

**SYSTEM PERFORMANCE ACCOUNTABILITY SYSTEM:
PROPOSED LEGISLATION FOR REQUIRED ACTION FOR PERSISTENTLY LOW
PERFORMING SCHOOLS**

**Final Version from January 4, 2010 SBE Meeting
January 5 5:15 pm**

BACKGROUND

Since 2006, the State Board of Education (SBE) has considered the components of a statewide performance accountability system, one essential to ensuring our students receive an excellent and equitable education.

The Board created a Systems Performance Accountability (SPA) work group, which consists of stakeholders from a variety of educational groups and SBE members to review proposals for an accountability system. The meeting materials can be found at: <http://www.sbe.wa.gov/>. The Office of Superintendent of Public Instruction (OSPI) has been a strong partner in helping shape the work. The 2009 legislature reaffirmed the Board's accountability framework in ESHB 2261.

There are three components to the Accountability Framework:

1. An Accountability Index to recognize schools that are successful and those that need additional assistance.
2. Targeted state programs to assist districts.
3. Required action, if there are no improvements.

At its November 2009 meeting, the Board adopted a draft report on "An Excellent and Equitable Education for All Students: A State and Local Partnership for Accountability," which addressed both the SBE Accountability Index and OSPI voluntary programs to assist school districts in need of improvement. In addition, the Board provided draft policy guidance to staff to develop a draft bill to submit to the legislature to meet the December 1, 2009 deadline required under ESHB 2261, now codified under RCW 28A.305.225. The draft bill called for required action for "challenged" or persistently lowest achieving schools.

POLICY CONSIDERATION

Staff and Board members used the six weeks after the November 2009 Board meeting to listen carefully to different stakeholders about the SBE's initial proposal. Four major presentations by staff were made to: the Washington State School Directors at their Annual Meeting, the House Education and Fiscal Committees, the Senate Early Learning and K-12 Committee, and the OSPI Dream Team. In addition, staff met with numerous education stakeholders as well as

federal and state education staff teams to examine ways to improve the December 1, 2009 draft bill.

The following major policy issues were identified during the feedback process:

- Keep the identification process simple to identify lowest achieving schools.
- Allow more time to implement the process for required action districts.
- Be clear about the inability to use charter schools as one of the four federal models unless legislature authorizes.
- Keep the academic performance audit informative but not prescriptive.
- Do not withhold Title I funds as one of the impasse options (for unions no impasse option except peer mediation is acceptable, for others impasse options are a critical piece to provide ability to reach solutions and hopefully never use).
- Find ways to help all schools be successful and close the achievement gap.

Staff has considered these points as well as ways to clarify the legislation for the January 4, 2010 version of the bill.

While the majority of provisions from the November Board 2009 meeting policy guidance will be retained, the following changes were approved by the Board at its January 4 2010 meeting:

1. Remove State Criteria to Further Define Five Percent Persistently Lowest Achieving Schools.

To use the federal school improvement funding, states cannot use additional criteria beyond what the federal rules require. This was clarified in the final federal school improvement guidelines.

2. Revise Timelines and Make Required Action Process Mandatory in 2011.

- a. Winter 2010 OSPI will create a first list of schools that are identified as the lowest 5 percent of persistently lowest achieving schools
- b. Winter 2010 OSPI will allow districts identified with persistently Lowest Achieving Schools to volunteer (one time only) to participate in federal school improvement models and funding process.
- c. By December 1, 2010 OSPI will create a second list (every year thereafter) that identifies as the lowest 5 percent of persistently lowest achieving schools. By the January Board meeting 2011 OSPI recommends and SBE designates districts for required action.(and every year thereafter) based on funding availability.
- d. Fall 2011 designated Required Action Districts must have plan in place to implement one of four federal models for 2011-12 school year.

The change in timeline will allow us to write a simpler bill and create rules after law is enacted since there is additional time with the required action designation changing from 2010 to 2011.

3. Provide a Foundational Strategy to Lay Groundwork for Using Intervention Models.

All school districts designated as required action districts will be required to create an addendum to their collective bargaining agreements when they expire on or after of the effective date of this act that allows the addendum to be negotiated based on the need to develop and implement a required action plan .

4. Define Impasse Options Further

- a. In the event the local parties cannot agree on how to develop a plan, the SBE shall mandate that the affected local parties to go to mediation with Public Employee Relations Commission and then if necessary, go to binding arbitration funded at each party’s expense. Results from mediation or arbitration will be made through an addendum in the current collective bargaining contract or in the next collective bargaining agreement.
- b. In the event that the local district does not submit any plan or the SBE does not approve the final plan, the required action district submits, the SBE may direct OSPI to work with required action district to redirect regular Title I funds to comply with academic performance audit findings.

The table below outlines the goal, objectives, and outcomes for the Board’s legislation adopted at the January 4, 2010 special meeting.

