



# THE WASHINGTON STATE BOARD OF EDUCATION

Governance | Accountability | Achievement | Oversight | Career & College Readiness

November 14-15, 2013  
Educational Service District 112  
Vancouver, Washington

## State Board of Education (SBE) Board Meeting Minutes

### **November 14, 2013**

Members Attending: Acting Chair Mary Jean Ryan, Mr. Bob Hughes, Ms. Connie Fletcher, Ms. Mara Childs, Mr. Tre' Maxie, Mr. Peter Maier, Ms. Isabel Munoz-Colon, Ms. Judy Jennings, Ms. Kris Mayer, Ms. Phyllis Bunker Frank, Ms. Deborah Wilds, Mr. Kevin Laverty, Ms. Cindy McMullen (13)

Members Excused: Randy Dorn (1)

Members Absent: Eli Ulmer (1)

Staff Attending: Mr. Ben Rarick, Mr. Jack Archer, Ms. Denise Ross, Ms. Linda Drake, Ms. Sarah Lane, Mr. Parker Teed, Ms. Julia Suliman, Dr. Andrew Parr, Ms. Colleen Warren (9)

The meeting was called to order at 8:10 a.m. by Acting Chair Mary Jean Ryan.

Superintendent of Vancouver Educational Service District, Dr. Twyla Barnes, thanked the Board for coming to Vancouver and welcomed members to the ESD 112.

Mr. Rarick introduced new staff members Dr. Andrew Parr, Senior Policy Analyst, and Ms. Julia Suliman, Policy Analyst.

### **Consent Agenda**

**Motion** was made to approve the Consent Agenda as presented:

- September 10-12, 2013 Board Meeting Minutes

**Motion** was seconded.

**Motion** adopted.

## **Announcement of Nominations for the Executive Committee**

Ms. Phyllis Frank, Committee Lead

There being no requests for additional nominations to the Executive Committee Ballot, the ballot stood as final for the afternoon vote.

## **Strategic Plan Dashboard & Orientation to the Agenda**

Ms. Sarah Lane, Communications Manager

Mr. Ben Rarick, Executive Director

The Strategic Communication Plan was not discussed at the meeting, but board members will review it and send feedback to Ms. Lane in electronic correspondence.

Ms. Lane highlighted the progress made on the Strategic Plan goals since September as follows:

- ESSB 5491 Goal-Setting
- E2SSB 5329 Accountability Framework
- Helping KCTS identify schools for the Golden Apple Pathways to Excellence Awards
- First Charter School Authorizer Contract Signed
- Adoption of the Next Generation Science Standards

The 2013-14 revised Strategic Plan was introduced at the September meeting. The revisions added were emerging work such as charter schools, transition to Common Core State Standards, and implementing Next Generation Science Standards.

Members were again given an opportunity to provide feedback. Only one change has been made since the last meeting, to Goal 5: Career and College Readiness. The text “Develop strategies to improve senior year course taking to reduce remediation rates and increase postsecondary attainment” was added as subsection B.III.

Mr. Rarick provided a brief orientation of the meeting agenda, which included the following:

- A reserved period of time for further board discussion on Friday.
- Representative Ross Hunter had been invited to present to the Board later in the morning to present an update on the 1,080 instructional hour requirement for school districts.
- Several school administrators had been invited to make public comment in a panel format regarding the 1,080 instructional hour requirement.

It was the intention of the Board for the 1,080 instructional hour requirement at the high school level to be paired with a 24-credit graduation requirement policy. While the 24-credit graduation requirement framework did not materialize in the Legislature, the 1,080 hour requirement alone has left school districts with concerns about collective bargaining implications, class schedules and transportation. However, the law has not changed on what counts as instructional hours.

Board discussion followed on:

- The original college and career readiness package including OSPI's fiscal impact methodology and budget assumptions.
- The Board's intention to return to the Legislature to seek implementation of a 24-credit graduation requirement framework.
- The requirements of the district tracking the number of hours by grade and the Legislature's intention of creating structural similarities between high schools and middle schools hours.

Members will further discuss it during the Legislative Agenda item on Friday.

### **E2SSB 5329 Accountability System – Board Work Session**

Ms. Linda Drake, Research Director

Mr. Andy Kelly, Assistant Superintendent, OSPI

Ms. Chriss Burgess, K-8 Turnaround Director, OSPI

Mr. Travel Campbell, K-12 Director, OSPI

Ms. Maria Flores, Program Manager: Accountability Policy and Research, OSPI

The Board reviewed features of the Washington School Accountability System that the Office of the Superintendent of Public Instruction (OSPI) have been developing in response to E2SSB 5329, K-12 Education—Failing Schools (Chapter 159, Laws of 2013). These features involve operationalizing Level II district required action, integrating Level II required action into a unified system of accountability and support, and creating a comprehensive system that applies equally to Title I, Title I-eligible, and non-Title I schools in the state.

The board members were asked to

1. Comment on the Accountability System Design that was presented by OSPI staff.
2. Comment on OSPI Accountability System draft rules.
3. Consider approval of SBE draft Accountability Framework rules.
  - a. If the draft rules are approved, SBE will file a CR102 and hold a public hearing at the January board meeting.

Ms. Drake presented the responsibilities of the SBE in developing an accountability system specified by E2SSB 5329, which provides an opportunity to focus on the most challenged schools for improvement. The bill calls for OSPI to create an accountability system design and for the SBE to recommend approval or modifications by January 1, 2014.

Mr. Kelly presented system design as proposed by OSPI's Office of Student and School Success. The best research on turnaround efforts of challenged schools is encapsulated in a set of indicators the state has adopted that OSPI asks all their identified schools to utilize. These indicators are housed in an online blended learning tool called Indistar that identified schools use in creating their school improvement plans. The indicators are observable actions that can be measured, watched and

documented in schools. Differentiated support should be offered for each of these schools. Mr. Kelly's staff has reviewed SBE's draft rules and finds them aligned with the seven turnaround principles that are part of the ESEA flexibility waiver.

Mr. Campbell shared the division's work with transformational teaching and learning for identified schools. Each identified school undergoes an assessment that results in making informed decisions about what the data suggests and the challenges the school is facing. Data-driven decisions are made around what type of support and services would match in a differentiated way for the needs of the school.

Ms. Burgess is working with the identified Focus Schools that may have students progressing well, but subgroups that are not. OSPI requests they do the Indistar plan and set goals for subgroups. The services that are most frequently asked for are program analysis and instruction on differentiated lesson plans. OSPI employs coaches who work with these districts and help process the analysis. When a discrepancy is found between what the district may need and what the school may need, OSPI is beginning a liaison group of practitioners in middle and large districts to help districts and schools work together.

