THE WASHINGTON STATE BOARD OF EDUCATION

A high-quality education system that prepares all students for college, career, and life.

Title:	2016 Legislative Priorities
As Related To:	☒ Goal One: Develop and support policies to close the achievement and opportunity gaps. ☐ Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts. ☒ Goal Three: Ensure that every student has the opportunity to meet career and college ready standards. ☐ Goal Four: Provide effective oversight of the K-12 system. ☐ Other
Relevant To Board Roles:	☒ Policy Leadership ☐ System Oversight ☒ Advocacy ☐ Communication ☐ Convening and Facilitating
Policy Considerations / Key Questions:	Does the Board support the recommended SBE Legislative Priorities for the 2016 Legislative Session? What changes, if any, would the Board make to these recommended priorities?
Possible Board Action:	☒ Review ☐ Approve ☒ Adopt ☐ Other
Materials Included in Packet:	☒ Memo ☐ Graphs / Graphics ☒ Third-Party Materials ☐ PowerPoint

Synopsis:

At its September meeting the Board discussed potential legislative priorities for the 2016 Legislative Session, examined a summary of adopted legislative priorities for the last three legislative sessions, and reviewed a list of possible priorities for the 2016 session drawn from previously approved Board priorities, position statements and resolutions. At this meeting the Board has before it a recommended set of 2016 Legislative Priorities on the following subjects:

- *McCleary* implementation.
- College- and Career-Ready Diploma requirements
- Professional learning for educators
- High School and Beyond Plan
- Expanded Learning Opportunities

In addition, Ms. Jennifer Wallace, executive director of the Professional Educator Standards Board, will join the Board for a discussion of a possible joint SBE-PESB legislative priority for the 2016 Session.

In your packet you will find:

- A two-page handout on legislative priorities for possible adoption at this meeting.
- A staff memo on each recommended legislative priority.
- Supporting materials from OSPI and the Legislature on *McCleary* implementation.

2016 SESSION:

Legislative Priorities

A high-quality education system that prepares all students for college, career, and life.

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www.sbe.wa.gov
Updated: 10-19-2015

McCleary Implementation

Fully implement ESHB 2261/SHB 2776; make ample provision for basic education programs, and eliminate the state's unconstitutional reliance on local levies.

Legislative Action: The Washington Supreme Court was clear in its McCleary decision of 2012 that the state has failed to make ample provision for public schools, as required by Article IX of the state constitution. Additionally, the Court was clear that reliance on local dollars to support basic education programs and salaries is impermissible. The 2016 Legislature must define the constitutionally permissible uses of local maintenance and operations levies and increase state funding to ensure that basic education programs and compensation of school district staff for basic education duties is fully funded from dependable state sources, and not from local levies. These actions will both bring the state into compliance with a key finding in McCleary and dramatically improve the equity of the state's school funding system.

Expanded Learning Opportunities

Increase access to high-quality expanded learning opportunities

Legislative Action: In its legislatively mandated report on educational system health for 2014, the Board summarized research showing that many students experience significant learning losses when they do not engage in educational activities during the summer, and that summer learning loss widens achievement gaps and reduces academic results for economically disadvantaged students. The Board therefore recommended increased access to high-quality, expanded learning opportunities among reforms to improve system health. The Board urges the 2016 Legislature to establish a program of expanded learning opportunities for disadvantaged students. Options for funding include a carefully designed grant program, as recommended by the Expanded Learning Opportunities Council, and the targeted use of Learning Assistance Program (LAP) allocations, as recommended by the Quality Education Council.

Career & College-Ready Diploma Requirements

Expand alternatives to assessments for high school graduation, and adopt a comprehensive science assessment.

Legislative Action: The Board urges the Legislature to expand testing alternatives for students who do not pass the 11th grade SBAC test required for graduation, beginning with the Class of 2019, to include successful completion of transition courses and dual credit courses. The Board also urges the Legislature not just to suspend but to end the biology end-of-course exam as a high school graduation requirement, effective with the class of 2018. A comprehensive science assessment aligned with Next Generation Science Standards should be first administered in 2017-18.

Professional Learning for Educators

Incorporate state-funded time for educator professional learning into the state's program of basic education.

Legislative Action: Ensuring that all students are prepared for college and career requires sustained, state-funded time for professional learning outside of the 180-day school calendar. Renewed state support for professional learning will ease the strain on families and children from the proliferation of partial school days, reverse the erosion of instructional time from the state's abandonment of this responsibility, and promote equity for districts less able to support this necessary activity through local levies. The 2016 Legislature should begin the phase-in of the equivalent of 10 funded days for educator professional learning, within the state's program of basic education. To support that policy, the Legislature should adopt a statewide definition and standards for effective professional learning aligned to state and district goals.

High School & Beyond Plan

Strengthen the High School and Beyond Plan to support career and college ready graduation requirements.

Legislative Action: The career- and college-ready graduation requirements directed by the Legislature in 2014 make the High School and Beyond Plan fundamental to the state's new high school diploma. The Board urges the Legislature to define the following minimum elements of the High School and Beyond Plan in order to ensure that every student has access to a high-quality plan:

- Identification of career goals
- Identification of educational goals
- A four-year plan for course-taking aligned with career and educational goals
- Identification of assessments needed to earn a diploma and achieve postsecondary goals.

School districts should retain flexibility to add any local requirements deemed appropriate and to tailor plans and procedures to student needs.

LEGISLATIVE PRIORITY:
***MCCLEARY* IMPLEMENTATION**

Background

The Washington Supreme Court was clear in its *McCleary* decision of 2012 that reliance on local levies to pay for the state's program of basic education violates Article IX of the state constitution. Summarizing the findings of previous school funding cases before it, the Court stated that

> The legislature's duty to make ample provision for funding the basic education program includes the requirement that funding be "accomplished by means of regular and dependable tax sources." . . . We said in *Seattle School District* that that the state cannot discharge its funding obligations by relying on local excess levies, as they are "neither dependable nor regular." We also noted the inherent instability of in a system that relies on the "assessed valuation of taxable real property within a district" to support "basic education."

"We rejected special excess levies as 'dependable and regular'," the Court said, "not only because they are subject to the whim of the electorate, but also because they are variable insofar as levies depend on the assessed valuation of taxable real property at the local level. . . . *This latter justification implicates both the equity and the adequacy of the K-12 funding system*." [Emphasis added.]

"In short," the Court found, "the State's reliance on local dollars to support the basic education program fails to provide the 'ample' funding article IX, section 1 requires."[1]

The Court gave particular attention to the underfunding of state salaries and benefits for state-funded staff. It referred to OSPI data showing that on average, the state allocation for instructional staff was approximately $8,000 less than what was actually paid. While accounting practices made it hard to put a precise number on it, the Court stated that OSPI financial reports indicated that "districts pay for some supplemental salaries that are likely a basic education responsibility."[2]

That local levies are unconstitutionally paying for basic education salaries has long been acknowledged by the courts and the Legislature. In *McCleary*, the Court referenced its finding in a case before it three years before that "state funding did not approach the true cost of paying salaries for administrators and other staff."[3] [65] Indeed, the justices recalled that as far back as 1993, the joint legislative fiscal committee created by ESHB 1209 (Reforming education) cited an overreliance on levies as a weakness of Washington's school finance system, and called for a study of whether districts used local levy funds for basic education.[4]

The following show the almost steady march toward greater reliance on local levies since the Basic Education Act and "Levy Lid Law" were enacted in 1977, and illuminate the courts' concerns about resulting inequities in access to quality staff.

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[1] *McCleary v. State of Washington*. No. 84362-7. (January 5, 2012). pp. 54-55.

[2] *McCleary*, pp. 63-64

[3] *McCleary*, citing *Federal Way School District*, 167 Wn.2d at 522, p. 65.

[4] *McCleary*, pp. 14-15.