Required Action Legislation for Persistently Lowest Achieving Schools

<p>Goal</p>	<p>Change current state law that allows for voluntary participation by schools and districts in state improvement assistance programs to add a required action state/local partnership in limited circumstances for school districts identified with persistently low achieving schools to improve student achievement beginning in 2011.</p>
<p>Objectives</p>	<p>Identify and rank the state’s bottom 5 percent of persistently lowest-achieving public schools in the state for both Title I (mostly elementary schools) and Title I eligible (mostly secondary schools) based on lack of student proficiency in reading and math on state assessments and lack of improvement over multiple years.</p> <p>Use federal intervention models and federal School Improvement Grant Funds (\$42.5 million) for an initial group of districts with persistently low achieving schools for Phase I. Allow for state and local models and state funding in Phase II in 2013 based on lessons learned in Phase I.</p> <p>Provide an objective academic performance audit to look at potential issues that might affect student performance in schools.</p> <p>Allow for state/local partnership to address persistently low achieving schools and their districts in the required action process through a local plan with staff and community involvement, OSPI technical assistance and</p>

	<p>plan review, and SBE approval of plan.</p> <p>Provide solutions if there is an impasse between the parties in the required action process.</p> <p>Districts with identified persistently low achieving schools may volunteer for a three-year cohort in 2010. In subsequent years beginning in 2011, districts with identified persistently low achieving schools will be required to participate and to implement one of the four federal models.</p>
Outcomes	<p>Districts with persistently lowest achieving schools will be expected to improve student achievement in math and reading within three years based on a state definition of improvement, which will include surpassing the bottom 5 percent of persistently lowest achieving schools and making gains similar to the state average in reading and math for all students.</p>

Attachment A provides a summary of the new proposed bill as of January 4, 2010.

Attachment B provides a copy of the January 4, 2010 bill language.

Attachment C provides a comparison between the December 1 bill and the December 29 bill provisions.

Attachment D shows the key changes in the final federal school improvement guidelines.

Attachment E provides the federal language on the final four federal intervention models for school turnaround.

Attachment F provides a chart comparing the four federal intervention models.

Attachment G provides a timeline for the process.

EXPECTED ACTION

Staff recommends that the Board review and approve the final legislation for required action for districts with persistently lowest achieving schools for the 2010 session. Based upon this action, staff will update the Board’s December 1, 2009, report to the legislature “An Excellent and Equitable Education for All Students: A State and Local Partnership for Accountability” to reflect the Board’s amended bill approved January 4, 2010.

**Summary of SBE Required Action Final Bill Key Components
December 29, 2009**

Key Bill Elements	
Section 1: Intent	<p>State’s responsibility to create a coherent and effective accountability framework to provide an excellent and equitable education for all students.</p> <p>Roles of Superintendent of Public Instruction (OSPI) and the State Board of Education (SBE) for accountability.</p> <p>Phase I will recognize schools for exceptional achievement and improvement through the SBE Accountability Index and use of federal guidelines to identify the lowest 5 percent of persistently low achieving schools to use federal funds and federal intervention models beginning in 2010 (voluntary) and 2011 (required).</p> <p>Phase II will implement the SBE Accountability Index for identification of schools in need of improvement and develop state and local intervention models with state and local funds beginning in 2013.</p>
Section 2: Identification of the Persistently Lowest Achieving Schools	<p>Beginning no later than December 1, 2010 and annually thereafter, use the federal criteria set forth in the final federal rules for school improvement to identify the persistently lowest achieving schools and their districts . This requires OSPI to do the following:</p> <p>First, OSPI must identify and rank Tier I schools that are the lowest achieving 5 percent of the state’s Title I public schools (elementary, middle, high school) based on 1) low student achievement in math and reading combined on the state assessments; and 2) a lack of progress on those assessments over a number of years for all students.</p> <p>Second, OSPI must identify and rank the Tier II lowest achieving 5 percent of the state’s public secondary schools that are eligible for,</p>

	<p>but do not receive, Title I funds using the same criteria set forth above.</p>
<p>Section 3: Required Action Districts</p>	<p>Beginning in January 2011, the OSPI shall annually recommend to the SBE districts for designation as required action districts. Districts must have at least one of the persistently lowest achieving schools. School districts that have volunteered in 2010 shall not be included in this designation.</p> <p>OSPI will provide districts with written notice. School districts may appeal this designation within 10 days.</p> <p>SBE will annually designate those districts recommended by the OSPI. Districts must notify all parents with students in persistently low achieving schools that the district is in required action.</p>
<p>Section 4: Academic Performance Audit</p>	<p>OSPI will contract with an external review team to conduct an academic performance audit of the required action district. The review shall have expertise in comprehensive school and district reform and shall not be from a state agency or school district subject to audit.</p> <p>The audit shall include but not be limited to: student demographics, mobility patterns, school feeder patterns, performance of different student groups on assessments, effective school leadership, strategic allocation of resources, clear and shared focus on student learning, high standard and expectations for all students, high level of collaboration and communication, aligned curriculum, instruction and assessment to state standards, frequency of monitoring of learning and teaching, focused professional development, supportive learning environment, high level of family and community involvement, and alternative secondary schools best practices.</p> <p>Audit findings shall be made available to the local school district, staff, community, and the State Board of Education.</p>

Section 5: Required Action Plan

The local school district superintendent and local board shall submit a required action plan to the SBE upon a schedule the SBE develops. The required action plan must be developed in collaboration with administrators, teachers, staff, parents, union (representing any employees in district), students, and representatives of the local community. OSPI will assist district as requested in plan development. Subject to availability of funding.