Board discussion followed on:

- OSPI's metric for evaluating the impact of strategies and approaches.
- Relation of the seven turnaround principles to the flexibility waiver.
- Strategies OSPI is most invested in and how they differentiate for Focus and Priority schools.
- OSPI's flexibility to support the needs of rural area schools.
- The source of funds, oversight, fund allocation and use of resources available from the school.
- School discipline practices and how they impact turnaround.
- OSPI's staffing and resource capacity to implement 5329 using systems of statewide support.
- Types of professional development and technical assistance offered to schools.
- OSPI's progress in helping schools stabilize success during staff transition.
- Embedding language objectives in curricula to support ELL students.

To assist the Board's oversight of the accountability system, Ms. Ryan requested OSPI provide data on the different resources and their allocations at both the state and school levels.

Ms. Flores summarized the rule-making authority for challenged schools in need of improvement within E2SSB 5229. The law requires that beginning December 1, 2013 and every December thereafter, OSPI will annually identify challenged schools in need of improvement and subset of each school that are persistently lowest-achieving in the state. If the Washington Achievement Index is approved by the United States Department of Education for use in identifying schools, the Index will be used to identify all schools – which include Title 1 eligible, participating schools, and non-Title schools. OSPI's role in this portion of the bill is to adopt criteria in rule that meet both federal

requirements for Title 1 funding and academic achievement including graduation rates of all students, and for each individual subgroup.

December 1, 2013 is the deadline in statute and OSPI is seeking an amendment to extend the date to February 1, 2014. Specific pieces of data, such as graduation rates and dual credits, would not be available for calculating the Achievement Index until after December 1. A February 1 deadline would give OSPI sufficient time to provide accurate data.

The Board reviewed the draft rules as presented by Ms. Flores. OSPI has filed the CR-101, but has not yet filed the CR-102. Members will have access to an online survey tool to provide feedback. Ms. Flores gave a brief tutorial on the survey and encouraged members to invite other stakeholders to provide additional feedback. The public hearing is tentatively scheduled for January 6, 2014. OSPI will notify members when that is finalized.

Ms. Flores summarized the sections of the draft rules, which consist of the authority, purpose, and definitions. The \$10.2 million appropriated for the biennial in state funding, but there are also federal funds to support Title 1 schools. The majority of the schools under E2SSBB 5329 will have federal money invested, so the \$10.2 million would be reserved for non-Title schools and schools that would potentially be identified for Required Action District (RAD) I & II. The OSPI budget was built on a conservative assumption of how many non-Title schools would be identified as well as RAD I & II schools. If the budget is not sufficient to support the actual number of schools, OSPI will consider a supplemental budget request.

Members discussed:

- Title 1 fund allocations and their sources of at both the state and district level.
- Special education and the five-year adjusted cohort graduation rate.
- Parent involvement in school improvement.
- Evidence of growth using the system indicators with school improvement plans.

### **Public Comment**

#### **Dan Steele – Washington Association of School Administrators (WASA)**

There are numerous fiscal and practical concerns with the increase in instructional hours. The education community needs guidance and clarification of the law to assist them in their implementation concerns. The extra 80 hours broken down in individual school days equals to a few additional minutes added to each class period, which leads WASA to doubt if this increase in instructional time improves student achievement.

#### **Mark Hottowe – Ocean Beach School District**

Mr. Hottowe is the superintendent of a small district and is concerned with the implementation of the increase in instructional hours. In order to increase the hours for their middle and high schools, he may have to surrender their two recently granted waiver days that are currently being used for teacher professional learning time. The

district has made significant progress in structuring their time together as staff for opportunities to improve student learning or improvement of instructional practice. Other alternatives would be to eliminate early release for holidays, end of the school year or add minutes to each school day. However, teacher contracts require the district to adopt the school calendar for the upcoming year in January. It will also require working with the teacher association and possibly the need to renegotiate teacher contracts. The district would appreciate any suggestions and guidance SBE can provide in implementing the increase in hours.

**Mike Nerland – Camas School District**

Mr. Nerland is the superintendent and is concerned with the increase in the instructional hours requirement. His primary concern is losing time for teachers to collaborate with the learning community. Student achievement has increased since their district implemented PLCs (teacher collaboration time) five years ago and both their middle schools and high school have received an academic achievement award. If PLC is replaced with more instructional time, it will negatively impact student achievement and result in the district paying more salary out of local levy dollars for their secondary staff time. What's best for the kids is to give our teachers the chance to collaborate as a team.

**Tim Yeomans – Puyallup School District**

Mr. Yeomans is the superintendent of Puyallup School District, but is also representing the Washington School Alliance. This group consists of the school districts of Puyallup, Highline, Issaquah, Lake Stevens, Lake Washington, Mercer Island, Puyallup, Spokane and Tahoma. He thanked SBE for including learning improvement days in the list of legislative priorities. Professional development time is essential for the new teacher-principal evaluation project. If we want things implemented with fidelity and expect improvement in teacher performance, professional development time is needed. This is required in the TPEP evaluation as they demonstrate teacher collaboration. There is also a significant financial impact. Taking into account the funding that the district would receive as authorized by the legislature, the district would still be facing an additional \$720,000-\$900,000 in ongoing costs per year to implement increased instructional time. This is in addition to the bargaining concerns and assumes favorable contract negotiations could be reached. A measured and considered approach in how this is implemented is critical and far more preferable. We all want to see 1,080 hours of instructional time, but time and attention from the legislature is needed in how districts get there.

**Elizabeth Richer – League of Education Voters (LEV)**

Ms. Richer addressed the proposed WAC 180-17. The League of Education Voters appreciates the creation of guiding principles in the accountability system and particularly support the acknowledgement that the level of support for a school should increase based upon the magnitude of need. LEV strongly supports the use of data to inform decisions. There is difficulty in successfully turning around struggling schools. The difficulty of the task, however, does not diminish its importance. A school should receive the support it needs and should not exit this process, until it is on solid ground

and on a trajectory to become a school that any parent would not hesitate to send his or her child to. Ultimately, the process should not be an exercise of checking off a list but, rather, a vehicle to providing real support to struggling schools until a school is strong and not just good enough. To the greatest extent possible, objective standards for schools need to be established, clearly articulated, and in the best interest of the students and school. It is critically important that the WAC related to SB 5329 is clear and establishes appropriate criteria to support the tiered system of assistance and intervention. In reviewing the proposed rules, several areas of concern have arisen that we feel need to be addressed. WAC 180-17-050 states “release of a school district from designation as a required action district.” The criteria for releasing a school district from designation as a required action district are still unclear and refer to measures that are inappropriate for the purpose of meaningfully improving struggling schools. WAC 180-17-060 states “Designation of required action districts to Level II status.” One of the proposed standards is whether a school exits the persistently lowest-achieving schools list that is not inclusive of all schools and normative. A school no longer being among the lowest five percent of schools eligible to receive Title 1 funding does not inspire confidence that the school will be on a trajectory for success or even that the school will escape the cycle of low achievement.

