

1 AN ACT Relating to assisting persistently lowest-achieving schools
2 to become more accountable; amending RCW 28A.657.050, 28A.657.050,
3 28A.657.060, 28A.657.090, and 28A.657.100; adding a new section to
4 chapter 28A.657 RCW; creating a new section; making an appropriation;
5 providing an effective date; providing an expiration date; and
6 declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that in 2010 an
9 accountability system was created for the Washington public schools,
10 which was to be implemented in two phases. The first phase used
11 federal guidelines to designate the persistently lowest-achieving
12 schools that were eligible for federal Title I funds to apply for a
13 federal school improvement grant to implement federal intervention
14 strategies to improve student performance. The system was initially
15 voluntary but a required action process was to begin in 2011. The
16 legislature further finds that under the required action process four
17 of the persistently lowest-achieving schools that were on a downward
18 trend were offered the opportunity to use the federal school
19 improvement grants to take required actions. The legislature further

1 finds that the Renton and Onalaska school districts show promising
2 improvement that other districts can build upon. The legislature
3 intends to implement phase two of the accountability process beginning
4 in the 2013-14 school year with the ten most persistently lowest-
5 achieving schools.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.657
7 RCW to read as follows:

8 (1) By June 1, 2013, the office of the superintendent of public
9 instruction must identify the ten most persistently lowest-achieving
10 schools using the student results on the statewide reading and
11 mathematics assessments.

12 (2) A school district with at least one school identified as one of
13 the ten most persistently lowest-achieving schools shall be designated
14 as a required action district.

15 (3) The superintendent of public instruction shall provide each
16 required action school district superintendent with written notice by
17 certified mail or personal service of the identification of the school
18 within the district as one of the most persistently lowest-achieving
19 schools causing the district to be designated a required action
20 district.

21 (4) A district designated as a required action district must notify
22 all parents of students attending a school identified as one of the
23 most persistently lowest-achieving schools in the district, the
24 designation of the district as a required action district, and the
25 process for complying with the requirements in RCW 28A.657.040 through
26 28A.657.100.

27 (5) Each required action district designated under this section
28 must follow the process and comply with the requirements in RCW
29 28A.657.040 through 28A.657.100.

30 **Sec. 3.** RCW 28A.657.050 and 2012 c 53 s 10 are each amended to
31 read as follows:

32 (1) The local district superintendent and local school board of a
33 school district designated as a required action district must submit a
34 required action plan to the state board of education for approval.
35 Unless otherwise required by subsection (3) of this section, the plan
36 must be submitted under a schedule as required by the state board. A

1 required action plan must be developed in collaboration with
2 administrators, teachers, and other staff, parents, unions representing
3 any employees within the district, students, and other representatives
4 of the local community. The superintendent of public instruction shall
5 provide a district with assistance in developing its plan if requested.
6 The school board must conduct a public hearing to allow for comment on
7 a proposed required action plan. The local school district shall
8 submit the plan first to the office of the superintendent of public
9 instruction to review and approve that the plan is consistent with
10 federal guidelines. After the office of the superintendent of public
11 instruction has approved that the plan is consistent with federal
12 guidelines, the local school district must submit its required action
13 plan to the state board of education for approval, unless the district
14 is designated a required action district in accordance with section 2
15 of this act.

16 (2) A required action plan must include all of the following:

17 (a) Implementation of one of the four federal intervention models
18 required for the receipt of a federal school improvement grant, for
19 those persistently lowest-achieving schools that the district will be
20 focusing on for required action, or for a district designated a
21 required action district in accordance with section 2 of this act, one
22 of the four federal intervention models or the collaborative schools
23 for innovation and success model in accordance with chapter 28A.630
24 RCW. However, a district may not establish a charter school under a
25 federal intervention model without express legislative authority,
26 unless the district is designated a required action district in
27 accordance with section 2 of this act. If a required action district
28 chooses to establish a charter school as the intervention model, then
29 the charter school that is established counts towards the maximum
30 number of charter schools that may be established in accordance with
31 RCW 28A.710.150. The intervention models are the turnaround, restart,
32 school closure, and transformation models, or for a district designated
33 a required action district in accordance with section 2 of this act,
34 the intervention models are the four federal intervention models or the
35 collaborative schools for innovation and success model in accordance
36 with chapter 28A.630 RCW. The intervention model selected must address
37 the concerns raised in the academic performance audit and be intended
38 to improve student performance to allow a school district to be removed

