schools must ensure that 95 percent of students take the assessments and the school as a whole, and each subgroup must meet the performance benchmarks and meet one other factor established by the state. For high schools, Washington uses extended graduation rates. For elementary and middle schools, attendance rates is used.

## Corrective Action (Applying only to Schools receiving Title I Funds)

- Schools that fail to make AYP for two consecutive years are identified for corrective action:
  - The family is offered the option to transfer to another public school of its choice within the district. The district must pay for transportation from Title I funds required to be set aside for this purpose.
  - The lowest achieving students from low-income families must be given first preference.
- Each successive failure to achieve AYP generates an increasing set of corrective actions.
  - Supplemental Educational Services (SES) or tutoring from an approved list of providers are arranged if the school fails to make AYP for three years. This is also paid by Title I funds that must be set aside for this purpose.

- If a school fails to make AYP for five years, the district must restructure the school.
- If the school fails to make AYP for a sixth year, alternative governance must be implemented.

### **Staff Qualifications**

- Teachers of core academic subjects must earn state certification or achieve the qualifying score on the appropriate content test in order to be considered "Highly Qualified."
- Paraprofessionals in Title I schools must have completed two years of higher education, earned an associate's degree, or passed a formal state or local assessment.
- Families must be notified when their children are taught for more than four weeks by teachers who are not Highly Qualified.

### **2012 ESEA Waiver from US Department of Education**

The NCLB/ESEA has been scheduled for reauthorization for several years but a reauthorization proposal has not yet been approved by Congress. In 2011 the U.S. DOE announced an opportunity for states to apply for a waiver of many ESEA provisions. Washington received a waiver in July 2012.

Waiver states must agree to implement four broad principles:

1. Ensure college & career ready expectations for students by adopting the Common Core State Standards (CCSS) and implementing aligned assessments.
2. Implement a state-developed system of recognition, accountability, and support based on school performance.
3. Support effective instruction and leadership, including through evaluation systems.
4. Reduce duplication and administrative burden on school districts.

In return, states receive flexibility in the following areas:

- Replacing the current 100 percent proficiency goal with different Annual Measurable Objectives (AMOs) for Language Arts and Mathematics, including the opportunity for states to design their own performance metrics that include measures of student growth.
- Replacing AYP and associated corrective actions for schools with a new focus on a subset of the lowest-achieving Title I schools in the state, including removing required set-asides of Title I funds for school choice and supplemental educational services.

Requirements for annual assessments and Highly Qualified teachers remain.

Washington received a provisional one-year waiver for 2012-13 and then a one-year extension for 2013-14. The U.S. DOE communicated that further extension was "at-risk" unless Washington's laws regarding teacher evaluations were modified to require use of student test scores on statewide assessments in reading and mathematics in the evaluation.

### **2014 Loss of ESEA Waiver**

Washington did not put into place a teacher/principal evaluation system that required use of student test scores on statewide assessments in reading and mathematics, and the U.S. DOE did not extend the waiver beyond 2013-14. Without the waiver, the original requirements set out in the federal NCLB /ESEA are applicable.

# Major Education Legislation: 2009 - 2014

## 2009

### **ESHB 1741 - Revocation of Certification**

- Expands the list of crimes that require dismissal or certificate revocation for school employees.

### **ESHB 2261 - Basic Education**

- Redefines the program of Basic Education and establishes a framework for a new funding formula to allocate state dollars to school districts to support basic education.
- Creates a new pupil transportation funding formula.
- Directs the SBE to continue work on an accountability system and directs the PESB to continue work on performance-based educator certification.
- Creates the Quality Education Council and various working groups to implement the provisions.

### **SSB 5248 - Interstate Compact - Military Children**

- Enacts the Interstate Compact on Educational Opportunity for Military Children.

### **SSB 5410 - Online Learning**

- Creates the Office of Online Learning in the OSPI and establishes an online learning provider approval process. Requires multidistrict online learning providers to be approved.
- Requires school districts to develop policies regarding online learning.

### **2SSB 5973 - Achievement Gap**

- Creates the Achievement Gap Oversight and Accountability Committee.
- Requires annual reports to the Legislature regarding strategies to address the achievement gap and improvement of education performance measures for groups of students.

## 2010

### **E2SHB 1418 - Dropout Reengagement**

- Establishes a statewide dropout reengagement program through model contracts.

### **SHB 2776 - Basic Education Funding Formulas**

- Establishes details and baseline values for the Basic Education funding formula in statute.
- Provides a schedule for increasing funding allocations for maintenance, supplies, and operating costs and to reduce K-3 class size. Provides a schedule for phasing in full-day kindergarten and full funding of a new pupil transportation formula.