- The levy lid, a limitation on local taxing authority calculated as a percent of state and federal revenue, has been increased at least seven times since it took effect in 1979. The levy lid percentage, which was 10 percent at the lid's inception, is now 28 percent, though due to return to 24 percent at the end of 2017. (OSPI, *Organization and Financing of Schools*, *2015*, pp. 84-85.)
- Excess levies, which made up about 21 percent of all school revenue when the Basic Education Act was passed in 1977, and dropped to just 8 percent in 1980-81, were back to more than 20 percent of revenue in 2012-13. (OSPI, *Property Tax Levies*, 2014 Collections, Table 3.)
- The average excess levy rate, which was $1.84 for every $1,000 of assessed value (AV) for 1980 collections, was $2.54 per $1,000 AV in 2014. (*Organization and Financing*, p. 88.)
- There are wide disparities among districts in the tax effort needed to generate the same amount of levy for local schools. The excess levy rates for taxes collectible in 2014 were, for example, $1.50/$10,000 AV and 73 cents/1,000 AV, respectively, in "property-rich" Seattle and San Juan, and $4.43/$1,000 AV and $4.34/1,000 AV, respectively, in "property-poor" Shelton and Soap Lake. (*Property Tax Levies 2014*, Report 1061.)
- A staff presentation to the House Finance Committee on October 20 showed that it required a tax rate of $6.79/$1,000 AV to raise a levy to the maximum level allowed by law in Yakima, and just $1.26/$1,000 AV to do the same in Bellevue.
- Levies per student also described a wide range, based mostly on differences in local property wealth. Mercer Island collected $3,048 per student at low tax effort, while Elma was only able to collect $741 per student at high tax effort. (*Property Tax Levies 2014*, Report 1061.)
- Statewide, additional teacher salaries paid beyond the state formula base rose from an average $3,795 in 1995-96 to an average $12,787 in 2013-14. (House Appropriations Committee. January 21, 2015. Source: OSPI S275, compiled by LEAP Committee.)
- Average total salaries for certificated teachers in 2014-15 ranged, for example, on the high end from $67,327, including additional salary per individual of $15,539, in Bellevue, and $77,292, including additional salary of $21,269, in Mukilteo, to on the low end, for example, $53,483, including additional salary of $426, in Rochester, and $48,953, including additional salary of $43, in Wapato. (*Personnel Summary Report*, Table 19.)
- A staff presentation of OSPI data to the Senate Ways and Means Committee on March 18 of this year showed that 24 percent of levy and Local Effort Assistance dollars were spent by districts on additional salary for instructional staff.

Certificated instructional staff receive additional salary through supplemental contracts with their districts. The additional salary may be for specific duties such as being a department head or mentor, providing extended learning opportunities, or creating individual education plans. The Legislature has authorized districts to enter into supplemental contracts with individual staff for additional time, responsibilities or incentives. By law, these TRI contracts must use local levy funds, are subject to collective bargaining, must not exceed one year, and are not to be used to pay staff for providing basic education services. In practice, they are often used to provide negotiated, across-the-board salary increases for all staff.

There is little dispute in the current legislature that the overreliance on local levies must be corrected to bring the state into compliance with its paramount duty. The bipartisan sponsors of SB 6130 in the 2015 Session found:

> The legislature acknowledges that the education polices and funding provided by the legislature have not fulfilled [the state's obligation under Article IX, section 1 of the state constitution]. The

legislature finds that there is not sufficient clarity in statute regarding the definition of basic education, that the permissible uses of local levy funds are not fully understood, and that the state allocation for educator salaries and benefits do not reflect the actual cost of recruiting and retaining professional teachers, which has caused school districts to subsidize salaries with local levy funds. The legislature declares that this has created uneven access to a quality education and equitable salaries across the state.

Legislators on both sides of the aisle advanced thoughtful proposals to resolve this problem in the 2015 Session. The Board reviewed some of them at its May 2015 meeting. These proposals would variously:

- ✓ Define the allowable uses of local excess levies.
- ✓ Make changes in how districts report and account for the expenditure of revenues by source, to more clearly identify how levy revenues are spent.
- ✓ Replace the current levy lid with new limits on local levy authority.
- ✓ Put in place a new structure for teacher compensation.
- ✓ Increase state revenue for basic education compensation, whether by instituting new taxes or increasing the state school levy while reducing local levies.
- ✓ Change the statutory one percent limit on annual growth in property tax collections in a taxing district.
- ✓ Revise the Local Effort Assistance (levy equalization) program.

A separate bill, HB 2239, would establish a schedule for legislative study and enactment of revisions to school funding, including compensation and local levies, by September 2018.

While rich discussions took place, no legislation was passed to reduce or eliminate reliance on local levies in the 2015 regular and special sessions.

In response to the Supreme Court's August contempt order, a bipartisan work group of legislators, four from each chamber, has been formed to work on K-12 funding issues including compensation and levy reform. The governor has stated that if the group can agree on a plan, he will call the Legislature into special session to enact the legislation during the scheduled committee assembly on November 19-20.

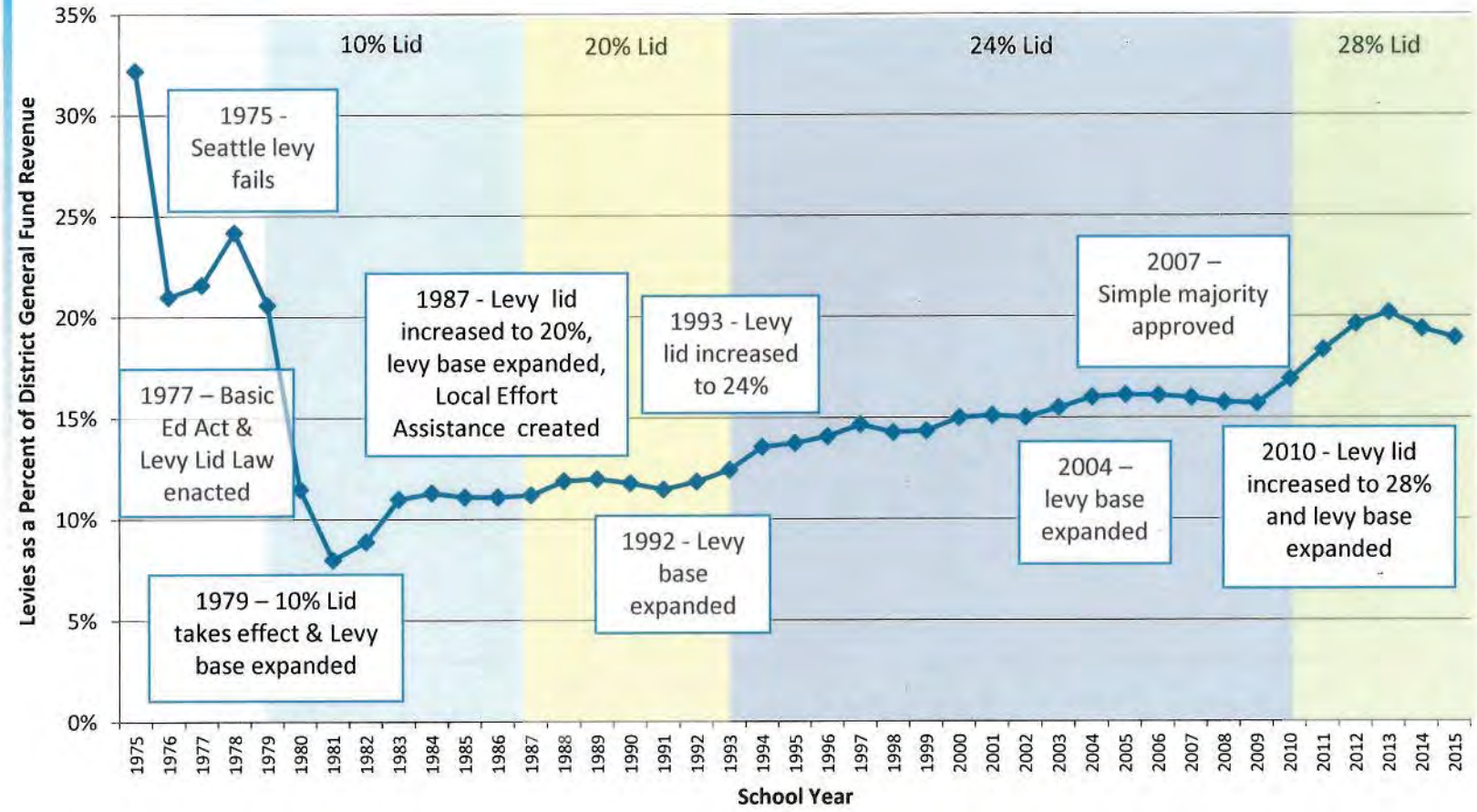
Legislative Action

The Board urges the Legislature to complete the work begun in the 2015 regular and special sessions to end unconstitutional reliance on local excess levies for basic education and bring the state into Article IX compliance, whether in a 4th 2015 Special Session or the 2016 Session.