The local school board will hold a public hearing on proposed required action plan.

The required action plan must include:

1. Implementation of one of 4 federal intervention models, including turnaround, restart, closure and transformation (no charters unless expressly authorized by legislature).
2. An application for a federal school improvement grant to OSPI.
3. Budget for adequate resources to implement.
4. Description of changes in district's or schools' policies and practices to improve student achievement.
5. Metrics used to assess student achievement to improve reading, math and graduation rates.

OSPI will review the local school district required action plan and approve that it is consistent with federal guidelines prior to the local superintendent and board submitting the plan to the SBE

Expiring collective bargaining agreements for all school districts that are designated required action districts as of the effective date of this act must have the authority to reopen its collective bargaining agreements if that is needed to develop and implement an appropriate required action plan.

If no agreement can be reached, mediation followed by binding arbitration (several alternatives provided) will occur with each party bearing its own costs within 120 days of district designated as a required action district.

<p>Section 6: SBE Approves Required Action Plan</p>	<p>SBE shall approve the local district required action plan if it meets the requirements identified in Section 5. If the SBE does not approve plan, a reason must be provided. The district will then have an opportunity to revise the plan. OSPI will help district with resubmission of plan.</p> <p>The required action plan goes into effect for the next school year (thus district designated in January 2011 would implement the plan in the 2011-12 school year). Federal funds must be available to implement plan or else it will not go into effect.</p> <p>Any addendum to the collective bargaining agreement related to student achievement or school improvement shall not go into effect until the SBE approves the plan. If the SBE does not approve the plan, it notifies district in writing and district must submit new plan within 40 days.</p>
<p>Section 7: Reallocation of Title I funds if no required action plan</p>	<p>The SBE may direct the OSPI to reallocate district's Title I funds based on the academic performance audit findings if a school district that has not submitted a required action plan for approval or the final plan submitted has not received approval by the SBE.</p>
<p>Section 8: Implementation of Required Action Plan</p>	<p>District will provide regular updates to OSPI as specified by OSPI. OSPI will provide technical assistance and financial resources to the district as needed.</p>
<p>Section 9: Biannual reports and delisting districts</p>	<p>OSPI will inform the SBE at least biannually (twice a year) of the progress of the Required Action District's progress on its plan implementation and metrics. OSPI will recommend to the SBE that a district is no longer in required action based on improvement in state- identified metrics. At the minimum, schools will be expected to improve student achievement in math and reading within three years based on a state definition of improvement, which will include no longer ranking of lowest 5 percent of persistently lowest achieving schools and making gains similar to the state average in reading and math for all students.</p> <p>SBE will remove district from required action</p>

	or recommend that the district remain in required action.
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SBE Bill Staff Recommended Language January 4 2010, Version for Required Action for Persistently Lowest Achieving Schools

State Board of Education Proposed Bill for Required Action for Persistently Low Achieving Schools. Amendment to PERC statute for mediation still needed. Draft definitions section provided as place holder

1. NEW SECTION. INTENT

The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the State Board of Education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support. For a specific group of challenged schools, defined as persistently low achieving schools, and their districts, it

is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified low achieving schools.

Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the State Board of Education's accountability index. Phase I will also target the lowest five percent of persistently low achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010 and for those who do not volunteer and have not improved student achievement, a required action process in 2011.

Phase II of this accountability system will work toward implementing the State Board of Education's accountability index for identification of schools in need of improvement and the use of state and local intervention models and state funds through a required action process beginning in 2013 in addition to the federal program. Federal approval of the State Board of Education's accountability index must be obtained or else the federal guidelines for persistently low achieving schools will continue to be used.

The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

2. NEW SECTION. IDENTIFICATION OF THE STATE'S PERSISTENTLY LOWEST ACHIEVING SCHOOLS

(1) Beginning in December 2010, the superintendent of public instruction shall annually identify schools that are the persistently lowest achieving schools in the state. A school shall be identified as one of the state's persistently lowest achieving schools if:

(a) The school is a Title I school in improvement, corrective action, or restructuring that is among the lowest-achieving five percent of Title I schools in improvement, corrective

action, or restructuring, or the lowest achieving five Title I schools in improvement, corrective action, or restructuring, whichever number of schools is greater; or

(b) The school is a secondary school that is eligible for, but does not receive Title I funds that is among the lowest-achieving five percent of secondary schools, or the lowest achieving five secondary schools that is eligible for but does not receive Title I funds, whichever number is greater.

(2) The criteria for determining whether a school is among the lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1)(a) or (b) shall be established by the superintendent of public instruction, meet all applicable federal guidelines and take into account both:

(a) The academic achievement of the “all students” group in a school in terms of proficiency on the state’s assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school’s lack of progress on the math and reading assessments over a number of years in the “all students” group.

3. *NEW SECTION. REQUIRED ACTION DISTRICTS.*

(1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the State Board of Education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest achieving school shall be designated as a required action district based on the availability of federal school improvement grants and criteria developed by the superintendent; PROVIDED, however, that a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 and implemented a federal school intervention model at each school identified as a persistently low achieving school in the district.