On behalf of the LEV, ACLU of Washington, Equity in Education Coalition, NW PBIS, Office of the Education Ombudsman, OneAmerica, TeamChild and Washington Appleseed, Ms. Richer urges the SBE to proactively look at the linkage between school discipline rates and student achievement and ways in which SBE can influence this area. Public comment was provided last year urging the board to look at how school discipline rates could be included in the Achievement Index. Since that time, the state Legislature has recognized disparities in need for reform from a school discipline policy. Based on legislation in 2013, for the first time Washington students can no longer be indefinitely expelled or suspended from school. There will be disaggregated discipline data; it'll be collected and publicly available. There will be a re-engagement plan for students on their return to school. There is also a statewide task force to look at discipline definitions and how to move forward on this issue. School discipline rates really impact student achievement and Ms. Richer, on behalf of the other organizations previously listed, asks SBE to include school discipline rates as a measurement in the revised Achievement Index, include school discipline in the education health system indicators, and issue recommendations of positive discipline alternatives for districts with troubling discipline data.

### **Stephanie Gates – Cascade Christian Academy**

Ms. Gates is the principal of the Academy and wished to provide an explanation of why their private school application was late. The Academy has been approved by SBE in previous years and what occurred this past year was an error in the submission of the online documents during the first week of April 2013. Ms. Gates had a medical emergency that resulted in extended medical leave until the end of May 2013. During her absence, there was an interim principal and a registrar that typically assists in the paperwork completion, but email correspondence was mistakenly delivered to a junk mail folder. Upon Ms. Gates return to the building in June and realizing the paperwork

had not been submitted, the application was quickly submitted even though it was past the due date. The Academy requests SBE to reconsider their application for approval.

### **Karen Madsen – Washington State PTA**

Each of the Washington State PTAs give an award titled “Friend of Children” and it’s nominated by members of their PTAs and approved by the Washington State PTA Executive Committee. In the past they’ve honored six PTA representatives, three PTA Senators, past attorney generals, two governors, communication organizations, a US Senator, a past Superintendent of Public Instruction, and a past WSSDA executive director. Last year, the PTA elected to honor Stephanie and Matthew McCleary. Ms. Madsen announced that the nominee and recipient for this year’s award is SBE’s Acting Chair, Mary Jean Ryan. She is being honored for her work on the SBE, but also her work on the Road Map Project.

### **Tim Knue – Washington Association for Career & Technical Education**

Mr. Knue supports the SBE Legislative Agenda presented around the 24-credit graduation requirement and appreciates the change of increased flexibility. Their mission is to deliver high quality career and technical education programs for all students and access is paramount to having that ability. Thanked SBE for making that happen.

### **Marie Sullivan – Washington State School Directors’ Association (WSSDA)**

The proposed WAC follows what the statute does. In many ways it’s taking what 5329 did and putting it into the rules. Typically you don’t see so much mirroring in a WAC, but as we’re starting to embark in this new process, it’s probably helpful to have that kind of clarity. There are some different references in the proposed WAC geared to the SBE and a local board of education. There are other references to a board of directors. It can be confusing when using different terms interchangeably. WSSDA’s recommendation is to use “SBE” and “Local board of directors.” You also don’t want to be so precise in the rules that you don’t have any flexibility, but when you’re looking at terms of whether the growth is substantial enough to exit a program, you’re still going to get questions about does substantial enough mean. There are words in the draft rules that are subject to interpretation and discussion. Ms. Sullivan thanked the Board for taking the time before filing the CR-102 to receive comments from stakeholders on the rules because of the difficulty of making changes after it’s been filed. It’s unusual to put principles into a WAC. When you put things into a WAC they have the weight of law and they’re more difficult to change. SBE may want to consider referencing a vision document as opposed to adding guiding principles into state rules.

### **Joint Working Lunch with PESB and Legislative Update**

Mr. Ben Rarick, Executive Director

Ms. Jennifer Wallace, Executive Director, PESB

Mr. Andy Kelly, Assistant Superintendent, OSPI

Mr. Stephen Miller, Vice President, Washington Education Association

Ms. Jeannie Harmon, TPEP Program Manager, OSPI

Representative Ross Hunter, Chair of the House Appropriations Committee



PESB Chair Barbara Taylor welcomed PESB and SBE to the joint lunch meeting and asked all members to provide introductions.

## **Legislative Update**

Representative Ross Hunter thanked PESB and SBE for their work in what took place in the legislature last year in the state's funding system. SBE has created a strong 24-credit graduation requirement proposal and is the core of the work the legislature did in the basic education finance task force regarding the structure of our education system. Focusing on the end goal of students graduating with 24 credits, the task force looked at what it would take to fund a high school to meet those requirements. The first observation was that it would require six class periods and it was unfunded. This became the basic funding decision made in House Bill 2261 and House Bill 2776. The instructional hours increase was created around the calculation of 180 school days multiplied by six class periods a day (60 minutes each), which equals 1,080 hours for the year. This requirement was intentionally connected to the 24-credits framework and House Bill 2261 links funding with the new graduation requirements.

Representative Hunter shared that all the key leaders of the Joint Task force of Educational Funding (Task force) in the negotiation rooms over the budget last year agreed the instructional hour increase was the centerpiece of what needed to be done in the next McCleary step. It was important that it was funded and all children would receive 1,080 hours of instructional time consisting of six periods and approval of the SBE's graduation proposal for a 24-credit framework. Without delivering 1,080 hours, the 24-credits cannot be passed in the legislature. This is a structural change in how the legislature is handling school funding and there is expected disruption. Representative Hunter has spoken to several administrators, superintendents and school districts across the state about their concerns with the implementation. Below are some of the common concerns Rep. Hunter has received and his response:

**Concern:** It's not fully funded – only the base salary was provided and not the TRI pay.

**Response:** When the base salary was provided, an increase in levy capacity results to generate TRI pay. Districts that face a conflict with this are those that have very little levy capacity, but a tremendous number of TRI days given out. However, this is not common in most districts.

**Concern:** Existing teacher contracts make it difficult to implement the hours.

**Response:** All districts are empowered to bargain teacher contracts and changes in schedules may be needed. The implementation was passed in June and there has been a fair amount of time for districts to create a schedule.

**Concern:** There are transportation issues, especially for rural districts that have only one bus run.

**Response:** Many rural districts that have one bus run a day receive a significant amount of funding to assist them. Most of the very rural districts tend to be eligible for

the small school factor, which is what its purpose is – to help with these kinds of scenarios.

**Concern:** Teachers are upset that the additional 80 hours are at the middle and high school level, but not the elementary – the pay differential is difficult.