If you have questions regarding this memo, please contact Jack Archer at jack.archer @k12.wa.us.

Levies & Local Effort Assistance: A Brief History

House Appropriations Committee



Note: Current Lid of 28% expires December 31, 2017, at which point Lid will go back to 24% and "ghost money" will no longer be included in Levy Base. Grandfathered lids are continued.

Excess General Fund Levy Revenue as a Percent of Total Revenue

(Dollars in Thousands)

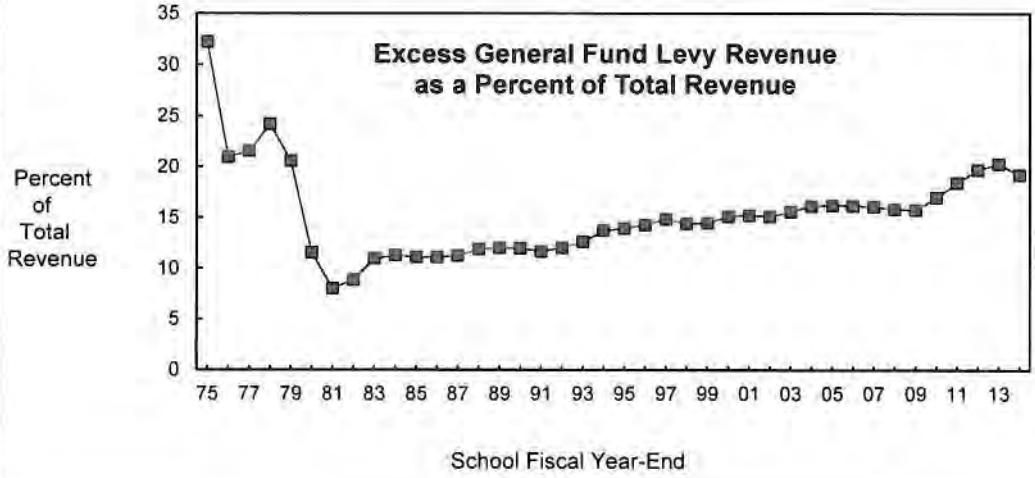
Fiscal Year*	Total Revenue**	Excess Levy Revenue***	Percent
1974–75	$994,472	$320,566	**32.23%**
1975–76	1,095,007	229,516	**20.96%**
1976–77	1,174,998	253,451	**21.57%**
1977–78	1,388,220	335,768	**24.19%**
1978–79	1,554,498	319,735	**20.57%**
1979–80	1,822,578	209,972	**11.52%**
1980–81	1,908,531	152,700	**8.00%**
1981–82	1,943,646	172,494	**8.87%**
1982–83	2,033,549	222,871	**10.96%**
1983–84	2,238,633	252,350	**11.27%**
1984–85	2,401,745	266,495	**11.10%**
1985–86	2,500,556	277,484	**11.10%**
1986–87	2,819,337	317,155	**11.25%**
1987–88	3,027,548	359,371	**11.87%**
1988–89	3,287,421	394,785	**12.01%**
1989–90	3,614,392	432,154	**11.96%**
1990–91	4,082,666	475,256	**11.64%**
1991–92	4,385,461	526,638	**12.01%**
1992–93	4,734,101	596,226	**12.59%**
1993–94	4,932,729	676,424	**13.71%**
1994–95	5,170,141	720,424	**13.93%**
1995–96	5,415,752	773,351	**14.28%**
1996–97	5,636,555	835,489	**14.82%**
1997–98	5,873,014	846,421	**14.41%**
1998–99	6,062,444	876,521	**14.46%**
1999–00	6,361,132	961,595	**15.12%**
2000–01	6,739,204	1,024,717	**15.21%**
2001–02	7,081,049	1,069,963	**15.11%**
2002–03	7,306,750	1,138,367	**15.58%**
2003–04	7,477,686	1,203,502	**16.09%**
2004–05	7,744,513	1,255,616	**16.21%**
2005–06	8,139,545	1,317,017	**16.18%**
2006–07	8,653,049	1,389,607	**16.06%**
2007–08	9,255,295	1,464,387	**15.82%**
2008–09	9,892,584	1,559,984	**15.77%**
2009–10	9,874,106	1,675,707	**16.97%**
2010–11	9,927,789	1,829,263	**18.43%**
2011–12	9,966,999	1,963,408	**19.70%**
2012–13	10,107,617	2,050,012	**20.28%**
2013–14	10,940,054 ****	2,099,781 ****	**19.19%**

* *School fiscal years end on August 31 except prior to 1978, when they ended on June 30.*

** *Total revenues are from Report F-196.*

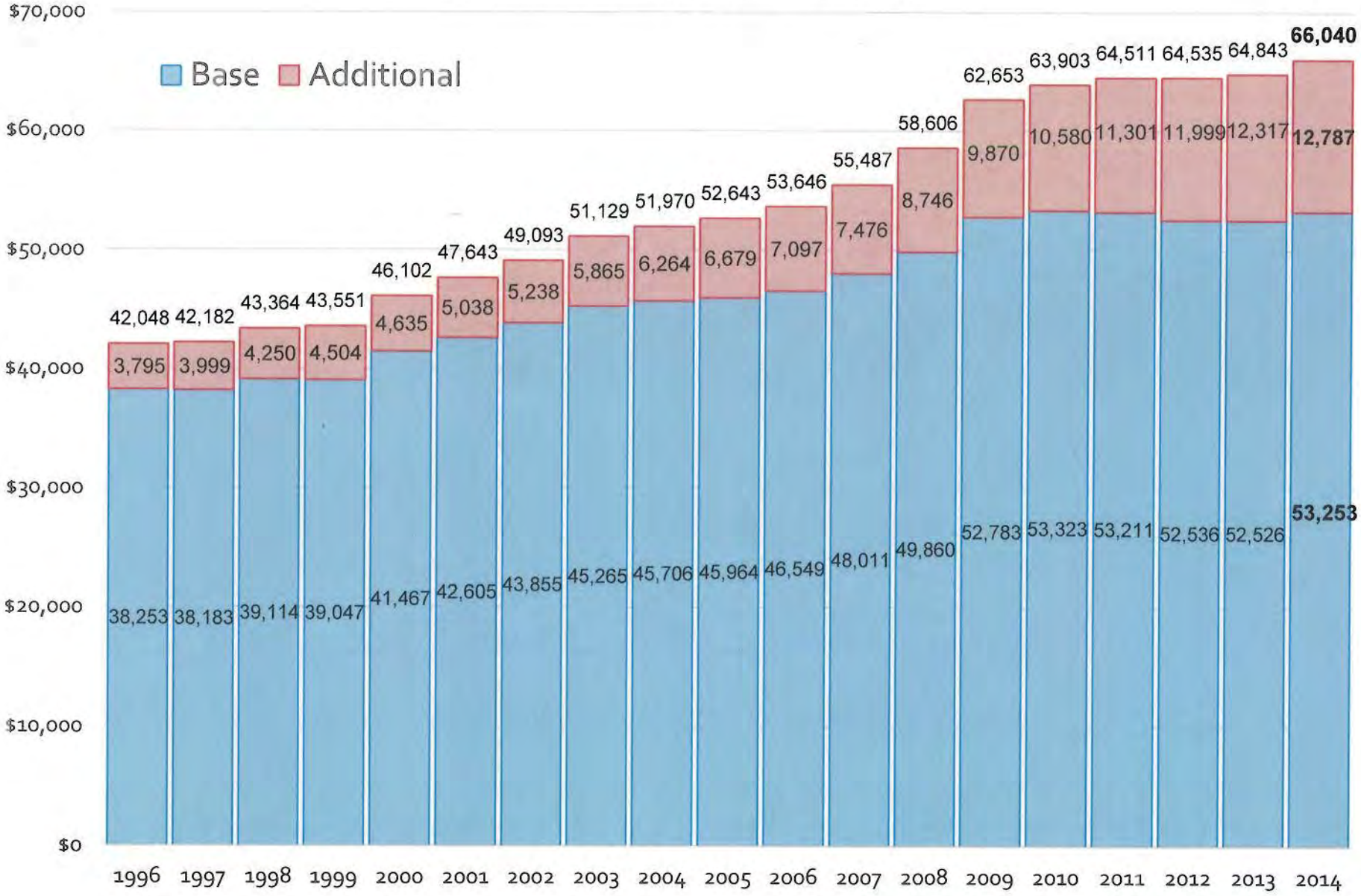
*** *Includes portions of two levy collection years. Includes levy revenue from timber excise tax.*