(2) The superintendent shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within 10 days of service of the notice of the superintendent's recommendation.

(3) The State Board of Education shall annually designate those districts recommended by the superintendent in subsection (2) as required action districts. A district designated as a required action district shall be required to notify all parents attending a school identified as a persistently low achieving school in the district of the State Board of Education's designation of the district as a required action district and to comply with the requirements set forth in RCW [identify].

4. *NEW SECTION. ACADEMIC PERFORMANCE AUDIT*

(1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district of each persistently low achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team shall consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and shall not include staff from the agency, the school district that is the subject of the audit, or members or staff of the State Board of Education or the school district that is the subject of the audit. The audit shall be conducted based on criteria developed by the superintendent of public instruction and shall include but not be limited to the following: examining student demographics and mobility patterns; school feeder patterns; the performance of different student groups on assessments; effective school leadership; strategic allocation of resources; clear and shared focus on student learning; high standards and expectations for all students; high level of collaboration

and communication; aligned curriculum, instruction and assessment to state standards; frequency of monitoring of learning and teaching; focused professional development; supportive learning environment; high level of family and community involvement; and alternative secondary schools best practices. Audit findings shall be made available to the local school district, its staff, community and the State Board of Education.

5. NEW SECTION. REQUIRED ACTION PLAN

(1) The superintendent and local school board of a school district designated as a required action district shall submit a required action plan to the State Board of Education for approval. The plan shall 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 assistance the district requests to develop its plan. The school board shall 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 superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of superintendent of public instruction has approved that the plan is consistent with federal guidelines then the local school district shall submit its required action plan to the State Board of Education for approval.

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

(a) Implementation of one of the four federal intervention models required for the receipt of school improvement grants under the American Recovery and Reinvestment Act of 2009 and Title I of the Elementary and Secondary Education Act of 1965 ; PROVIDED, however, that a district shall not be allowed to establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure and transformation models The intervention model selected must be adequate to address the concerns raised in the academic performance audit and be intended to improve student performance to allow for a school district to be removed from the

list of districts designated as a required action district by the State Board of Education within three years of implementation of the plan;

(b) Submittal of an application for a federal School Improvement Grant to the superintendent of public instruction;

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

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school.

(e) Identification of the metrics that the school district will use in assessing student achievement at a school identified as a persistently low achieving school which include improving math and reading student achievement and graduation rates as defined by state that enable the schools to no longer be identified as the persistently lowest achieving school.

(3) After the effective day of the law, any district designated for required action shall have the authority to reopen a collective bargaining agreement, if that is needed, to develop and implement an appropriate required action plan. If the school district and the employee organization are unable to agree on the terms of an addendum or modification to the collective bargaining agreement, the parties shall request the public employment relations commission to, and the commission shall, appoint a qualified person who may be an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organization. If the parties are unable to reach agreement and remain at impasse, any disputed issues shall be submitted to binding arbitration to be conducted by an arbitrator under the rules and administration of the American Arbitration Association, or another arbitration process if mutually agreed to by the parties, with each party to bear its own costs and attorneys' fees. The decision of the arbitrator or panel of arbitrators shall be final; PROVIDED however, that any decision shall allow the school district to implement a required action plan consistent with the requirements for award of a federal school improvement grant by the

superintendent of public instruction. Mediation and arbitration shall be fully completed by the parties within one hundred and twenty days after the parties are designated by the State Board of Education as a required action district. The arbitrator or panel of arbitrators must issue a final written decision within thirty days after completion of the arbitration.

(4) All contracts entered into between a school district and an employee shall be consistent with this chapter and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

6. NEW SECTION. STATE BOARD OF EDUCATION APPROVES REQUIRED ACTION PLAN.

A required action plan developed by a district's school board and superintendent shall be submitted to the State Board of Education for approval. The plan would go into effect for the next school year that begins after the district is designated as a required action district. The State Board of Education shall approve a plan proposed by a school district only if it meets the requirements set forth in [identify section]. Any addendum to the collective bargaining agreement related to student achievement or school improvement shall not go into effect until approval of a required action plan by the State Board of Education. If the state board does not approve a proposed plan, it shall notify the local school board and local districts superintendent in writing with an explicit rationale for why the plan was not approved. Non approval by the state board of education of the local school district's required action plan is not intended to trigger any actions under section 7 . With the assistance of the office of superintendent of public instruction, the superintendent and school board of the required action district shall submit a revised second plan to the State Board of Education for approval within 40 days of notification that its plan was rejected. If federal funds are not available, the plan will not be required to be implemented until such funding becomes available.

7. NEW SECTION. REALLOCATION OF TITLE I FUNDS IF NO REQUIRED ACTION PLAN.

The State Board of Education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received State Board of Education approval of a required action plan, to reallocate the district's Title I funds based on the academic performance audit findings.

8. NEW SECTION. IMPLEMENTATION OF REQUIRED ACTION PLAN.

A school district shall implement a required action plan upon approval by the State Board of Education. The office of superintendent of public instruction shall provide the required action district with technical assistance and eligible school improvement grant funds to implement its plan. The district shall submit reports as specified by the superintendent of public instruction to the superintendent regarding its progress in meeting the student achievement goals set forth in the required action plan.