1 from the list of districts designated as a required action district by
2 the state board of education within three years of implementation of
3 the plan;

4 (b) Submission of an application for a federal school improvement
5 grant or a grant from other federal funds for school improvement to the
6 superintendent of public instruction, except that a district designated
7 as a required action district in accordance with section 2 of this act
8 shall receive the state funds appropriated for this purpose;

9 (c) A budget that provides for adequate resources to implement the
10 federal model selected and any other requirements of the plan;

11 (d) A description of the changes in the district's or school's
12 existing policies, structures, agreements, processes, and practices
13 that are intended to attain significant achievement gains for all
14 students enrolled in the school and how the district intends to address
15 the findings of the academic performance audit; and

16 (e) Identification of the measures that the school district will
17 use in assessing student achievement at a school identified as a
18 persistently lowest-achieving school, which include improving
19 mathematics and reading student achievement and graduation rates as
20 defined by the office of the superintendent of public instruction that
21 enable the school to no longer be identified as a persistently lowest-
22 achieving school.

23 (3)(a) For any district designated for required action, the parties
24 to any collective bargaining agreement negotiated, renewed, or extended
25 under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school
26 district designated a required action district in accordance with
27 section 2 of this act after the effective date of this section, must
28 reopen the agreement, or negotiate an addendum, if needed, to make
29 changes to terms and conditions of employment that are necessary to
30 implement a required action plan. For any district applying to
31 participate in a collaborative schools for innovation and success pilot
32 project under RCW 28A.630.104, the parties to any collective bargaining
33 agreement negotiated, renewed, or extended under chapter 41.59 or 41.56
34 RCW after June 7, 2012, must reopen the agreement, or negotiate an
35 addendum, if needed, to make changes to terms and conditions of
36 employment that are necessary to implement an innovation and success
37 plan.

1 (b) If the school district and the employee organizations are
2 unable to agree on the terms of an addendum or modification to an
3 existing collective bargaining agreement, the parties, including all
4 labor organizations affected under the required action plan, shall
5 request the public employment relations commission to, and the
6 commission shall, appoint an employee of the commission to act as a
7 mediator to assist in the resolution of a dispute between the school
8 district and the employee organizations. Beginning in 2011, and each
9 year thereafter, mediation shall commence no later than April 15th.
10 All mediations held under this section shall include the employer and
11 representatives of all affected bargaining units.

12 (c) If the executive director of the public employment relations
13 commission, upon the recommendation of the assigned mediator, finds
14 that the employer and any affected bargaining unit are unable to reach
15 agreement following a reasonable period of negotiations and mediation,
16 but by no later than May 15th of the year in which mediation occurred,
17 the executive director shall certify any disputed issues for a decision
18 by the superior court in the county where the school district is
19 located. The issues for determination by the superior court must be
20 limited to the issues certified by the executive director.

21 (d) The process for filing with the court in this subsection (3)(d)
22 must be used in the case where the executive director certifies issues
23 for a decision by the superior court.

24 (i) The school district shall file a petition with the superior
25 court, by no later than May 20th of the same year in which the issues
26 were certified, setting forth the following:

27 (A) The name, address, and telephone number of the school district
28 and its principal representative;

29 (B) The name, address, and telephone number of the employee
30 organizations and their principal representatives;

31 (C) A description of the bargaining units involved;

32 (D) A copy of the unresolved issues certified by the executive
33 director for a final and binding decision by the court; and

34 (E) The academic performance audit that the office of the
35 superintendent of public instruction completed for the school district
36 in the case of a required action district, or the comprehensive needs
37 assessment in the case of a collaborative schools for innovation and
38 success pilot project.

1 (ii) Within seven days after the filing of the petition, each party
2 shall file with the court the proposal it is asking the court to order
3 be implemented in a required action plan or innovation and success plan
4 for the district for each issue certified by the executive director.
5 Contemporaneously with the filing of the proposal, a party must file a
6 brief with the court setting forth the reasons why the court should
7 order implementation of its proposal in the final plan.