**** *Budgeted revenues are shown for 2013–2014.*



Statewide Average Salaries for Full-Time Teachers

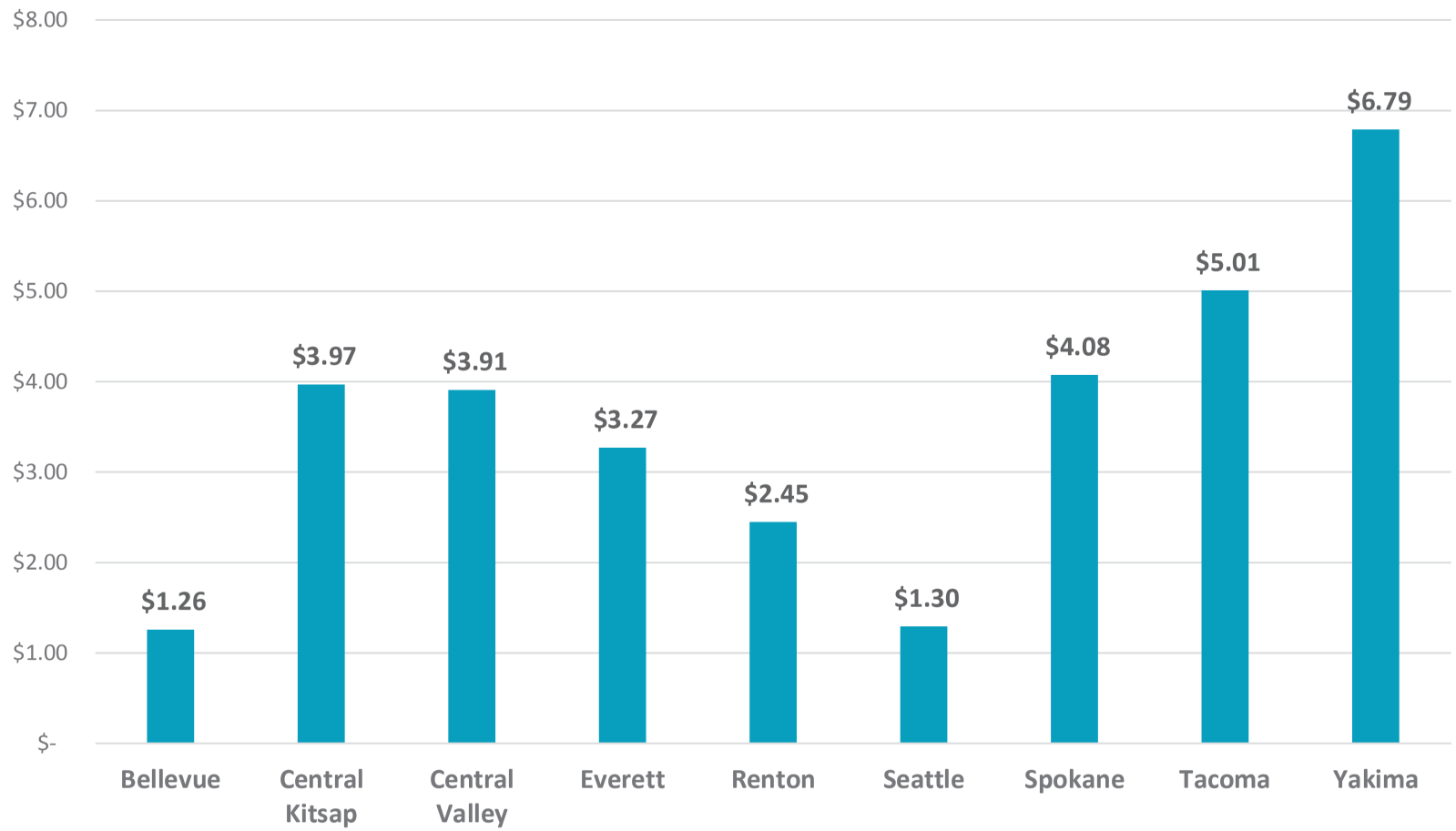
School Years 1995-96 to 2013-14



Source: OSPI S275, compiled by LEAP. Full-time teachers with single assignment

M&O tax rate to raise maximum levy authority

House Finance Committee



Data source: Calculation based on OSPI data

In SY 13-14, 55% of levy/LEA dollars were spent on additional staff and additional salaries

Program and Expenditure Purpose (Levy, LEA, Misc. Revenue)	Levy Funds Expended $'s in Millions	
Add'l Classified Salaries	$278.60	9.70%
Add'l Administrative Salaries	$255.90	8.90%
Add'l Classified Staff	$196.70	6.80%
Add'l Instructional Staff	$187.60	6.50%
Add'l Instructional Salaries	$677.70	23.50%
MSOC	$473.00	16.40%
State Special Education	$251.10	8.70%
Pupil Transportation	$112.50	3.90%
Extracurricular/Community	$99.50	3.40%
Child Nutrition	$13.90	0.50%
Other*	$339.60	11.80%
Total	**$2,886.10**	**100.00%**

55%

*Other are all expenditures above state allocation not attributed to above categories or identified on the F196.
Source: 2013-14 F196, Final 2013-14 S275, and Final 2013-14 Apportionment; Total dollars are expenditures above state allocation.

LEGISLATIVE PRIORITY:
CAREER AND COLLEGE READY DIPLOMA

Background

In its 2015 Legislative Priorities, the Board urged the Legislature to "expand testing alternatives for students who do not pass the 11th grade SBAC test required for graduation, beginning with the Class of 2019."

No legislation accomplishing this goal passed in the 2015 regular and special sessions. Governor-request legislation, HB 1703, would add additional alternatives in the form of college readiness transition courses in mathematics and English and a transition course for science. SPI would be required to offer online transition courses in math and English by January 2016, and an online transition course in science by September 2017. HB 1703 did not advance beyond a public hearing in the Education Committee. The Senate companion did not receive a hearing.

Legislation on graduation requirements that did pass one house of the Legislature, E2SHB 2214, moved in the opposite direction, eliminating all alternative assessment options for earning a Certificate of Academic Achievement except for earning an equivalent score on the SAT or ACT.

In fulfillment of its statutory mandate to "provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities and learning styles," the Board continues to support expansion of sound graduation alternatives for students not meeting standard on statewide assessments, to include:

a) Dual credit courses successfully completed under RCW 28A.320.195.

b) Transition courses developed in collaboration with the State Board for Community and Technical Colleges that are comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area, per RCW 28A.655.061

Earning dual credit in a college-level course is a clear demonstration of post-secondary readiness, and accordingly should be added to the menu of alternatives. Superintendent Dorn's "Plan B" proposal to update options to fulfill assessment graduation requirements, as presented at the Board's September 2014 meeting, included adding college credit in a content area as a new alternative.

In addition, a student who has earned a score on the SBAC high school English language arts and comprehensive math assessments that is below the standard for a Certificate of Academic Achievement, and who takes and passes a high school transition course approved by the State Board for Community and Technical Colleges, should be enabled to earn a Certificate of Academic Achievement. High school transition courses must satisfy core or elective graduation requirements as established by the SBE.