9. NEW SECTION. BIENNIAL REPORTS AND DELISTING DISTRICT

(1) The superintendent shall provide a biennial report to the State Board of Education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent shall recommend to the State Board of Education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years, made improvements equivalent to the state average gains in reading and math over the last three years, and no longer has a school within the district identified as persistently low achieving. The state board shall release a school district from the designation as a required action district upon confirmation of the superintendent's recommendation.

(3) If the state board determines that the required action district has not made sufficient progress, the district will remain in required action.

AMENDING RCW 28A.305.225 AS FOLLOWS:

(1) The State Board of Education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The State Board of Education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance.

(3) The state board of education, in cooperation with the office of superintendent of public instruction annually recognize schools for exemplary student performance passed on the state board of education accountability index. ~~—(4)(a) The State Board of Education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.~~

~~—(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of~~

~~educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning;~~
~~(ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the State Board of Education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.~~

~~(5)~~ (4) In coordination with the superintendent of public instruction, the State Board of Education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

~~(6)~~ (5) The State Board of Education shall work with the education data center established within the office of financial management and the technical working group established in section 112, chapter 548, Laws of 2009 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the State Board of Education on how the state resources received are being used.

NEW SECTION. Definitions. The definitions in this section apply throughout this [chapter] unless the context clearly requires otherwise.

Adequate Yearly Progress (AYP) means the percent of students that must be proficient from year to year within a subject area, grade, whole group and subgroup as specified by state defined annual measurable objectives.

“All students” group means those students who take the state’s assessments in reading and mathematics required under section 1111(b)(3) of the ESEA, i.e., students in grades 3 through 8, and high school.

“Title I” means Title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. sections 6301-6327.

“Schools in improvement, corrective action, or restructuring” means as follows: A school in “improvement” is a public school that has failed for two consecutive years to make AYP and is required to be identified by a local school district for school improvement under 34 CFR §200.32. A school in corrective action is a public school that has failed to make AYP by the end of the second full school year after the school district has identified the school for improvement under § 200.32 and is required to be identified for corrective action by a school district under 34 CFR § 200.33. A school in “restructuring” is a public school that continues to fail to make AYP after one full school year of corrective action under 34 CFR § 200.42 and for which a school district is required to prepare a restructuring plan for the school and make arrangements to implement the plan under 34 CFR § 200.34.

**Comparison between November 13, 2009 Policy Direction
and January 4, 2010 Proposed Bill**

**SBE Direction at November 2009
Board meeting**

**Revisions for January 4, 2010
Special Board meeting**

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| <p>1. Use the Federal Criteria for Persistently Low Achieving schools as defined in the Final Federal School Improvement Guidelines for lowest five percent of persistently low achieving Title I and Title I eligible schools in math and reading for all students as well as inability to make gains in math and reading similar to state average.</p> | <p>1. State must still rank the five percent persistently lowest achieving schools for all students on reading and math and also examine schools with low graduation rates. Gains similar to the state average are no longer required, but must look at improvement.</p> |
| <p>2. Use state criteria that are legally defensible to refine the list of schools and districts identified for required action.</p> | <p>2. Federal guidelines in school improvement do not allow additional state criteria to define lowest achieving schools except for number of years of state assessment and the weighting between achievement and improvement.</p> |
| <p>3. Define a Required Action District as a district that contains Title I, Title I eligible, and non Title I schools that have extremely low overall student achievement and have not demonstrated growth in meeting or exceeding the state average performance gains in reading and math for all students in five years.</p> | <p>3. Keep the definition the same, but have OSPi define number of years of student assessment data in reading and math, rather than five years.</p> |

4. Propose a Phase I for 2010-13 that would address Required Action Districts as follows:
 - a. Including Title I and Title I eligible schools and their districts.
 - b. Using the four federal models of intervention: turnaround, restart, closure, and transformation.
 - c. Using the federal funds available for these federal models.
4. Phase I changed from 2010-13 to 2011-14. Allow for districts to volunteer in 2010 and not go through required action process, but those that do not volunteer and are on the OSPI list of the lowest five percent achieving schools shall become Required Action Districts in 2011. Be clear that charter aspect of restart model would not be used unless legislature authorizes. Create report based on lessons learned to shape Phase II for state model and funding by December 1, 2012.
5. Propose a Phase II for 2012-15 that would address:
 - a. Adding non Title I schools to the Title I and Title I eligible schools and their districts.
 - b. Adding state and local models of intervention to the four federal models.
 - c. Using state and local funds for the state and local models.
5. Phase II dates changed to 2013-16.

6. Use a state/local partnership to intervene in persistently low achieving schools and their districts through a required action process as follows:
 - a. OSPI identifies schools and districts based on federal and state criteria.
 - b. OSPI recommends to SBE that districts with lowest achieving schools be Required Action Districts.
 - c. Districts may appeal designation.
 - d. SBE designates districts as Required Action Districts.
 - e. OSPI works with external experts to conduct academic performance audit.
 - f. Audit examines key elements of school and district performance.
 - i. .