8 (iii) Following receipt of the proposals and briefs of the parties,
9 the court must schedule a date and time for a hearing on the petition.
10 The hearing must be limited to argument of the parties or their counsel
11 regarding the proposals submitted for the court's consideration. The
12 parties may waive a hearing by written agreement.

13 (iv) The court must enter an order selecting the proposal for
14 inclusion in a required action plan that best responds to the issues
15 raised in the school district's academic performance audit, and allows
16 for the award of a federal school improvement grant or a grant from
17 other federal or state funds for school improvement to the district
18 from the office of the superintendent of public instruction to
19 implement one of the ((~~four federal~~)) intervention models. In the case
20 of an innovation and success plan, the court must enter an order
21 selecting the proposal for inclusion in the plan that best responds to
22 the issues raised in the school's comprehensive needs assessment. The
23 court's decision must be issued no later than June 15th of the year in
24 which the petition is filed and is final and binding on the parties;
25 however the court's decision is subject to appeal only in the case
26 where it does not allow the school district to implement a required
27 action plan consistent with the requirements for the award of a federal
28 school improvement grant or other federal or state funds for school
29 improvement by the superintendent of public instruction.

30 (e) Each party shall bear its own costs and attorneys' fees
31 incurred under this statute.

32 (f) Any party that proceeds with the process in this section after
33 knowledge that any provision of this section has not been complied with
34 and who fails to state its objection in writing is deemed to have
35 waived its right to object.

36 (4) All contracts entered into between a school district and an
37 employee must be consistent with this section and allow school

districts designated as required action districts to implement one of the ~~((four federal))~~ intervention models in a required action plan.

Sec. 4. RCW 28A.657.050 and 2010 c 235 s 105 are each amended to read as follows:

(1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action, or for a district designated a required action district in accordance with section 2 of this act, one of the four federal intervention models or the collaborative schools for innovation and success model in accordance with chapter 28A.630 RCW. However, a district may not establish a charter school under a federal intervention model without express legislative authority, unless the district is designated a required action district in accordance with section 2 of this act. If a required action district chooses to establish a charter school as the intervention model, then the charter school that is established counts towards the maximum number of charter schools that may be established in accordance with

1 RCW 28A.710.150. The intervention models are the turnaround, restart,
2 school closure, and transformation models, or for a district designated
3 a required action district in accordance with section 2 of this act,
4 the intervention models are the four federal intervention models or the
5 collaborative schools for innovation and success model in accordance
6 with chapter 28A.630 RCW. The intervention model selected must address
7 the concerns raised in the academic performance audit and be intended
8 to improve student performance to allow a school district to be removed
9 from the list of districts designated as a required action district by
10 the state board of education within three years of implementation of
11 the plan;

12 (b) Submission of an application for a federal school improvement
13 grant or a grant from other federal funds for school improvement to the
14 superintendent of public instruction, except that a district designated
15 as a required action district in accordance with section 2 of this act
16 shall receive the state funds appropriated for this purpose;

17 (c) A budget that provides for adequate resources to implement the
18 federal model selected and any other requirements of the plan;

19 (d) A description of the changes in the district's or school's
20 existing policies, structures, agreements, processes, and practices
21 that are intended to attain significant achievement gains for all
22 students enrolled in the school and how the district intends to address
23 the findings of the academic performance audit; and

24 (e) Identification of the measures that the school district will
25 use in assessing student achievement at a school identified as a
26 persistently lowest-achieving school, which include improving
27 mathematics and reading student achievement and graduation rates as
28 defined by the office of the superintendent of public instruction that
29 enable the school to no longer be identified as a persistently lowest-
30 achieving school.

31 (3)(a) For any district designated for required action, the parties
32 to any collective bargaining agreement negotiated, renewed, or extended
33 under chapter 41.59 or 41.56 RCW after June 10, 2010, and for a school
34 district designated a required action district in accordance with
35 section 2 of this act after the effective date of this section, must
36 reopen the agreement, or negotiate an addendum, if needed, to make
37 changes to terms and conditions of employment that are necessary to
38 implement a required action plan.