The Board also advocated this year for elimination of the Biology End-of Course (EOC) test in favor of developing a comprehensive science assessment developed by OSPI that aligns with Next Generation Science Standards. The 10th grade biology EOC is not a valid measure of the science attainment needed for career and college readiness, especially as biology is typically offered in the ninth grade. It results in the disproportionate use of collections of evidence in science, at unnecessary cost to the system.

Individual bills were introduced in both the House and Senate to eliminate the biology EOC as a graduation requirement, but none advanced through the process. The omnibus E2SHB 2214 eliminated

the requirement that a student take and pass the Biology EOC to earn a Certificate of Academic Achievement, beginning with the Class of 2015. The Biology EOC would continue to be administered in the meantime, but would not count for graduation. E2SHB 2214 passed the House in 1st, 2nd, and 3rd Special Sessions, but did not pass the Senate.

The resort for the Legislature was SB 6145, passed on July 14 of 3rd Special Session. SB 6145 suspended for two years, but did not eliminate, the requirement to meet standard on the state science assessment to graduate from high school. The suspension was retroactive to the Class of 2015, whose graduation ceremonies had already taken place by the time the bill was passed. Beginning with the Class of 2017, students will again have to meet standard on the science assessment to graduate with a Certificate of Academic Achievement. The Legislature thus did not resolve the science issue, but instead put off the decision while more work was done.

Legislative Action

1. The Board recommends that the Legislature expand assessment alternatives for students who do not meet standard on the 11th grade SBAC test, beginning with the Class of 2019, to include dual credit courses and college transition courses approved by the State Board of Community and Technical Colleges.
2. The Board urges the Legislature not just to suspend but to end the Biology End-of-Course exam as a high school graduation requirement, and to fix a date certain of 2017-18 for the first administration of a comprehensive science assessment aligned with Next Generation Science Standards.

If you have questions regarding this memo, please contact Jack Archer at jack.archer @k12.wa.us.

LEGISLATIVE PRIORITY:
HIGH SCHOOL AND BEYOND PLAN

Background

All Washington students entering ninth grade on or after July 1, 2009 have been required to have a High School and Beyond Plan (HSBP). So far, however, state graduation requirements have had little to say about what a High School and Beyond Plan *is*. WACs 180-51-066 (expired June 2012) and 180-51-067 (expired June 2015) provided only that, "Each student shall have a high school and beyond plan for their high school experience, including what they expect to do the year following graduation."

In July 2014 the Board adopted WAC 180-51-068, establishing graduation requirements for students entering ninth grade on or after July 1, 2015. WAC 180-51-068 states broadly that the High School and Beyond Plan is "designed to help students select course work and other activities that will best prepare them for their post-secondary educational and career goals." While an improvement on previous WACs, it still offers no guidance to students, parents or administrators on what an adequate HSBP should contain.

This is a much more pressing concern than before, because the 24-credit Career and College Ready Graduation framework adopted by the Board at the direction of the Legislature substantially increases the role of the High School and Beyond Plan in a student's journey to a diploma, in the following ways:

- Math credits – Requires a third credit of high school mathematics, aligning with the student's interests and High School and Beyond Plan
- Science credits – Requires a third credit of science, aligning with the student's interests and High School and Beyond Plan.
- Personalized pathway – Defined as "a locally determined body of coursework identified in a student's high school and beyond plan that is deemed necessary to attain the post-secondary career or technical goals chosen by the student."

Under the graduation framework first applying to entering ninth graders this fall, the High School and Beyond Plan is much more than just an add-on to credit requirements. Rather, it is integral to the course credits chosen by a student to prepare him or her for pursuit of chosen goals when the graduation celebrations are over, and the student comes face-to-face with life after school. The premise of the Career and College Ready Graduation Framework is that the responsibility of the state doesn't stop with the high school diploma. It extends, in the words of the Board's January 2014 resolution, to the responsibility to "give students the opportunity to complete high school graduation requirements that . . . prepare them for postsecondary education, gainful employment, and citizenship." The High School and Beyond Plan is an essential part of that.

In 2010, when the SBE approved – but did not adopt – the Career and College Ready Framework, it added specific elements to the High School and Beyond Plan to make the requirement more effective for students. These included, for example,

- The student's personal interests and abilities and their relationship to current goals.
- A four-year plan for course-taking related to graduation requirements and the student's interests and goals.

- Research on postsecondary training and education related to career goals.
- Completion of a resume.

After enactment of E2SSB 6552 in March 2014, board members and staff engaged in extensive discussions with OSPI and stakeholder groups in preparation for rules to implement the new graduation requirements. The Board received valuable input on elements of a high-quality HSBP designed to serve every student, of whatever background, interests, or abilities.

In proposed WAC 180-51-068, the Board identified defining components of the High School and Beyond Plan, while stopping short of naming other recommended elements of a high-quality plan. These components were:

a) Identification of career goals, including personal interests and abilities in relation to career goals;
b) Identification of educational goals through research on post-secondary training and education related to career goals, including information on benefits and costs;
c) A four-year plan, initiated in middle school grades, including identification of a personalized pathway;
d) Identification of assessments needed to graduate from high school, pursue post-secondary opportunities, and achieve career or educational goals.

After lawmakers expressed interest in developing legislation on the subject in the 2015 session, the Board omitted these provisions in adopted WAC 180-51-068, and left defining the HSBP to legislating rather than rule-making.

SHB 1591 covered much of the same ground as the proposed SBE rules, specifying the minimum required components of a High School and Beyond, providing that the HSBP must be initiated in the eighth grade and amended annually, and directing the SPI to develop and disseminate an inventory of best practices for a high-quality HSBP and identify barriers to implementation. The bill passed the House Education Committee unanimously, but did not receive further action. However, E2SSB 2214, an omnibus bill on assessments and related subjects, incorporated the language of HB 1591 with certain additional provisions. E2SSB 2214 passed the House but did not pass the Senate.

With the critical role of the High School and Beyond Plan in the Career and College-Ready Framework now established, and legislative interest so high, is time to complete the work begun in the last session to ensure that every student, regardless of circumstances, has access to a high-quality plan.

Legislative Action

The Board urges the Legislature to adopt legislation in the 2016 Session defining the fundamental elements of the High School and Beyond Plan in order to ensure that every student is served by a high-quality plan, while leaving appropriate discretion to districts to tailor plans and procedures to individual student needs.

If you have questions regarding this memo, please contact Jack Archer at jack.archer@k12.wa.us

LEGISLATIVE PRIORITY:
PROFESSIONAL LEARNING FOR EDUCATORS

Background

The State Board of Education has repeatedly advocated for state funding for professional learning for educators as a necessary support for a redefined program of basic education. Raising the standard of achievement for all students requires effective teaching, and effective teaching requires adequate, concentrated and focused professional learning. This is the more imperative when our educators must align instruction with new, more rigorous standards and assessments.

The Legislature recognized this fundamental need when it enacted the landmark Education Reform Act of 1993 that set the state on a new path of performance-based education. In ESHB 1209, the Legislature found "that improving student achievement will require time and resources for educators to collaboratively develop and implement strategies for improved student learning."

The Legislature backed its words by funding the equivalent of three days for professional development. The purpose of the funding was to provide "additional time and resources for staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210."

As we know, that support was not maintained. Over time the funded days for professional development fell victim to budget pressures. The first of the three was eliminated in 2002, the last in 2010.

Since then districts have had to rely entirely on basic education waivers from the SBE, the use of partial days – both of which take instructional time from students -- or local levy dollars to provide the collaborative time staff must have to provide the instruction students must have to meet higher standards.

In its 2013 report to the Legislature, the Quality Education Council said that "Statewide reforms such as implementation of the Common Core State Standards and increased statewide accountability create a greater need for coordinated, focused and aligned professional learning." Its recommendations included:

a. Create a common definition of professional learning that will guide state, regional, and local policy and investments in professional development for all educators.
b. Invest in up to ten days of content-specific professional development outside of the 180-day school calendar so that educator development does not take away from the instructional hours of students, by school year 2017-18.
c. Allocate mentors and instructional coaches in the basic education formula.
d. Provide continued statewide support for professional learning through the regional network of OSPI and the nine educational service districts.