### **SHB 2893 - Levies/Levy Equalization**

- Increases Local Effort Assistance from 12 percent to 14 percent for 2011 to 2017.
- Lifts the levy lid by 4 percentage points for 2011 to 2017.
- Allows districts to return to voters in the middle of a levy cycle for additional levy authority.
- Extends, through 2017, the authorization for districts to include in their levy bases amounts the districts would have received for I-728 and I-732 had these two initiatives not been amended.
- Includes K-4 staffing enhancement dollars in the levy base, should the state reduce these moneys.

## **E2SHB 3026 - Civil Rights**

- Adds a new chapter to the school code paralleling the Sexual Equality chapter and prohibiting discrimination on the basis of race, creed, religion, color, national origin, sexual orientation, veteran or military status, disability, or the use of trained guide or service animal by a person with a disability.

## **E2SSB 6696 - Education Reform (Race to the Top)**

- Establishes an accountability framework and process for low achieving schools and districts.
- Requires revised evaluation systems for teachers and principals and specifies minimum criteria.
- Makes changes with respect to educator preparation and alternative route certification programs.
- Requires teacher preparation programs to administer an evidence-based assessment of teaching effectiveness to all preservice candidates.
- Authorizes the OSPI to adopt the Common Core State Standards but requires review by the Legislature.

## **2SSB 6702 - Juveniles in Adult Jails**

- Enacts a statutory framework for providing education programs for juveniles in adult jails.

## **2011**

### **ESHB 1410 - Science Assessments**

- Requires students starting with the Class of 2015, rather than 2013, to meet the state standard on the high school science assessment for purposes of graduation.
- Authorizes various alternative assessments in science.
- Establishes a Biology end-of-course assessment as the high school science assessment, beginning in 2011-12, and authorizes the OSPI to participate with multi-state consortia in developing science standards and assessments.

### **HB 1412 - Math Assessments**

- Allows students in the Class of 2013 and 2014 to meet the state standard in mathematics using scores from one end-of-course assessment (Algebra or Geometry) instead of two.

### **E2SHB 1599 - PASS Program**

- Establishes the Pay for Actual Student Success (PASS) Program to invest in proven dropout prevention programs and provide a financial award for high schools that demonstrate improvement in dropout reduction indicators, both subject to appropriated funds.
- Directs the OSPI to create a metric to measure improvement.
- Specifies four programs for investment in prevention and intervention.

### **ESHB 2065 - Alternative Learning Experience Programs (ALE)**

- Establishes statutory definitions and requirements for ALE, including prohibiting payment of parent stipends and prohibiting provision of educational experiences for ALE students unless substantially similar opportunities are available for regularly enrolled students.
- Requires all online school programs to be approved by the OSPI, not only multi-district programs.

## **2012**

### **ESHB 2586 - WAKIDS Kindergarten Readiness Assessment**

- Provides that, in addition to being implemented in state-funded full day kindergarten programs, implementation grants will be offered to other schools to implement the WAKIDS assessment.
- Requires the OSPI and the DEL to convene a workgroup to advise on implementation.

## **SHB 2799 - Collaborative Schools for Innovation and Success Pilot Project**

- Establishes a five-year pilot project where Colleges of Education and school districts select a low-performing elementary school and implement research-based models of school improvement and educator preparation.

## **ESSB 5895 - Teacher & Principal Evaluation Systems**

- Adds definitions and specificity to the revised teacher and principal evaluation systems established under E2SSB 6696 (2010).
- Requires districts to adopt one of three preferred frameworks identified by the OSPI.
- Requires student growth data to be a substantial factor in at least three evaluation criteria.
- Phases-in implementation in districts starting in 2013-14 with full implementation by 2015-16.
- Requires evaluations to be one of multiple factors in human resource practices beginning 2015-16.

## **2013**

### **ESHB 1336 - Recognizing and Responding to Youth in Need**

- Requires specified school staff to complete a training program in youth suicide screening and referral as a condition of state certification.
- Requires school districts to adopt a plan for recognition, screening, and response to emotional or behavioral distress in students beginning in 2014-15, and requires these issues to be included in an Issues of Abuse course required of all certificated educators.

### **EHB 1450 - Assessments in Public Schools**

- Directs the OSPI to implement assessments developed with a multi-state consortium in English Language Arts and mathematics in the 2014-15 school year.
- Requires results from the high school consortium assessments to be used for purposes of graduation beginning with the class of 2019. Allows the SBE to set a cut score for graduation that is different from indicating career and college readiness.
- State legislative intent to transition to a comprehensive high school science assessment.
- Requires parents of students in grades 8-12 to be notified annually about state-required assessments and graduation requirements.