 7. Have SBE approve Required Action Plan or send back to local school board for more work if needed.

 8. Develop impasse options if agreement cannot be reached in the local school district:
 - a. Withhold or reallocate Title I funds (there was divided opinion amongst Board members on going forward with this option).
 - b. Go to binding arbitration.
 - c. Do mediation with Public Employee Relations Commission (PERC).
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6. **Required Action Audit**
 - a. OSPI just uses federal criteria to identify schools and districts that are low achieving.
 - b. Districts must notify schools they are lowest achieving and also inform parents of designation of required action status.
 - c. Audit uses OSPI rubric for school improvement and will not provide solutions. Findings must be made public.
 - d. Local school board will hold public hearing on proposed plan.
 - e. Local school district will submit plan to OSPI for review and approval that it meets the federal guidelines for school improvement grants before submitting to Board

 7. Make clear that district will not incur impasse options under its initial plan submission.

 8. Address impasse in two ways:
 - a. If parties cannot agree around collective bargaining then go to mediation with PERC then go to binding arbitration.
 - b. If SBE does receive plan or final plan isn't approved by the SBE, then direct OSPI to reallocate Title I funds based on audit findings.

- d. Remove the pertinent performance audit findings from the collective bargaining agreement for future contracts.
- e. Consider a co-signing option between the state or ESD with a district on policy and budget items (there was divided opinion amongst Board members on going forward with this option).

9. Provide resources and authority for district to act and implement plan for three years.

9. No change.

10. Suggested timeline:

- a. Winter 2010: sort schools and seek legislation.
- b. March 15, 2010: OSPI makes recommendation for voluntary action plan or Required Action Districts.
- c. April 15, 2010: SBE designates Required Action Districts.
- d. December 15, 2010: local school board submits required action plan.
- e. January 15, 2011: SBE approves required action plan.

10. Revised timeline (but only bold will be in statute, rest can be in rule):

- a. Winter 2010: OSPI invites districts for Voluntary Action Districts, based on list of five percent lowest achieving schools.
- b. December 2010: OSPI creates list of five percent lowest achieving schools and identifies schools/districts for required action (if they did not volunteer).**
- c. January 2011: OSPI recommends and SBE designates Required Action Districts** (annual process).
- d. (May 2011) Mediation, and if needed arbitration if no agreement on plan, will begin 120 days after district in designated a required action district.**
- e. May 2011: Local school board submits required action plan and

- SBE approves required action plan.
- f. (July 2011) **Local board has 40 days to create new plan if SBE does not approve.**
 - g. **School year 2011-12 (next school year after district is designated a required action district): Required Action District implements plan.**

Additions to time line for when mediation must happen and for when local school district must submit a plan and other key dates will be developed for the SBE rules

11. Resources:

- a. Use up to \$42.5 million school improvement funds for OSPI work and districts work to cover up to 50 schools one to five districts (both voluntary and required action).

11. No change.

12. Legislative authority:

- a. Allow for state intervention and enact required action process through state/local partnerships.

12. No change

Changes in the Final Federal School Improvement Guidelines

	Draft Federal School Improvement Guidelines August 2009	Final School Improvement Guidelines December 2009
<p>Criteria to identify 5 percent persistently lowest achieving schools for three tiers of schools:</p> <ul style="list-style-type: none"> • Tier I Title I Schools. • Tier 2 Title I eligible secondary schools. • Tier 3 Title I Schools not covered in Tier 1 that are above 5 percent low achieving but still low. 	<p>All students category of performance in each school for reading and math in terms of absolute performance.</p> <p>School improvement examined based on same rate as state average gains based on all students category for reading and math.</p> <p>Look at commitment of schools/districts to implement.</p>	<p>All students category of performance in each school for reading and math in terms of absolute performance over at least two years (state may choose more years).</p> <p>Look at lack of school improvement over a number of years (state chooses number of years).</p> <p>Include high schools that have a less than a 60 percent graduation rate.</p> <p>All students category of performance in each school for reading and math in terms of absolute performance.</p> <p>No additional state criteria may be used.</p>
<p>Specific directions on how to identify schools</p>		<p>State cannot sort schools by greatest number of students impacted, must rank schools based on performance, starting with the lowest performers. We estimate that there will still be about 50 schools identified (25 in each Tier 1 and 2; unclear about funding for services for Tier 3 at this point). Several different methods may be used to compute rankings.</p>
<p>Four federal models</p>	<p>Turnaround Closure Restart Transformation</p>	<p><u>Turnaround model changes:</u> Give principal operational flexibility to act to improve student achievement and increase grad rates; district</p>

		<p>must screen all staff, rehire no more than 50 percent and select new staff.</p> <p><u>Closure model changes:</u> Students from closed school must go to a higher achieving one.</p> <p><u>Transformation model changes:</u> Schools must increase graduation rates; evaluation systems for teacher and principals will use student growth data as significant factor as well as other factors such as multiple observation, collections of professional practice reflections; removal of staff will occur only if individuals have had opportunity to improve practice; district must reward staff who increase student achievement and graduation rates, include early warning system to identify students at risk; increased learning time may be used for civics, foreign language, enrichment activities and work based learning. It will be optional to include expanding school program for full day kindergarten or prekindergarten. Note: Provision stays that a district with nine or more low performing schools cannot implement the same intervention in 50 percent of these schools- reason is that USED is concerned that districts may over use the transformation model.</p>
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Description of Federal Intervention Models for School Turnaround