**Response:** Adjustments and shifting of resources will be needed to bargain with teacher contracts.

**Concern:** The split between middle and high school is at 7<sup>th</sup> grade and affects those schools with middle school models.

**Response:** More money is actually given for students in 6<sup>th</sup> grade than 7<sup>th</sup> grade.

The Legislature believes that adequate funding has been provided to districts to implement the 1,080 hours, especially with a significant increase in transportation funds. Representative Hunter would like to review school budgets with districts if they're truly finding the funding not adequate for implementation. The Legislature may possibly take action in the supplemental budget if needed. Representative Hunter is concerned with the requirement may result in pushing out professional development opportunities and he welcomes districts to provide feedback and numerical data on how the increase is affecting their districts in this manner.

Implementing the 24-credit framework will require ensuring there is adequate funding with six period days, 180 school days and 1,080 hours. This is a structural change in how we educate students in Washington and taken very seriously by the Legislature. This change will cause disruption and conflict for schools, but a change that benefits the students of Washington. Rep. Hunter has seen proposals to have optional class periods count as instructional time and it's not what the Legislature considers time when students are engaged in learning activities. There will be an opportunity during the upcoming legislative session for a supplemental budget to be created, which will provide opportunity to resolve small funding conflicts related to the implementation.

Board discussion followed on the importance of having a healthy balance of instructional time, but also meaningful, fully funded professional development time for teachers. Member Hughes asked if the implementation could be delayed until next year to give school districts time to sort out their schedule conflicts. However, because the 1,080 hour requirement was a core budget decision for this year's McCleary step, Representative Ross feels it's unlikely the bill will be re-opened for amendment during a supplemental budget year.

The Board feels there is a disconnect between the legislative intent of the 24-credit framework policy and the instructional hours requirement. Members are concerned superintendents will try adding in the extra time anywhere and not thinking about using the time for its original purpose of a sixth period. Representative Hunter will provide a letter addressed to SBE and superintendents from the four budget leaders of the bill outlining the intent of the instructional hour increase.

## **PESB/SBE Joint Discussion**

Mr. Rarick provided an introduction of the discussion focus between PESB and SBE around teachers, classrooms and the work of both boards on accountability framework impacts them.

Ms. Wallace rooted both boards in where members left off last November during the PESB/SBE joint discussion. The Standards Board outlined issues discussed last year that they'd like to continue to explore this year including the need to secure better predictive data for districts, enrollment and hiring needs, and knowing our prospective needs going into the future to produce teachers in the areas most in demand.

Mr. Kelly summarized the role and work of OSPI's Student and School Success department in serving Washington schools that have been identified as Priority, Focus and Emerging school in the lowest 5 and 10 percent.

Mr. Steven Miller, Ms. Jeannie Harmon and Mr. Andy Kelly individually provided introductory comments around underfunded schools, need for professional development, school staffing expertise policies, and mentoring support for teachers in identified schools.

Board discussion followed on:

- Teachers coming into the field are more prepared from their training and college teaching now than they were in the past.
- Ensuring future teachers have the training, certification requirement and knowledge base to work in a classroom that has language acquisition for ELL students, including a certification credit requirement.
- The need for data on personnel reports and teacher retention rates.
- The importance of forming policies for early hiring and avoiding substitute teachers to begin the school year – especially for identified schools.
- The definition of professional development and its effectiveness.

## **Roundtable Discussion on Implementation of Senate Bill 5491 – Indicators of Educational System Health**

Mr. Greg Lobdell, President, Center of Education Effectiveness

Mr. Randy Dorn, Office of Superintendent of Public Instruction (OSPI) (teleconference)

Ms. Bette Hyde, Dept. of Early Learning (DEL)

Mr. Gene Sharratt, Washington Student Achievement Council (WSAC)

Mr. Randy Spaulding, Washington Student Achievement Council (WSAC)

Workforce Training Board, (teleconference)

- Ms. Lori Province, Member
- Ms. Beth Thew, Member
- Mr. Lee Newgent, Member
- Mr. Gary Chandler, Member
- Mr. Jim Crabbe, Member
- Mr. Dale Peinecke, Member

- Ms. Kathleen Lopp, Member
- Ms. Allison Clark, Member
- Mr. Andres Aquirre, Member
- Ms. Eleni Papadakis, Executive Director
- Mr. Bryan Wilson, Deputy Director

Mr. Lester “Flip” Herndon, Professional Educators Standard Board (PESB)  
 Representative Sharon Tomiko Santos, Educational Opportunity Gap Oversight and  
 Accountability Committee (EOGOAC)

The Legislature tasked the SBE to work with various state entities – including the Office of Superintendent of Public Instruction, the Workforce Training and Education Coordinating Board, the Student Achievement Council, and the Educational Opportunity Gap Oversight and Accountability Committee – on establishing goals for improvement of statewide indicators of educational system health. The implementation of fully funding basic education as required in the McCleary Supreme Court decision require these agencies, as stewards of the public trust, to monitor the impact of this funding on a statewide basis. Specifically, the law tasks the agencies with submitting a report, by December 1, 2013, outlining “the status of each indicator,” and establishing “baseline values and initial goals” for the system. The legislation also allows for recommendations on “revised performance goals and measurements,” as the agencies go through the learning process of implementing the legislation.

Mr. Lobdell shared the importance of creating an environment in which students who come out of our collective system obtain what they need to be successful adults. The factoring of the opportunity gap was very intentional and alignment across the agencies is an enabling strategy. The design of the system needs to allow for the changes to teacher and principal evaluation and core assessments, but also include meaningful goals that allow us to monitor the system.

A high level of stakeholder input has been received on the draft plan. The indicators requested for Senate Bill 5491 were summarized as kindergarten readiness, fourth grade reading, eighth grade math, four-year cohort graduation rate, percentage of high school graduates employed in education or training program and remediation rate. Mr. Lobdell is in the process of gathering data on these metrics for the December 1 report. Members reviewed the measures as they currently exist, goal methodology, and specific steps forward. The areas of recommended revision were as followed:

- Emphasizing persistence as part of the supporting indicator for graduates in a training program, education or employment.
- Remediation rates listed under secondary diploma indicator – the amount of remediation needed when a student leaves the K-12 system.
- Proposal for five-year graduation rate to align with other accountability measures in place.
- Reading, writing, math and science proficiency at the eighth grade level.
- A specific indicator for English acquisition by eighth grade.
- Opportunity gaps in the subgroups will be measured and reported for all the indicators and focusing on the growth gap in eighth grade.

- Third grade learning and literacy is a slightly better indicator than fourth grade learning and literacy.
- A 7<sup>th</sup> indicator was added titled “Access” as a quality school indicator. This is around alignment with other environments, such as the revised Achievement Index.