Bills introduced in 2014 contained key elements of a sound state policy for ongoing professional learning linked to state goals for student achievement. They remain a good starting point for legislation in 2016. While differing in significant details, these bills had in common an understanding that the state cannot

meet the goals of basic education without a strong and reliable program of professional learning for educators. In the words of SB 5959,

> The legislature finds that because research shows that high-quality educators are so important for student success, that ongoing training and professional development is essential to support educators and increase student learning. The legislature further finds that part of the plan for meeting the constitutional obligations to fully fund a program of basic education must therefore include increased professional development and training in order to give educators and principals the tools they need to be successful with the new reforms already established.

In its 2014 report on educational system health, the SBE made a recommendation to expand and fully fund high-quality professional learning. Reviewing the research literature in this area, the Board found that professional learning "has the potential to bring about substantial increases in student achievement. This finding is supported by myriad qualitative reports from educators who experience quality professional learning as having an immediate and significant impact on student performance."

In November 2014 the SBE adopted a position statement recommending that the Legislature incorporate the equivalent of ten days of district-directed professional development, outside of the 180-day school calendar, into the state's program of basic education. The Board stated, in part, that

> A primary goal of the State Board of Education is to ensure that all students are prepared for career and college. Achieving this goal requires a portfolio of bold reforms. One essential component of that portfolio is sustained, state-funded professional learning which supports job-embedded professional development activities as an essential, built-in component of the school year calendar. . . .
>
> Currently, systematic professional development for teachers is treated by our funding system as a local enhancement, a non-essential add-on that practitioners must live without if their district lacks a local levy, or has a levy constrained by other costs. This flies in the face of what the research tells us, and practitioners know to be true: It is impossible to deliver high-quality, system-wide instruction without embedded opportunities for reflection, collaboration, inquiry, and planning for teachers.

No legislation was proposed in 2015 to require state funding of professional learning for educators. Nor was provision made for it in the2015-17 biennial budget.

Legislation supported by the SBE, however, did advance to implement the QEC recommendation to create a common definition of professional learning to guide local, regional and state policy and funding. SHB 1345 defined professional learning to mean "a comprehensive, sustained, job embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement," and set standards for the content and process of professional learning to help ensure a strong return on investment in student learning. SHB 1345 passed the House with strong bipartisan support, but did not pass the Senate.

Legislative Action

Begin the phase-in of the equivalent of ten funded days for educator professional learning, outside of the minimum 180-day school calendar, within the state's program of basic education. To support that policy, the Legislature should adopt a statewide definition and standards for effective professional learning aligned to state and district goals for student achievement.

If you have questions regarding this memo, please contact Jack Archer at jack.archer @k12.wa.us.

LEGISLATIVE PRIORITY:
EXPANDED LEARNING OPPORTUNITIES

Background

A large body of research points to the harm done to economically disadvantaged students from the lapse in learning during the long summer breaks between school years.

> As numerous studies from 1906 on have confirmed, children lose ground in learning if they lack opportunities for building skills over the summer. . . By the end of the summer, students perform on average one month behind where they left off in the spring. Summer learning loss is most acute for low-income children, who do not have access to the same formal and informal learning opportunities their higher income peers enjoy. While most students lose math skills without practice in the summer, low-income youth also lose about two months in reading achievement, while their higher-income peers actually make slight gains. These losses are cumulative and can lead to significant losses later in life.[i]

In its January 2014 Report to the Legislature the Quality Education Council (QEC) recommended that school districts be encouraged to deliver instructional programs in high-poverty and high-ELL schools that are specifically designed to help close the education opportunity gap by preventing summer learning loss. The QEC recommended that such programs be administered through the Learning Assistance Program (LAP), which allocates state funding to districts, based on a poverty factor, for supplemental services to improve student achievement.

The Legislature subsequently enacted 2SSB 6163, Relating to expanded learning opportunities, in the 2014 Session. The act declared legislative findings that (1) studies have documented that many students experience learning losses when they do not engage in educational activities during the summer, that (2) research shows that summer learning loss contributes to educational opportunity gaps between students, that (3) falling behind in academics can be a predictor of whether a student will drop out of school, and that (4) such academic regression has a disproportionate impact on low-income students. "The Legislature acknowledges," the act stated, "that access to quality expanded learning opportunities during the school year and summer helps mitigate summer learning loss and improves academic performance, attendance, on-time grade advancement, and classroom behavior."

2SSB 6163 created an Expanded Learning Opportunities Council, with representation by the SBE, to advise the Governor, Legislature, and Superintendent of Public Instruction on a comprehensive expanded learning opportunities system, with particular attention to summer learning loss. The Council was directed to make its first report by December 1, 2014, and then every December 1 thereafter through 2018.

The SBE made increasing access to high-quality expanded learning opportunities (ELOs) one of the recommended reforms in its legislatively mandated report on Statewide Indicators of Educational Health in 2014. The specific intents of this reform, the Board said, are to improve student achievement in the 3rd grade literacy, 8th grade high school readiness, and high school graduation.

ELOs, in the SBE report, embrace not only summer programs but also before-and-after-school programs, weekend programs, and extended-day, -week-, or -year programs where the outcomes include increased academic performance of the participants. The Board defined high-quality ELOs as those that:

- Engage participants through innovative practices and diverse learning methods;
- Align in-school and out-of-school learning by coordinating with schools to create enriching experiences with activities that complement classroom-based instruction;
- Offer academic support to students who are struggling in school and promote deeper learning for those who are demonstrating success;
- Engage with communities, schools, and families to support children's learning.

Chapter 28A.165 RCW, which governs the state's Learning Assistance Program (LAP), includes extended learning opportunities occurring before or after the regular school day, on Saturday, and beyond the regular school year among services and activities that may be supported by the program The SBE report pointed to the inventory of research-based practices for LAP developed by the Washington State Institute for Public Policy, which identified academically focused summer learning as one of two evidence-based practices associated with improved outcomes for students.

Legislative Action

The Board urges the Legislature to establish and support a program of expanded learning opportunities directed to raising the academic achievement of economically disadvantaged children. Options for implementation of this recommendation include:

- Create a pilot program for an extended school year to combat summer learning loss and provide an opportunity for evaluation of the effectiveness of an extended school year in improving student achievement, closing the educational opportunity gap, and providing successful models for other districts to follow, as directed by 2SSB 6163 and developed by the Expanded Learning Opportunities Council.
- Amend the laws pertaining to the Learning Assistance Program to provide that school districts may use LAP funds to develop and deliver instructional programs specifically designed to help close the opportunity gap by preventing summer learning loss, as proposed by the Quality Education Council.
- Create an enhanced LAP allocation specifically directed to increasing access to expanded learning opportunities to prevent summer learning loss.
- Refine the rules for General Apportionment allocations to better support summer learning opportunities.

If you have questions regarding this memo, please contact Jack Archer at jack.archer @k12.wa.us.

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[i] S. Pitcock and B. Seidel. "Summer Learning: Accelerating School Success." *The State Education Standard*, National Association of State Boards of Education. 15:1 (January 2015). The authors provide citations to recent research documenting the effects of summer learning loss on student achievement and in widening gaps.

APPENDIX 5 – Salary Allocation Model Supplemental Information

Certification

In Washington State, the Professional Educator Standards Board (PESB) has defined two levels of certification for new teachers- residency and professional certification. The two tiered system was designed to follow a career progression from entry or novice levels of skills to career or advanced levels. The ProTeach Portfolio was developed to provide teachers holding a residency certificate with an evidence-based, uniform assessment through which to demonstrate the required knowledge and skills that demonstrate a positive impact on student learning in order to attain a professional certificate. The Washington Administrative Code (WAC) further clarifies that such a teacher is defined as a "teacher, through instruction and assessment, who has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements."[1]

The knowledge and skills that teachers are expected to know and demonstrate are part of the PESB's Program Approval Standards and are based on the national Interstate Teacher Assessment and Support Consortium (InTASC) standards.