### **E2SSB 5329 - Transforming Persistently Failing Schools**

- Updates criteria used by the SPI to identify persistently lowest achieving schools and applies them equally to both Title I and non-Title I schools.
- Permits state, as well as federal funds, to be used for school improvement in a Required Action District (RAD).
- Authorizes the SBE to designate a RAD that has not made adequate progress after three years of implementing a required action plan into a new Level II RAD process. Provides a process and authority for the SPI to develop a RAD II improvement plan without agreement from the school board, if necessary, and to direct actions that must be taken by school personnel.
- Directs the SPI to design a system of support, assistance, and intervention that applies equally to Title I and non-Title I schools, if funds are available.

### **ESSB 5491 - Statewide Indicators of Educational Health**

- Establishes six statewide indicators, including student achievement on state assessments, graduation rates, and post-graduation education and employment.
- Directs the SBE and other education agencies to identify performance goals for the indicators and submit a biennial report, including recommendation for reforms where goals are not being met.

## **ESSB 5946 - Strengthening Student Educational Outcome**

- Requires discussion with parents about appropriate grade placement and intensive reading improvement strategies based on a student's performance on the 3rd grade ELA assessment.
- Requires report cards for K-4 students to indicate whether the student is reading at grade level.
- Requires school districts to use LAP funds to "focus first" on K-4 reading improvement.
- Allows LAP funds to be used for strategies to reduce disruptive behavior and development of partnerships with community organizations to provide academic and nonacademic support.
- Limits LAP to strategies from a menu of evidence-based practices, beginning in 2016-17.
- Directs a Student Discipline Task Force to develop definitions and data collection standards.
- Sets time limits on suspensions or expulsions, unless an extension is approved by a superintendent based on limited circumstances established in rule by the OSPI.
- Requires districts to create an individually-tailored reentry and reengagement plan for students.
- Establishes an Educator Support Program for beginning and probationary teachers, if funded.
- Defines ALE by course rather than program type.
- Allocates funding for ALE courses using the statewide average high school Basic Education rate.
- Adjusts provisions of school choice laws regarding students enrolled in online courses.

## **2014**

### **SSB 6129 - Concerning Paraeducator Development**

- Directs the PESB to convene a work group to design options for assuring program-specific minimum employment standards for paraeducators, recommend professional development for both paraeducators and their certificated staff, develop a career ladder for paraeducators, and design an articulated pathway from paraeducator certificates through teacher certification.
- Requires community and technical college apprenticeship and certificate programs for paraeducators to offer transferrable course credits beginning in 2015-16.

### **E2SSB 6552 - Modification of Instructional Hour and Graduation Requirements**

- Changes a required increase in Basic Education instructional hours to 1,000 hours for grades 1-8 and 1,080 hours for grades 9-12, permits school districts to calculate the hours using a district-wide average across all grades, and requires implementation by the 2015-16 school year.
  - Testimony from parents, students, educators, and business leaders suggested that the previous structure could not accommodate the diverse array of school configurations and instructional schedules needed to meet the educational needs of district's unique populations of students and communities; thus the structure would not result in a meaningful increase in instruction or a positive impact on student learning.
- Directs the SBE to adopt rules implementing its revised proposed 24-credit graduation requirement framework to take effect with the graduating class of 2019, but allows districts to seek a waiver to implement with the class of 2020 or 2021 and allows students to seek a waiver of two credits based on unusual circumstances.
- Removes the culminating project as a state graduation requirement.
- Requires districts to grant academic credit in science or mathematics for certain Career and Technical Education courses beginning in the 2015-16 school year.
- Specifies enhancements in the prototypical school funding formula for high schools to support reduced laboratory science class size; additional guidance counselors; and increased allocations for materials, supplies, and operating costs.