Ms. Hyde supports the work of the outcomes, metrics and specific targets. The DEL is pleased that WaKIDS is included in the SB5491 work because it’s a good indicator of growth in early learning programs. The best way to attack the opportunity gap is to prevent it from occurring and have all children enter kindergarten ready. The data presented by Mr. Lobdell indicates that in 2012 WaKIDS data, only 37 percent of kids were ready in all six measures and this needs improvement. DEL asked the Board to allow their agency more time to review the 2013 growth data that is available in two weeks. Once the data has been reviewed, DEL can provide a proposal for the early learning targets.

Mr. Spaulding believes the metrics outlined are consistent with the work of WSAC. He recommended that if asking for a change in statute, it’ll be important to ensure there is enough flexibility with handling the data. He further recommended being as inclusive as possible and capturing students going into private institutions and other post-secondary environments. The work presented by Mr. Lobdell supports those recommendations.

Dr. Sharratt shared the current priorities and focus of the WSAC which includes their 10-year Roadmap to increase attainment for all students, but also particularly for ELL, students of color and others underserved. WSAC is working with other agencies to improve senior year for high schools students that makes it productive and smarter balanced.

In representing the EOGOAC, Representative Santos shared her hope and concern for the accountability system, which was it would be a focus of student support and success. Her concern is that the accountability of the system will overshadow the individual needs of every student, especially ELL students that did not begin education in Washington from kindergarten, but will be expected to be ready for high school by the 8<sup>th</sup> grade. She feels the terms within the report related to providing students with access to quality schools need to be explored more and deliberated because they don’t necessarily translate to equal opportunities. Representative Santos provided the EOGOAC’s six recommendations that did not get passed by the legislature and also are not reflected in the draft report as follows:

- Decrease the disproportion of representation of students of color in school disciplinary actions.
- Enhance the cultural competence of current and future educators.
- Provide English language learners and second language acquisition endorsements for all educators.
- Need to create new ELL accountability benchmarks.
- Tools for deeper data analysis and disaggregation of student demographics to inform instructional practice and policy.

- Invest in the recruitment and retention of educators of color.

Representative Santos also shared a federal government recommendation that EOGOAC supports, which is the need to mitigate the effects of poverty by including and engaging the students, families, communities and providers of out-of-school learning.

Mr. Herndon shared the invested interests of PESB around the indicators for early learning education to post-secondary success. PESB has focused on efficient hiring practices and is interested in the indicators that impact those practices, placement of certified staff, obtaining clean and predictable data of the status of teacher retention and how at the policy level it can be enabled.

The Board discussion followed on:

- Measurement of workforce development, obtaining employment and program completion.
- Legislative requirement of all indicators being desegregated at a state level by ethnic subgroups and demographic related subgroups such as ELL and special education.
- Data comparison of four year and five year graduation rates.
- Effectively preparing students for post-secondary education and the workforce.

Mr. Randy Dorn and the members of the Workforce Board experienced technical difficulties during the discussion and were unable to participate for the entire duration of the teleconference. The Workforce Board subsequently provided written comments on what they intended to say and those were provided to members in electronic correspondence.

Members were asked to make a motion on Friday during business items.

### **Draft Charter Rules on Authorizer Oversight**

Mr. Jack Archer, Director of Basic Education Oversight

Ms. Julia Suliman, Policy Analyst

Ms. Margaret Lin, Senior Advisor, National Association of Charter School Authorizers (teleconference)

SBE is charged with oversight of the performance of school districts approved as authorizers of Washington charter schools. Mr. Archer presented the draft rules to RCW 28A.710.120, titled "Oversight of Authorizers," to members for their review. Information presented by staff highlighted major issues identified for rules to this section and described how each is addressed in the proposed rules. Members Fletcher, Hughes and McMullen worked with staff in the development of these rules in preparation for the November meeting.

The draft rules set out five major duties for SBE for oversight of the authorizers it has approved. Authorizers are school districts approved by the Board as authorizers through the process set out in statute and rules. Provisions for general oversight include:

- Oversight is ongoing and not limited to the specific actions called out in RCW and detailed in these rules.
- SBE access to materials and data needed to carry out duties for oversight.
- Contracting for services.
- Site visits to charter schools in an authorizer's portfolio.

To ensure that SBE stays within its proper role for oversight and does not infringe on the crucial roles of the authorizer, a declaration has been added in the rule stating that the board will respect the distinct roles and responsibilities of the authorizer and the charter school board. Ms. Suliman described the process in statute for oversight of charter school authorizers, which include identifying problems that may need to be remedied by the district authorizer. A special review, which may also be included in the oversight process, is a tool provided in the statute and results in a written report that may or may not identify a problem that needs to be remedied by the authorizer. It is not mandatory, but it is an additional step available to the Board in the fulfillment of its oversight duties. If a problem is identified, that may begin the revocation process. There are three triggers identified in the statute that may result in a special review. They are as follows:

- A pattern of well-founded complaints.
- Persistently unsatisfactory performance of authorizer portfolio.
- Other objective circumstances.

Draft rules define a process for determining if a complaint was well-founded, and include an opportunity for a district to respond.

1. When a complaint is received, it is forwarded to the district authorizer for a response.
2. The SBE may request additional information from the complainant or district in order to assess the complaint.
3. Staff will analyze the complaint and responses that the district provided and present those findings to the Board.
4. The Board determines if a pattern is evident.

The Board may determine if multiple complaints about the same subject or multiple complaints about the same authorizer but different subjects comprise a pattern.

Board discussion followed around expanding the other objective circumstances criterion to include unexpected circumstances such as under-enrollment, significant staff turnover, and financial hardship. However, there was discussion of keeping fiscal matters in a separate category.

Mr. Archer presented the process, as described in the draft rules, of notifying authorizers of identified problems in the event that the authorizer is not complying with the charter or authorizer contracts or the duties of an authorizer described in the law.

That process is as follows:

1. SBE will notify the authorizer in writing of any identified problems.
2. The authorizer will have an opportunity to respond and remedy the problem.

3. SBE will state a specific timeline based on the circumstances to the authorizer of when a response and/or remedy is required to take place.

Mr. Archer presented to the Board draft rule provisions for revoking chartering authority. The statute states that evidence of material or persistent failure by the authorizer to carry out its duties in accordance with nationally recognized principles and standards for quality charter authorizing constitutes grounds for revocation of chartering authority. The statute envisions an incremental process, with steps as follows:

1. Notice of intent to revoke sent to the authorizer
2. Notice of revocation
3. Revoke chartering authority

In the event of revocation of chartering authority, the Board is responsible for managing the timely and orderly transfer of each charter contract held by that authorizer to another authorizer. The default authorizer is the Washington Charter Schools Commission, as a school district can only authorize a charter school within its boundaries. The draft rules address steps for this transfer of the charter contract:

1. A written agreement between the charter school board and the Commission.
2. SBE review of the agreement and certification that the contract has been transferred. The previous authorizer would be required to transfer student data. The Commission must develop procedures for notifying parents of the contract transfer and of any modifications that have been made to the charter contract by mutual agreement of the Commission and the charter school.