Knowledge and skills-based pay is additional compensation for the attainment and continual development of specific skills, knowledge and competence in effective teaching practices that leads to increased student achievement. Many knowledge and skills-based pay structures are tied to well-established national standards for educator practice, like the Interstate New Teacher Assessment and Support Consortium (InTASC)[2] or National Board for Professional Teaching Standards (NBPTS)[3], while others have been directly linked to school or district defined needs for professional development.

Knowledge and skills-based pay in public education is based on the concept of competency pay from the private sector. Initially called "skills-based pay", it has been used "as a generic term to describe compensation for individuals for the skills they demonstrate, rather than for the particular job they occupy". [4] "Competency pay" is a more recent term used to describe pay for the development of "more abstract knowledge or for behaviors that are less easily observable than most skills in skill pay".[5] Competency pay in the school setting can support the development of "a culture of concern for personal growth and development of a highly talented work force,"[6] which is the basis for knowledge and skills-based pay structures. In public education settings, such a pay structure could be used "to provide incentives for teachers to develop their knowledge, skills and competencies in new and more effective forms of pedagogy, deeper and more conceptual subject matter knowledge needed to teach consistently with the ways children learn advanced cognitive expertise, and the leadership and

management skills needed to engage in effective school-site management and decision making."[7]

In a single salary schedule, a teacher receives additional pay increases related to the number of years of service and additional degrees or college credits acquired. In a knowledge and skills-based pay structure, teachers are provided additional pay increases through demonstration "that they have acquired and can apply classroom-relevant knowledge and skills that represent higher levels of expertise or higher levels of teaching practice."[8] The proposed salary allocation model by the Compensation Technical Working Group (TWG) provides pay increases through the levels of certification. The certification process involves multiple objective measures of the knowledge and skills of a teacher.

In most of the sample salary allocation models reviewed by the Compensation TWG, the models were aligned to the levels of certification for a teacher and modeled on the amount of years a teacher would spend in each level. Several models included a third level for a master teacher which led to discussion on how a master teacher would be defined and distributed. The Compensation TWG concurred with the master teacher recommendation by the Professional Educator Standards Board (PESB) that found a third level Washington certificate for master teacher would be duplicative of National Board for Professional Teaching Standards certification and would not be portable from state to state.[9]

Arguments For Including Certification Level in the SAM

- The authorizing statute for the Compensation TWG clearly states that the salary allocation model should be aligned to certification expectations.
- The certification process is designed to allow teachers to gain additional knowledge and skills and demonstrate them in an objective assessment.
- The continuum of teacher knowledge and development is recognized in the certification levels, with an entry level residency certificate, a middle level professional certificate and an optional advanced National Board for Professional Teaching Standards (NBPTS) certificate.
- Research indicates that the InTASC standards that the residency and professional certification are aligned to have a significant influence on teacher effectiveness.[10]
- Increases in pay should be tied to both the attainment of additional professional development, but also the demonstration of professional competencies through the certification assessments, ProTeach Portfolio and the NBPTS certification process.

Arguments Against Including Certification Level in the SAM

- Research has not been completed on the effect of the ProTeach Portfolio and professional certification attainment on student achievement and teacher effectiveness.
- Additional resources will be needed to track the status of teacher certification in order for certification steps on the salary allocation model to be paid.
- Additional guidance from PESB is needed to define how teachers with historical licenses or out of state licenses will be placed on the salary allocation model.

- Allowing a certificate to lapse or not be renewed would result in no movement on the salary allocation model.

Certification Recommendation

The Compensation Technical Working Group recommends that the salary allocation model be aligned to the residency and professional certification levels. Additionally, National Board for Professional Teaching Standards certification is embedded in the salary allocation model, rather than being paid as a separate bonus. The additional increases in compensation identified in the salary allocation model occur for the professional certificate level and a minimum of four years of experience and as a proxy for the first renewal of the professional certificate at nine years of experience.

Years of Experience

In the teaching profession, experience is highly valued with a majority of states paying for increased experience. Experience is a common factor in many human resource policies: "the idea is that experience, gained over time, enhances the knowledge, skills and productivity of workers."[11]

It is difficult to measure the effect of experience on teacher effectiveness; however some broad conclusions can be made about the relationship between educator experience and effectiveness. In general, it appears some experience does have an impact on student achievement, although less than other measurable teacher attributes.[12] The impact of experience on teacher effectiveness is the most pronounced in approximately the first six years of teaching, with the increased effectiveness leveling off over time.[13] Other research indicates that teachers with more than 20 years of experience are more effective than teachers with no experience, but are not much more effective than those with five years of experience.[14]
The Compensation Technical Working Group discussed the value of years of experience, including references to the Washington State Institute for Public Policy (WSIPP) meta-analysis (Exhibit 1-Estimates of the Effect of Years of Teaching Experience on Student Outcomes) that found the effect of teacher experience on student learning being the most pronounced in the first five years.[15] After this initial period of rapid growth and improvement, the gains in effectiveness become smaller.

Some members believed delaying an increase in compensation until after the fourth year of experience will incentivize the retention of certificated instructional staff. National research indicates a relationship between turnover and experience, "with the least and most experienced teachers most likely to depart their schools."[16] According to the Professional Educator Standards Board (PESB), in Washington this pattern holds true with, "most of the teachers who leave a district do so earlier in their careers. There is also a bump for those who leave at about 30 years of experience, presumably to retire."[17]

However, some members did not believe that the increase should be delayed until after the fourth year of experience. The Washington State Legislature and PESB designed a continuum of teacher development that encourages teachers to pursue professional certification post-induction with achievement of the certification by the end of their third year of teaching. The concern is that a delay in the percentage increase until the fifth year of teaching, after the individual has attained four years of experience, will cause educators to delay gaining the knowledge and skills competencies represented by the professional certificate one year. Thus the recommendation from some members was a smaller increase for teachers attaining the professional certificate at year four, after three years of experience, which would join with the 20 percent retention-related increase at year five, after four years of experience.

Arguments For Including Years of Experience in the SAM

- Some believe that providing increased pay after a certain number of years of experience will improve teacher retention.
- As teacher effectiveness increases the most dramatically in the first five years, additional compensation should be directed to that period.
- By virtue of remaining current on certification expectations and receiving successful evaluations, more experienced teachers are usually the more effective teachers.
- Additional increments for years of experience is a model teachers are familiar with nationwide.

Arguments Against Including Years of Experience in the SAM

- Experience serves as a proxy for effectiveness; it is not a direct measurement of teacher effectiveness.
- Default longevity compensation increases do not incentivize behavior and some ineffective teachers could continue to receive increased compensation.
- The rate of effectiveness declines with more years of experience, at some point teachers may not be as effective and should not receive additional compensation.

Experience Recommendation

The Compensation Technical Working Group (TWG) recommends that experience be tied with the progression from the residency certification to the professional certification or the NBPTS certification with bumps after four and nine years of experience. The first increase after four years of experience is contingent with attainment of the professional certificate. The proposed salary allocation model reduces the number of annual increments from the current model, allowing employees to maximize their compensation earlier in their career and increase the recruitment of additional employees into public education. The Compensation TWG recommends that an annual cost of living adjustment (COLA) be applied to all salary allocations. It is important to note that this COLA will be provided every year, regardless of the employees' placement on the salary allocation model.

National Board for Professional Teaching Practices (NBPTS)

The Compensation Technical Working Group (TWG) reviewed several methods of defining an accomplished teacher for the purpose of providing additional compensation for such teachers on the salary allocation model. Part of their analysis included the discussion of a "master teacher" definition in the report, "*Strengthening The Continuum of Teacher Development: Professional Educator Standard's Board Response to the Charges in ESHB 2261"*. In this report, the PESB concluded that a separate license for a "Master" teacher would be cost prohibitive and duplicative of National Board for Professional Teaching Standards certification, which has national prestige and reciprocity with many states. The Compensation TWG concluded that National Board for Professional Teaching Standards (NBPTS) certification would be the process through which to recognize accomplished teachers in the salary allocation model.