1 (b) If the school district and the employee organizations are
2 unable to agree on the terms of an addendum or modification to an
3 existing collective bargaining agreement, the parties, including all
4 labor organizations affected under the required action plan, shall
5 request the public employment relations commission to, and the
6 commission shall, appoint an employee of the commission to act as a
7 mediator to assist in the resolution of a dispute between the school
8 district and the employee organizations. Beginning in 2011, and each
9 year thereafter, mediation shall commence no later than April 15th.
10 All mediations held under this section shall include the employer and
11 representatives of all affected bargaining units.

12 (c) If the executive director of the public employment relations
13 commission, upon the recommendation of the assigned mediator, finds
14 that the employer and any affected bargaining unit are unable to reach
15 agreement following a reasonable period of negotiations and mediation,
16 but by no later than May 15th of the year in which mediation occurred,
17 the executive director shall certify any disputed issues for a decision
18 by the superior court in the county where the school district is
19 located. The issues for determination by the superior court must be
20 limited to the issues certified by the executive director.

21 (d) The process for filing with the court in this subsection (3)(d)
22 must be used in the case where the executive director certifies issues
23 for a decision by the superior court.

24 (i) The school district shall file a petition with the superior
25 court, by no later than May 20th of the same year in which the issues
26 were certified, setting forth the following:

27 (A) The name, address, and telephone number of the school district
28 and its principal representative;

29 (B) The name, address, and telephone number of the employee
30 organizations and their principal representatives;

31 (C) A description of the bargaining units involved;

32 (D) A copy of the unresolved issues certified by the executive
33 director for a final and binding decision by the court; and

34 (E) The academic performance audit that the office of the
35 superintendent of public instruction completed for the school district.

36 (ii) Within seven days after the filing of the petition, each party
37 shall file with the court the proposal it is asking the court to order
38 be implemented in a required action plan for the district for each

1 issue certified by the executive director. Contemporaneously with the
2 filing of the proposal, a party must file a brief with the court
3 setting forth the reasons why the court should order implementation of
4 its proposal in the final plan.

5 (iii) Following receipt of the proposals and briefs of the parties,
6 the court must schedule a date and time for a hearing on the petition.
7 The hearing must be limited to argument of the parties or their counsel
8 regarding the proposals submitted for the court's consideration. The
9 parties may waive a hearing by written agreement.

10 (iv) The court must enter an order selecting the proposal for
11 inclusion in a required action plan that best responds to the issues
12 raised in the school district's academic performance audit, and allows
13 for the award of a federal school improvement grant or a grant from
14 other federal or state funds for school improvement to the district
15 from the office of the superintendent of public instruction to
16 implement one of the ((~~four federal~~)) intervention models. The court's
17 decision must be issued no later than June 15th of the year in which
18 the petition is filed and is final and binding on the parties; however
19 the court's decision is subject to appeal only in the case where it
20 does not allow the school district to implement a required action plan
21 consistent with the requirements for the award of a federal school
22 improvement grant or other federal or state funds for school
23 improvement by the superintendent of public instruction.

24 (e) Each party shall bear its own costs and attorneys' fees
25 incurred under this statute.

26 (f) Any party that proceeds with the process in this section after
27 knowledge that any provision of this section has not been complied with
28 and who fails to state its objection in writing is deemed to have
29 waived its right to object.

30 (4) All contracts entered into between a school district and an
31 employee must be consistent with this section and allow school
32 districts designated as required action districts to implement one of
33 the ((~~four federal~~)) intervention models in a required action plan.

34 **Sec. 5.** RCW 28A.657.060 and 2010 c 235 s 106 are each amended to
35 read as follows:

36 A required action plan developed by a district's school board and
37 superintendent must be submitted to the state board of education for