Mr. Archer summarized the next steps for rule-making, which are for the Board to approve the presented draft rules, with any changes members may direct, for publication in the State Register. Upon filing a CR102, staff will schedule a public hearing and solicit public comment. The public hearing is tentatively scheduled for January 8, with Board approval.

Ms. Lin advised the Board of best practices when creating rules for oversight of authorizers. Recommendations included being attentive, avoiding overbearing authority, good documentation and record keeping, and being consistent with national best practices. She also provided a few examples of justifications for revoking a charter school authorizer.

Board members expressed concern that there are no current criteria to follow when deciding to revoke an authorizer and would like to see clarification in the rules. Members also requested a definition of what persistently underperforming would be to set a standard for authorizers. The charter school law provides that schools that are in the bottom percentile of the Revised Achievement may not have their charter contracts renewed, unless the school demonstrates exceptional circumstances that the authorizer finds justifiable.

The Board was asked to make a motion on Friday during business items.



## **Election of Officers for the Executive Committee**

Ms. Phyllis Frank, Committee Lead

The results of the election for members of the Executive Committee are:

Chair – Kristina Mayer

Vice-Chair – Deborah Wilds

Member at Large – Judy Jennings

Member at Large – Isabel Munoz-Colon

Member at Large – Kevin Laverty

## **Student Music Performance**

This performance was cancelled.

## **November 15, 2013**

Members Attending: Chair Kris Mayer, Vice-Chair Deborah Wilds, Mary Jean Ryan, Mr. Bob Hughes, Ms. Connie Fletcher, Ms. Mara Childs, Mr. Tre' Maxie, Mr. Peter Maier, Ms. Isabel Munoz-Colon, Ms. Judy Jennings, Ms. Phyllis Bunker Frank, Mr. Kevin Laverty, Ms. Cindy McMullen (13)

Eli Ulmer via teleconference from 8:05 – 8:30 a.m. and 2:30-2:45 p.m.

Members Excused: Randy Dorn (1)

Staff Attending: Mr. Ben Rarick, Mr. Jack Archer, Ms. Denise Ross, Ms. Linda Drake, Ms. Sarah Lane, Mr. Parker Teed, Ms. Julia Suliman, Mr. Andrew Parr, Ms. Colleen Warren (9)

The meeting was called to order at 8:05 a.m. by Kristina Mayer, Chair.

## **Student Presentations**

Ms. Mara Childs, Student Board Member

Mr. Eli Ulmer, Student Board Member (teleconference)

In their first dual presentation, both student board members presented on anti-bullying in honor of October being National Bullying Prevention Month and the student-led Anti-Bullying Resolution members will be asked to adopt during the Friday afternoon business items.

Ms. Childs summarized the reasons for school bullying, how it begins and how students find themselves in unintentional participation. The most popular outlets are cyber

bullying on social media and girl culture bullying, which is usually verbal, social out-casting, fighting, cliques, manipulation and rumors.

Mr. Ulmer reported the primary three individuals involved in bullying are the bully, the victim and witnesses. The impact and academic, emotional and social consequences can greatly affect a student's education. He summarized examples of bullying prevention and why a bully may elect to become one based on their own emotional and environmental struggles.

Ms. Childs and Mr. Ulmer encouraged the importance of gaining the social skills at a young age and it's the responsibility of the students to change the culture of the schools by changing their behavior. Examples of positive changes are influencing friends to change positively, advocate for unconditional love and sharing ideas and events that promote unified communities. The recommendation of the student board members was the adoption of the anti-bullying resolution that encourages student participation in school community bullying policies.

Board members discussed the need to create ways to empower students and making it part of SBE's strategy in student success. Member Deborah Wilds requested Mara and Eli gather student input operationalizing the resolution and will come back to the board to share.

Members were asked to make a motion on the Anti-bullying Resolution Friday afternoon during business items.

### **Legislative Agenda**

Mr. Ben Rarick, Executive Director

Mr. Rarick presented the proposed SBE legislative priorities, which included Ample Provision, Career & College Readiness, Math and Science Equivalencies and Professional Development. SBE's legislative plan to re-propose the 24-credit graduation package to the legislature this year is a primary focus point and has been revised to reflect career and technical education as a valued pathway to post-secondary education as well. After collaborating with stakeholders, legislators and board members, staff created the following proposed changes:

- Do not reduce general electives and show them as unchanged.
- Incorporate CTE pathways by creating "personalized pathway requirements" and changing "occupational education" credit to "career and technical education."
- Make sure students have enough flexibility to pursue a program at a skills center. This includes 4 electives + 3 personalized pathway requirements creating a combined 7 available credits.
- Use "pathways to postsecondary" as a term for requirements to embrace a broader definition of college, postsecondary education and training.
- Develop state models of math and science course equivalencies allowing students to receive credit for the math and science taken at skills centers.

Board member discussion followed on:

- Personalized pathway requirements will result in extra training and teaching of guidance counselors.
- Importance of keeping pathways open and flexible for students.
- Preventing educators and counselors from influencing students towards a specific pathway or discouraging from a pathway, especially low income and high risk students.
- Considering the transcript needs of students transferring from schools outside of Washington and how that affects their required classes in Washington.
- Guiding students who don't have a desire for a pathway to college.

Members were asked to make a motion Friday afternoon during business items.

### **Basic Education Waivers – Option 2 Waiver Recommendation**

Mr. Jack Archer, Director of Basic Education Oversight

Ms. Julia Suliman, Policy Analyst

Mr. Rarick provided an introduction to the agenda item and background of Option Two Waivers. The staff recommendation to the Board was to maintain current law and allow the authority for Option 2 Waivers to expire for the primary reason that Option 2 Waivers are not focused on improving school performance.

Mr. Archer summarized the Legislation enacted in 2009 that authorized the SBE to grant waivers of the basic education requirement of a minimum 180-day school year to a limited number of small districts “for purposes of economy and efficiency.” Currently two districts, Bickleton and Paterson, both with enrollment under 150, have Option Two waivers, one for 34 days and the other for 30 days. RCW 28A.305.141 expires on August 31, 2014 and the statute directs the SBE to examine the waivers and make a recommendation to the Legislature by December 31, 2013 on whether the program should be continued, modified, or allowed to terminate under law. Statute directs the Board to make its determination with a focus on whether the program has resulted in improved student learning as demonstrated by empirical evidence.