[Federal Register: December 10, 2009 (Volume 74, Number 236)]
[Notices]
[Page 43101-43114]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr26au09-38]

Part III
Department of Education
34 CFR Subtitle B, Chapter II
School Improvement Grants; Final Rule

DEPARTMENT OF EDUCATION
34 CFR Subtitle B, Chapter II
[Docket ID ED-2009-OESE-0010]
RIN 1810-AB06
School Improvement Grants; American
Recovery and Reinvestment Act of
2009 (ARRA); Title I of the Elementary
and Secondary Education Act of 1965,
as Amended (ESEA)

Excerpt for four federal intervention models: turnaround, restart, closure and transformation.
Required activities are highlighted (there are also permissible activities which are not highlighted).
LEA= Local education agency. SEA= State education agency.

(a) Turnaround model:

(1) A turnaround model is one in which an LEA must—

(i) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;

(ii) Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students,

(A) Screen all existing staff and rehire no more than 50 percent

(B) Select new staff

(C) ; (iii) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;

(iv) Provide staff ongoing, high quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;

(v) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new "turnaround office" in the LEA or SEA, hire a "turnaround leader" who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-

year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;

(vi) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards; (vii) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;

(viii) Establish schedules and implement strategies that provide increased learning time (as defined in this notice); and

(ix) Provide appropriate social-emotional and community-oriented services and supports for students.

(2) A turnaround model may also implement other strategies such as—

(i) Any of the required and permissible activities under the transformation model; or

(ii) A new school model (e.g., themed, dual language academy).

(b) Restart model: A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

(c) School closure: School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.

(d) Transformation model: A transformation model is one in which an LEA implements each of the following strategies:

(1) Developing and increasing teacher and school leader effectiveness.

(i) Required activities. The LEA must—

(A) Replace the principal who led the school prior to commencement of the transformation model;

(B) Use rigorous, transparent, and equitable evaluation systems for teachers and principals that— (1) Take into account data on student growth (as defined in this notice) as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduations rates; and

(2) Are designed and developed with teacher and principal involvement;

(C) Identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so

(D) Provide staff ongoing, high quality, job-embedded professional development (e.g., regarding subjects specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and

(E) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to

recruit, place, and retain staff with the skills necessary to meet the needs of the students in a transformation school.

(ii) Permissible activities. An LEA may also implement other strategies to develop teachers' and school leaders' effectiveness, such as—

- (A) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of the students in a transformation school;
- (B) Instituting a system for measuring changes in instructional practices resulting from professional development; or
- (C) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher's seniority.

(3) Comprehensive instructional reform strategies.

(i) Required activities. The LEA must—

- (A) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards; and
- (B) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students.

(ii) Permissible activities. An LEA may also implement comprehensive instructional reform strategies, such as—

- (A) Conducting periodic reviews to ensure that the curriculum is being implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;
- (B) Implementing a school-wide “response-to-intervention” model;
- (C) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;
- (D) Using and integrating technology-based supports and interventions as part of the instructional program; and
- (E) In secondary schools—

(4) Increasing rigor by offering opportunities for students to enroll in advanced coursework (such as Advanced Placement; International Baccalaureate; or science, technology, engineering, and mathematics courses, especially those that incorporate rigorous and relevant project-, inquiry-, or design-based contextual learning opportunities), early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low achieving students can take advantage of these programs and coursework;

(5) Improving student transition from middle to high school through summer transition programs or freshman academies;

(6) Increasing graduation rates through, for example, credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or

(7) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or graduate.

(8) Increasing learning time and creating community-oriented schools.

(i) Required activities. The LEA must—

- (A) Establish schedules and strategies that provide increased learning time (as defined in this notice); and
- (B) Provide ongoing mechanisms for family and community engagement.

(ii) Permissible activities. An LEA may also implement other strategies that extend learning time and create community-oriented schools, such as—

- (A) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs
 - (B) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;
 - (C) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or
 - (D) Expanding the school program to offer full-day kindergarten or prekindergarten.
- (9) Providing operational flexibility and sustained support.
- (i) Required activities. The LEA must—
 - (A) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and
 - (B) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).
 - (ii) Permissible activities. The LEA may also implement other strategies for providing operational flexibility and intensive support, such as—
 - (A) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or
 - (B) Implementing a per-pupil school based budget formula that is weighted based on student needs.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Components of the Four Federal Intervention Models¹

There are four federal intervention models: turnaround, transformation, closure, and restart.

The **closure** model does not require any of the components below, but does require that students are sent to schools in the district that are high achieving.

The **restart** model has the district convert the low achieving school and reopen under a charter organization (not authorized in Washington) or education management organization, which is a non-profit or for profit organization that provides whole school operation services to a district (permissible in Washington). Organization must be selected through a rigorous review process. A restart must enroll within grades it gives any former student who wishes to attend the school.