The Washington State Institute of Public Policy (WSIPP) (Exhibit 4-Estimates of the Effect of Having a NBPTS Certified Teacher on Student Outcomes) reviewed studies on the effect of NBPTS-certified teachers on student achievement outcomes, with the research question *"Are NBPTS-certified teachers more effective than non-NBPTS certified teachers?"* The WSIPP meta-analysis of previous research found that "a teacher with NBPTS-certification can boost student test scores from 0 to .06 standard deviation units per year; best estimate= .026 standard deviations."

While the WSIPP meta-analysis of the effect NBPTS-certified teachers have on student achievement found that students taught by a NBPTS-certified teacher outperform those taught by a non-certified teacher, it should be noted that no research focused on the effect of National Board certification on student learning within Washington state has been conducted to date.

Additional areas of research have been identified to further understand the NBPTS certification effect:

- The majority of research has found that the process of attaining a NBPTS certification leads to increased teacher knowledge and effectiveness as well as the fact that the NBPTS process is an effective means of recognizing teachers who are already highly effective.
- The use of NBPTS-certified teachers in additional roles and responsibilities within schools and school districts, such as instructional coaches, mentor teachers and teacher leaders has been studied. The majority of research has found that NBPTS-certified teachers are more involved in leadership opportunities following attainment of the certificate.
- Research has found that NBPTS-certified teachers have the same or lower rates of exiting the public education system compared to other teachers.

Arguments For Including NBPTS Certification in the SAM

- Effective, highly trained and certificated teachers should receive additional compensation based on their ability to greatly affect student achievement.
- NBPTS-certified teachers benefit other teachers within their school and school district, serving as a resource on best teaching practices.
- Teachers are motivated by the idea that there is a career continuum where additional knowledge and skills is recognized with additional compensation.
- By embedding compensation for NBPTS in the salary allocation model, the funding will be guaranteed and not subject to reductions by the Legislature. The existing bonuses are a part of an NBPTS certified teacher's planned annual income and therefore should be stabilized in our state funding system.

Arguments Against Including NBPTS Certification in the SAM

- Some teachers feel that providing additional compensation for "accomplished" teachers could negatively impact the collaborative relationship between teacher colleagues.
- The NBPTS certification process is costly, time consuming and largely dependent on an individual teacher's capacity to assume the cost and time obligations. There are conditional loans available from the state that depends on successful completion and awarding of the NBPTS certification.
- The proportion of NBPTS-certified teachers within a district is inequitable around the state and within school districts, leading to unequal access to accomplished teachers.
- Many schools and districts have not yet identified the leadership potential of NBPTS-certified teachers to assist with school improvement efforts and other education reforms.

NBPTS Certification Recommendation

The Compensation TWG recommends that an accomplished teacher distinction should be included in the salary allocation model; the group believes that NBPTS certification is an objective measure of accomplished teaching and should be embedded in the salary allocation model. As such, the group recommends that compensation for NBPTS certification be included in the definition of basic education.

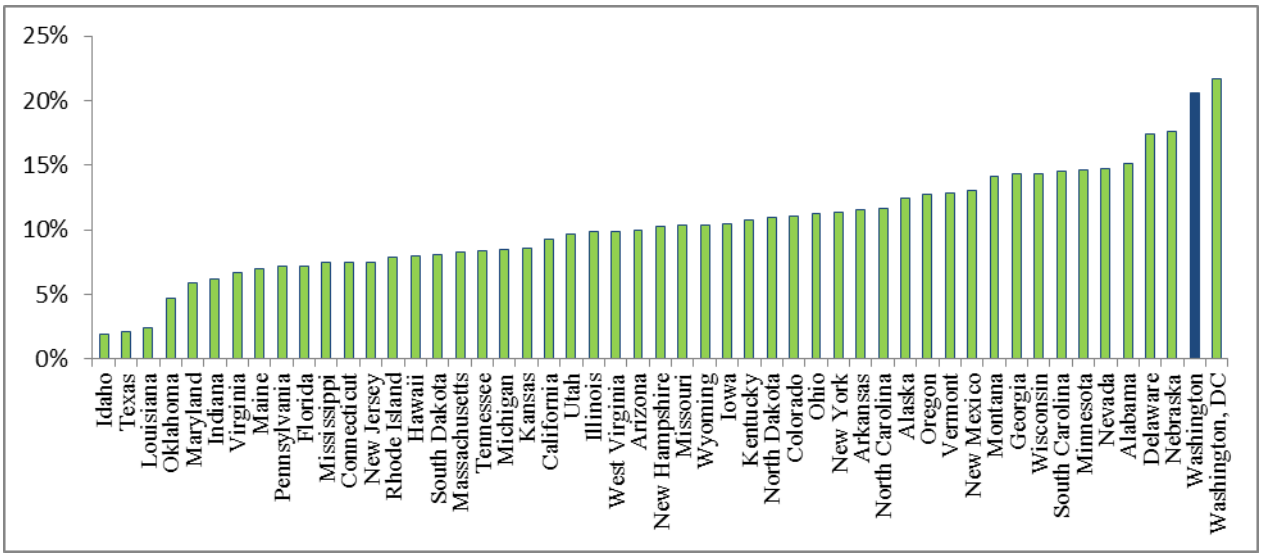
Levels of Education

Earning advanced levels of education beyond the entry degree (Bachelor's degree) required to join the teaching profession is currently part of the salary allocation model, with increased compensation for a Master's degree or Ph.D. and additional clock hours or credit hours. Nationally, half of all teachers hold Master's degrees and the number of teachers in the United States with Master's degrees has nearly doubled in the last 50 years.[18] States and school districts have viewed an advanced degree as a proxy for teacher quality and many financially

incentivize the movement from a Bachelor's to Master's degree through an increased compensation, often called the "master's bump." The research on graduate degrees and teacher effectiveness is limited to studies that measure the effect on student achievement in only a few subjects and grade levels. The studies have found mixed results. The Washington State Institute for Public Policy (WSIPP) (Exhibit 2- Estimates of the Effect of Teacher Graduate Degrees on Student Outcomes) conducted a meta-analysis on graduate degrees, in general, and found that the effect of general graduate degrees on student achievement gains is minimal. The WSIPP meta-analysis on in-subject Master's degrees (i.e. a Master's in Math for a teacher teaching math) shows some association with higher student scores on tests.

Educational levels, including Master's degrees in general and Master's degree in the subject a teacher is teaching were discussed by the Compensation Technical Working Group, with division on whether education levels should be included in the base allocation model. Requiring that the degree match the assignment of a teacher could have unintended consequences, with some teachers being asked to work out of subject area and no longer being eligible for the increased pay. Some members felt that degrees should only be recognized if they are part of an educator's professional growth plan. Other members felt it should not be included because the research indicated that it does not have an effect on student achievement, as measured by student test scores. Targeting continuing education for specific competencies or outcomes was preferred, not awarding just any type of credits or clock hours. The discussion also included how to incorporate a beginning teacher who enters the profession with a Master's degree.

Exhibit 1: The Base Salary Premium for a Master's Degree, by State, 2007-08



Source: U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School District Data File," 2007-08. The degree premium is the salary for a teacher with an MA and zero years of experience divided by the salary for a teacher with a BA and zero years of experience.

As displayed in Exhibit 71, the premium that states have invested in Master's Degrees or the "master's bump" varies greatly. Washington State currently pays the highest differential between a Master's degree with zero years of experience and a Bachelor's degree with zero years of experience at 21 percent.

Arguments For Including Levels of Education in the SAM

- Public education is dedicated to educational attainment; in line with that value, teachers should be compensated for additional graduate degrees and clock hours/credits obtained.
- Master's degrees, whether in subject area endorsements or in general elementary or secondary education, result in a more educated employee and such professional development should be compensated.

Arguments Against Including Levels of Education in the SAM

- Research seems to indicate that Master's degrees, in general, are not associated with increased student achievement.
- The current salary allocation model Master's degree bump is 21 percent, while the national average is 9 percent. Washington should not continue to financially reward a course of study that is not associated with increased effectiveness.

Levels of Education Recommendation

The Compensation Technical Working Group recommends that educational levels be included in the salary allocation model. The group believes that advanced degrees should be approved by the school district and related to current or future teaching assignments in order to receive additional compensation.

ENDNOTES

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