The following datasets have been considered:

- Median Student Growth Percentiles
- State Assessments (WASL, MSP, HSPE)
- Language Proficiency Exams (WELPA, WLPT)
- Dynamic Indicators of Basic Early Literacy Skills (DIBELS)
- Transportation Revenue and Expenditures
- Classified Staff Salaries
- District Reported Savings
- State Revenue and Expenditure Reports
- Student Attendance and Student Grades

Mr. Archer summarized the analyzed data collected from OSPI and reported the following findings:

- There is little or no evidence of academic impact of student achievement from the waivers that have been granted, due to the small enrollment of the districts, the short period of time the waivers have been active, and the many other influences on student achievement.
- There was a lack of available data for several of the datasets considered. What was available did not clearly indicate any negative or positive trends during waiver years or post-waiver years for those districts. Even if a trend in student achievement could be reliably identified, it would not be possible to disentangle the effects of the school schedule from the other related factors that affect student achievement over the course of the waiver.
- SBE staff found there was no reliable data that would indicate how student performance, as measured by district and state assessments, changed from the years prior to the waivers to the years after.
- At the request of SBE, OSPI collected 2005-2006 through 2012-2013 aggregate MSP scores for all grades from both districts and compared them to similar districts that operated on traditional calendars rather than compressed calendars. There was no evidence that Paterson or Bickleton reached a peak in meeting standard after the waiver had been granted, or that they performed better after the waivers than comparison districts not operating under such waivers.
- It was difficult to identify the financial impact of the waiver from the data available from the Office of the Superintendent of Public Instruction and submitted by the districts. Most of the savings reported by the districts were in classified staff. The district methodology used to arrive at estimated savings was unclear.
- There has also been very limited demand for the waivers. Over the course of the waiver pilot program, only four schools have applied to receive these waivers.
- The examination of the districts' applications, supplemental materials, and a literature review of high-quality research on the impacts of a four-day week indicate no discernible impact on student learning, and that savings are often less than anticipated.
- The Basic Education Act (BEA) presumes that there is value in the number of days that a student is in school, as well as the number of hours. Any deviation from the time requirements of the BEA would need to add value to a student's educational experience. In the requirements for the "Option One" waivers, districts must show how the educational program would be enhanced by the waiver. For the Economy and Efficiency, or "Option Two" waiver, the requirements emphasize potential savings, rather than educational enhancements.

As a result of the limitations above, and other considerations such as change in student cohorts and assessments, the SBE will not be able to make a recommendation to the Board based on student achievement, as required in statute. The waivers' effects on district finances are also uncertain.

Members were asked to make a motion Friday afternoon during business items.

## **Board Work Session and Discussion**

The further discussion of previous agenda items for the November meeting took place as follows:

### **Accountability Framework**

Board members were asked to begin consideration of drafting a letter to OSPI during the Friday afternoon business items on the approval or modification of the system design (due by January 1, 2014). SBE staff will draft a letter based on members' discussion. Member discussion followed on:

- There is a lack of clarity of how challenged schools will be assisted into the next category, allocating resources and the sustainability strategy.
- It is not clear how impact and progress on interventions will be tracked.
- There needs to be a change in pedagogy to address the unique needs of subgroups.
- Need a strategy document on improvement plans including major implementation issues like resource allocation and the approval process.
- OSPI personnel capacity for implementing E2SSB 5329.
- How will OSPI revise the plan after it's been implemented? Will there be monitoring?
- Clarity is needed on what resources are available and who it is allocated to.
- More information is needed of what Indistar is about and its purpose. An analysis of the federal models compared to Indistar will be needed.
- Members requested visible focus by Randy Dorn on the implementation of an accountability system.
- Members were concerned that the Indistar model was created for another state that has different needs.
- E2SSB 5329 allows for school improvement that goes beyond the federal model. Board members would like more information on the difference between the federal model and the Indistar framework.

The Board reviewed the draft accountability 180-17 WAC with stakeholder input. Board discussion took place on how achievable the WAC will make it for schools to exit out of a category.

Members were asked to make a motion Friday afternoon during business items to approve the draft accountability 180-17 WAC for the purpose of publication only during the business items. SBE will use the publication to schedule a public hearing of the draft rules.

### **Graduation Requirements**

Board members reviewed the graduation requirements package proposal within the SBE Legislative Priorities document. Members discussed whether it would be helpful to remind districts that funding by the legislature has been provided. SBE staff did not feel it was necessary to include the OPSI fiscal impact analysis in the proposal. The 1,080

hour increase will not be included in the legislative priorities at this time because a proposed solution is not yet determined.

### **Strategic Plan**

Members reviewed the revised Strategic Plan with member comments made from September. No member discussion followed.

### **Draft Charter School Rules**

Members reviewed the draft rules with changes that Member Maier and Member McMullen proposed for approval. At this time, the Board will be asked to approve the document for the purpose of publication for public hearing. SBE will request public comment on the proposed rules.

### **System Health Indicators**

Members were asked to authorize the staff to submit a preliminary report. Based on the feedback from members and stakeholder on Thursday, Mr. Lobdell summarized additional revised changes made to outstanding issues as follows:

1. English language acquisition as it relates to high school readiness.
2. Including grade 11 Smarter Balanced Assessment Consortium (SBAC) as a college and career readiness indicator.
3. A change to the percentage of students attending schools that are good or better as it relates to equal opportunity and access to quality schools.
4. Four year graduation rate as opposed to a five year extended graduation rate.

Members discussed the revised changes as follows:

- Members would like to review other organizations' early learning systems for ELL and research based materials.
- Members would like to measure both the 11<sup>th</sup> grade Smarter Balanced Assessment test score and the extended remediation for the college and career readiness indicator.
- There was a concern that a five-year extended graduation rate will result in an increase of students taking an intentional longer pathway to graduation, especially low income and students of color with an increase in dropout rates. However, members do not want to penalize ELL students and other students who would benefit from the extended time of a five-year rate. There are currently no indicators to address helping students in poverty get on the pathway to gainful employment.
- The Board needs to spend more time on creating the targets for indicators as required in the law.

The Board and staff felt sufficient feedback had been created by members during the meeting to submit a preliminary report by December 1. However, the report will indicate there is a division among the Board for specific concerns discussed.

Members were asked to make a motion during the Friday afternoon business items.