X = required O = permissible		
	Turnaround	Transformation
Hiring, developing, and retaining great principals and Turnaround leadership		
Replace principals (for transformation model the principal will not be replaced if he/she has been involved in recent whole school improvement)	X	X
Provide principals with flexibility in hiring and retaining staff, scheduling, and budget to improve student achievement outcomes and high school graduation rates	X	X
Adopt a new governance structure to address turnaround of schools (may hire a chief turnaround officer to report directly to the superintendent)	X	O
Hiring, developing, and retaining great teachers		
Screen all staff, rehiring no more than 50 percent	X	
Implement new strategies for hiring and retaining effective teachers (financial incentives, career ladders)	X	X
Use locally adopted competencies to measure effectiveness of staff who can work in turnaround environment	X	

¹ This chart was created from the language in Four Federal Models which can be found in the Federal Register under: <http://www.gpoaccess.gov/nara/index.html>

X = required O = permissible		
	Turnaround	Transformation
Identify and reward school leaders and teachers who have increased student achievement and graduation rates and identify and remove those who have not	O	X
Use rigorous, transparent, and equitable evaluation systems for teachers and principals that take into account student growth data and other multiple measures such as observation based assessment, collections of professional practice and increased high school graduation rates	O	X
Provide a bonus to recruit and place a cohort of high performing teachers together in a low achieving school	O	O
Institute a system for measuring changes in instructional practices resulting from professional development	O	O
Ensure school is not required to accept a teacher without mutual consent of teacher and principal, regardless of teacher's seniority	O	O
Provide staff with high quality, job embedded professional development	X	X
Implement a rigorous research-based curriculum aligned with standards, assessments, curriculum framework, instruction, materials and interventions		
Use instructional program that is research-based and vertically aligned to each grade and state standards	X	X
Promote continuous use of student data to inform and differentiate instruction to meet academic needs of individual students	X	X
Conduct periodic reviews to ensure curriculum is implemented with fidelity	O	O
Implement a school-wide response to intervention model	O	O
Provide additional support and professional development to teachers to support students with disabilities and ELL students	O	O

X = required O = permissible		
	Turnaround	Transformation
Use and integrate technology based supports and interventions as part of instructional program	O	O
Increase graduation rates	O	O
Increase rigorous, advanced courses	O	O
Improve student transition from middle to high school	O	O
Establish early warning systems	O	O
Increase number of advanced high rigor courses in turnaround high schools	O	O
Use student data		
Provide ongoing mechanisms for family and community engagement	X	X
Promote continuous use of student data (formative, interim, and summative assignments) to inform and differentiate instruction	X	X
Provide increased learning time and create community oriented schools		
Establish schedules and strategies that provide increased learning time in all subjects for a well rounded education as well as enrichment and service learning. Increased learning time includes longer school day, week or year schedule to increase total number of school hours	X	X
Provide appropriate social-emotional and community-oriented services and support for students	X	X
Partner with parents and parent organizations, faith and community based organizations, health clinics, and other state/local agencies	O	O
Extend or restructure the school day	O	O
Implement approach to improve school climate and	O	O

X = required O = permissible		
	Turnaround	Transformation
discipline		
Expand pre-kindergarten and full day kindergarten	O	O
Provide Operational Flexibility and Sustained Support		
Give school sufficient operational flexibility (staffing, calendar, budget)	X	X
Ensure schools receive intensive ongoing technical support form districts, states, and external partners	O	X
Allow school to be run through a new governance arrangement such as a turnaround division though the state or local district	See page 1	O
Implement a per-pupil school based budget formula that is weighted, based on student needs	O	O

Examples of new schools under turnaround or restart could be a theme such as STEM or dual language academy.

Proposed Timeline (but only bold will be in statute, rest can be in rule)

Required Action Schedule if Parties Agree

- Winter 2010: OSPI invites districts to volunteer, based on list of five percent lowest achieving schools
- **By December 1, 2010: OSPI creates list of five percent lowest achieving schools and identifies schools/districts for required action (if they did not volunteer)**
- **January 2011** (before January SBE meeting): **OSPI recommends and SBE designates Required Action Districts** (annual process)
- By April 15: Local district submits its required action plan to OSPI
- By May 5: Local school board submits required action plan to SBE
- By May 15 SBE approves required action plan or sends back to district.
- By July 1 Local board will submit a revised plan if SBE does not approve the first plan
- By July 15 SBE approves revised plan
- **School year 2011-12 (next school year after district is designated a required action district): Required Action District implements plan)**

Required Action Schedule if Parties Do Not Agree

- **By April 15 A required action district must begin mediation with PERC if the parties are unable to resolve issues**
- **By May 30 mediation must be completed or parties move to binding arbitration**
- By July 1 local board submits plan agreed to under mediation
- By July 15 SBE approves plan submitted based on mediation
- **By July 15 binding arbitration must be completed**
- By August 15 Local board will submit a plan based on arbitration decisions
- By September 1, SBE approves plan based on arbitration
- **School year 2011-12 (next school year after district is designated a required action district): Required Action District implements plan)**