1 approval. The state board must accept for inclusion in any required
2 action plan the final decision by the superior court on any issue
3 certified by the executive director of the public employment relations
4 commission under the process in RCW 28A.657.050. The state board of
5 education shall approve a plan proposed by a school district only if
6 the plan meets the requirements in RCW 28A.657.050 and provides
7 sufficient remedies to address the findings in the academic performance
8 audit to improve student achievement. Any addendum or modification to
9 an existing collective bargaining agreement, negotiated under RCW
10 28A.657.050 or by agreement of the district and the exclusive
11 bargaining unit, related to student achievement or school improvement
12 shall not go into effect until approval of a required action plan by
13 the state board of education. If the state board does not approve a
14 proposed plan, it must notify the local school board and local
15 district's superintendent in writing with an explicit rationale for why
16 the plan was not approved. Nonapproval by the state board of education
17 of the local school district's initial required action plan submitted
18 is not intended to trigger any actions under RCW 28A.657.080. With the
19 assistance of the office of the superintendent of public instruction,
20 the superintendent and school board of the required action district
21 shall either: ~~((a) - [(1)])~~ (1) Submit a new plan to the state board
22 of education for approval within forty days of notification that its
23 plan was rejected, or ~~((b) - [(2)])~~ (2) submit a request to the
24 required action plan review panel established under RCW 28A.657.070 for
25 reconsideration of the state board's rejection within ten days of the
26 notification that the plan was rejected. If federal or state funds are
27 not available, the plan is not required to be implemented until such
28 funding becomes available. If federal or state funds for this purpose
29 are available, a required action plan must be implemented in the
30 immediate school year following the district's designation as a
31 required action district.

32 **Sec. 6.** RCW 28A.657.090 and 2010 c 235 s 109 are each amended to
33 read as follows:

34 A school district must implement a required action plan upon
35 approval by the state board of education. The office of ~~((the))~~ the
36 superintendent of public instruction must provide the required action
37 district with technical assistance and federal school improvement grant

1 funds or other federal funds for school improvement, if available, or
2 state funds, to implement an approved plan. The district must submit
3 a report to the superintendent of public instruction that provides the
4 progress the district is making in meeting the student achievement
5 goals based on the state's assessments, identifying strategies and
6 assets used to solve audit findings, and establishing evidence of
7 meeting plan implementation benchmarks as set forth in the required
8 action plan.

9 **Sec. 7.** RCW 28A.657.100 and 2010 c 235 s 110 are each amended to
10 read as follows:

11 (1) The superintendent of public instruction must provide a report
12 twice per year to the state board of education regarding the progress
13 made by all school districts designated as required action districts.

14 (2) The superintendent of public instruction must recommend to the
15 state board of education that a school district be released from the
16 designation as a required action district after the district implements
17 a required action plan for a period of three years; has made progress,
18 as defined by the superintendent of public instruction, in reading and
19 mathematics on the state's assessment over the past three consecutive
20 years; and no longer has a school within the district identified as
21 persistently lowest-achieving. The state board shall release a school
22 district from the designation as a required action district upon
23 confirmation that the district has met the requirements for a release.

24 (3) If the state board of education determines that the required
25 action district has not met the requirements for release, the
26 ~~((district remains in required action and must submit a new or revised~~
27 ~~plan under the process in RCW 28A.657.050))~~ office of the
28 superintendent of public instruction shall review the actions taken in
29 accordance with the required action process and create a new three-year
30 plan with the school district board of directors to be implemented by
31 the office of the superintendent of public instruction using a
32 management structure chosen by the superintendent of public
33 instruction.

34 (4) If at the end of the three-year plan instituted in accordance
35 with subsection (3) of this section the state board of education
36 determines that the required action district has not made sufficient
37 improvement as determined by the office of the superintendent of public

1 instruction, the school must be closed and the students assigned to
2 another school, unless there is no viable option to accommodate the
3 students due to lack of capacity or inability to provide equitable
4 access to educational programs and services.

5 NEW SECTION. **Sec. 8.** The sum of ten million dollars, or as much
6 thereof as may be necessary, is appropriated for the fiscal year ending
7 June 30, 2014, from the general fund to the office of the
8 superintendent of public instruction for equal distribution to each of
9 the ten school districts identified in section 2 of this act to
10 implement this act.

11 NEW SECTION. **Sec. 9.** Section 3 of this act expires June 30, 2019.

12 NEW SECTION. **Sec. 10.** Section 4 of this act takes effect June 30,
13 2019.

14 NEW SECTION. **Sec. 11.** Section 2 of this act is necessary for the
15 immediate preservation of the public peace, health, or safety, or
16 support of the state government and its existing public institutions,
17 and takes effect immediately.

--- END ---