# Acronyms and Other Widely Used Terms

## Organizations

AWSP	Association of Washington School Principals
LEV	League of Education Voters
PFL	Partnership for Learning
PSE	Public School Employees of Washington
WACTE	Washington Association of Colleges of Teacher Education
WASA	Washington Association of School Administrators
WASBO	Washington Association of School Business Officers
WEA	Washington Education Association
WSSDA	Washington State School Directors' Association

## Agencies

CISL	Center for the Improvement of Student Learning (an office within the OSPI)
DEL	Department of Early Learning
DLD	Digital Learning Department (an office within OSPI overseeing online learning)
EASOC	Education Accountability System Oversight Committee
EOGOAC	Educational Opportunity Gap Oversight & Accountability Committee
ERDC	Education Research & Data Center
ESD	Educational Service District (in the Washington State Office of Financial Management)
FEPPP	Financial Education Public Private Partnership
OEO	Office of the Education Ombuds
OSPI	Office of the Superintendent of Public Instruction
PESB	Professional Educator Standards Board
QEC	Quality Education Council
SBE	State Board of Education
SPI	Superintendent of Public Instruction

## Washington Acronyms

ALE	Alternative Learning Experience (largely non-classroom based program, including online)
BEA	Basic Education Act (sometimes refers to the 1977 Act; other times to Basic Education generally)
CAA	Certificate of Academic Achievement (earned by passing specified high school assessments)
CBA	Classroom Based Assessments
CIA	Certificate of Individual Achievement (CAA-equivalent for special education students)
CIS	Certificated Instructional Staff (includes teachers and other certificated school staff such as counselors, psychologists, nurses, etc.)
EALR	Essential Academic Learning Requirements (Washington's learning standards)
EOC	End-of-Course Assessment

GLE	Grade Level Expectations (the EALRs broken down by grade)
HSPE	High School Proficiency Exam (new name for state high school assessments)
LAP	Learning Assistance Program (supplemental funding and instruction for struggling students)
LEA	Local Effort Assistance (proper name for the levy equalization program that assists districts with high property tax rates)
MAP	Measures of Academic Progress (a privately-run student assessment used in many districts)
MSOC	Maintenance, Supplies, & Operating Costs (an allocation in the Basic Ed funding formula)
MSP	Measures of Student Progress (new name for state elementary/middle school assessments)
TBIP	Transitional Bilingual Instructional Program
TRI	Time, Responsibilities, Incentives (supplemental salary contracts allowed by law)
WaKIDS	Washington Kindergarten Inventory of Developing Skills (measures kindergarten readiness)
WASL	Washington Assessment of Student Learning (old name for state assessments)

### National or Federal Acronyms

504	Section 504 of the Rehabilitation Act of 1973 (requires accommodations for students with disabilities who do not qualify for special education)
AMO	Annual Measurable Objectives (federal performance benchmarks for schools and districts)
AP	Advanced Placement
AYP	Adequate Yearly Progress (a measure of accountability in improving student achievement)
CCSS	Common Core State Standards
CTE	Career and Technical Education
DOE	Department of Education
ELA	English Language Arts (ELA standards will replace current standards in Reading & Writing)
ESEA	Elementary and Secondary Education Act
FERPA	Family Educational Rights and Privacy Act
FRL	Free and Reduced Price Lunch (measure of low-income students)
IB	International Baccalaureate (a rigorous middle/high school program)
IEP	Individualized Education Program (required learning plan for students with disabilities)
IDEA	Individuals with Disabilities Education Act
LEA	Local Education Agency (federal term for "school district")
NAEP	National Assessment of Educational Progress (the only nation-wide assessment)
NBPTS	National Board for Professional Teaching Standards
NCLB	No Child Left Behind (the 2001 reauthorization of the ESEA)
SBAC	Smarter Balanced Assessment Consortium (multi-state effort to provide assessments of ELA and Math that are aligned with the Common Core standards, of which WA is a member)

## Miscellaneous

Becca	Law requiring school/court actions to address unexcused absences (truancy) from school.
Doran	Thurston County Superior Court Judge Robert Doran, author of several pivotal decisions regarding Basic Education in the late 1970's and 1980's.
McCleary	A major lawsuit challenging the adequacy of overall state K-12 funding under Article IX of the State Constitution. In January 2012 the WA Supreme Court held that the State had not complied with its duty to make ample provision for the education of all children in WA.
Navigation 101	Comprehensive guidance counseling, mentoring, and college and career planning program.
Next Gen	Next Generation Science Standards (NGSS), developed by multiple states, adopted in WA in 2013.
Running Start	Program where high school students attend public colleges and universities and earn both high school and college credit.
1209	ESHB 1209 (1993) - Washington's Education Reform Act.
2261	ESHB 2261 (2009) - Basic Education/Finance Reform Act.
2776	SHB 2776 (2010) - Continuation of Basic Education Finance Reform.
I-728	Initiative 728 (2000) - Requiring specified per-student allocations. Repealed in 2012.
I-732	Initiative 732 (2001) - Requiring salary cost-of-living adjustments for education employees.
I-1240	Initiative 1240 (2012) - Authorizing establishment of charter schools.
I-1351	Initiative 1351 (2014) - Class size reduction measure.