## **Public Comment**

### **Wendy Rader-Konofalski – Washington Education Association (WEA)**

Ms. Rader thanked the Board for inviting the WEA Vice-President to be a part of the panel yesterday. WEA is glad the Board is taking time to look at the rules for E2SSB 5329, specifically RAD I & II portions. It's a very complicated bill with layers of entities. What needs to be done is to reduce the rules to a clear and concise set of guidelines so the school districts can implement a RAD within the time frame established. Ms. Rader appreciates that SBE removed some confusing language from the rules that left room for interpretation. WEA agrees with WSSDA that the guideline language should not be included. Ms. Rader doesn't believe many of the RAD I schools will move into RAD II because SIG and RAD schools are doing so well. The WEA was opposed to E2SSB 5329 in the legislature. Our problem is not failure, but how we sustain and grow our success. Teachers don't have enough time, salary or professional development money as other states. As SBE develops the accountability index, include indicators for teacher staff pay in national comparison and class size and funding basic education

### **Jerry Bender – Association of Washington School Principals (AWSP)**

As a retired principal, Mr. Bender's experience with girls bullying each other was typically the girls were previously friends. When you take the time and resources to sit down with students, bullying can be resolved. It's not usual for bullying to stop and come back again later. Bullying can be disruptive in the building, taking up time and resources of the principals and jeopardize school safety. If students can intervene, that makes a significant impact. AWSP supports student involvement and leadership in the school climate and safety. Mr. Bender asks SBE to look at the five-year graduation rate in part of the four-year rate. We have a law that states students can be in school until 21. The way the accountability system is working, there are consequences if you don't deal with the graduation rate. A four-year graduation rate doesn't acknowledge the efforts schools are making to keep kids in school and AWSP encourages the Board to look at a five-year graduation rate.

### **Anne Heavey – Partnership for Learning**

Ms. Heavey encourages SBE to adopt authorization of the 24-credit high school diploma. Partnership for Learning believes in education that prepares kids for beyond high school whether that's a technical or professional program or a four-year college. Future employment will be requiring some kind of postsecondary experience and we need to make sure kids are ready for that with an emphasis on STEM subjects. Ms. Heavey supports the framework because it provides the students with the flexibility of the courses they want to take and it recognizes the importance of STEM skills with the 3<sup>rd</sup> credit of science. There are concerns about removing the college default pathway with thought in mind of students who lack the drive to attend any postsecondary pathway. The Legislature needs to adopt the 24-credit framework beginning with the class of 2019 and this is an adopted priority for the Washington Roundtable and Partnership for Learning.

### **Marie Sullivan – Washington State School Directors' Association (WSSDA)**

Ms. Sullivan shared WSSDA's adopted legislative priorities, that are ample and sustainable funding, professional development of two days for all teachers and no new mandates. The WSSDA Legislative Committee would like the Option 2 Waivers to continue and possibly be modified because there wasn't enough data to make a determination with a small sampling. Charter schools do not have to come before SBE for waiver days. If charter schools don't have to, other public schools shouldn't have to either.

#### **Dennis Kampe - Retired Director of the Clark County Skills Center**

Mr. Kampe is thankful that SBE is considering the issues that skills centers are confronted with and notes the success of skills centers in supporting the endeavors of students. He would like to abolish the term "elective." He states that, in the past, many electives have been hobby and leisure courses, but modern electives focus on postsecondary goals of students. He has no concerns with Personalized Pathway Requirements, but he recommends using the term "career concentration" instead. He notes that the term "career concentration" has been used by SBE and the Legislature. He suggests using "career concentration" rather than "elective."

#### **Matt Shuts – First Presbyterian Church**

Mr. Shuts is head of the First Presbyterian Church and is in the appeal process to have their private school approved. Due to miscommunication, the church missed their deadline to submit an application for private school approval. There was significant staff turnover and email correspondence from OSPI did not reach Ms. Shuts until he eventually was notified via postal mail that they missed the deadline. In the past, the church has been approved. Mr. Shuts urges the board to reconsider approving them again.

#### **Doug Nelson – Public Schools Employees of Washington**

When Option 2 waivers came in 2009, PSEW was very concerned. It was done when budget cuts were happening in education and, after four years, the program has not demonstrated that it has improved student learning. Budget cuts are not the same as they were in 2009 and we're facing a time when more funding is coming. Mr. Nelson supports the SBE staff recommendation to allow the program to lapse.

#### **Carrie Pepper – Evergreen High School**

There is significant pressure on classroom teachers around Common Core. Ms. Pepper has been using Common Core for three years now, but finds other teachers are struggling with no curriculum because TPEP and Common Core standards are unclear. The lack of time and clarity causes confusion for teachers.

#### **Michael Parrson – Evergreen Public Schools**

Mr. Parrson stated he was in agreement with Ms. Pepper's public comment.



## **Additional Board Discussion**

### **Achievement Index Update**

Dr. Andrew Parr, Senior Policy Analyst

Dr. Parr reported that OSPI has submitted or is in the process of submitting the waiver amendment to the United State Department of Education. The approval process has been delayed due to the government shutdown in October and it's expected the ESEA waiver amendment will be submitted and possibly approved by early-mid December. Dr. Parr summarized what was included in the most recent amendment as follows:

- Description of the six tier levels
- The Focus , Priority, and Reward School identification in detail
- Introduction to the term “transitional priority schools”

The revised Achievement Index is scheduled to be run, analyzed and reported on December 1, 2013 for the purpose of accountability data. Staff expect there to be a slight delay in this schedule because graduation rates will not be available until after December 1. Due to this delay and the December holidays, staff anticipates the following timeline:

1. Run the revised Index during the first week of December
2. Staff and Mr. Lobdell will examine the data for 1-2 weeks
3. OSPI personnel will examine the data
4. Once the Q & A is completed, district and ESD representatives will review the data
5. Data will most likely be released in January 2014.

Dr. Parr believes approval from the federal government will occur because the Achievement Index can be approved independently from Principle 3 and there is no indication that the flexibility of ESEA requirements will not continue.

Mr. Lobdell has completed the programming of the revised Achievement Index and has made two runs of the Index using 2011 and 2012 data. He will not have access to 2013 data until after December 1, in which all three years will be run together.

Board members discussed the federal government's decision to deny the Ever-ELL Cell, but that the former-ELL and targeted subgroups are being considered.

### **National Assessment of Educational Progress Data**

Mr. Ben Rarick, Executive Director

Board members reviewed the National Assessment of Educational Progress (NAEP) data and Mr. Rarick reported the data indicates Washington percentage increase in all categories.

## **Board Norms**

Ms. Judy Jennings, Board Member

Mr. Peter Maier, Board Member

Member Jennings presented a draft Board norms document created by Member Maier and herself based on feedback received from the Board at the September Retreat. Members Maier and Jennings summarized the process of review and the various other members that provided additional comments. The norms document reviewed by members was last revised two days prior to the November meeting and the only significant change made was the last item on board members' individual opinions made to the public. The previous document had a paraphrase of the bylaws, and the most recently revised document has the precise adopted bylaw language embedded instead.

Board discussion of additional recommendations followed.

Members were asked to make a motion Friday afternoon during business items.

## **Business Items**

### **Adoption of Board Norms**

Motion made to approve the "Board Norms for the Washington State Board of Education" as shown on Exhibit A.

Motion seconded.

Member Laverty moved a friendly amendment to Paragraph 8: adding "through their deliberations" after "purpose" in the first sentence and deleting the second sentence. Motion seconded. Motion on friendly amendment carries.

Motion as amended carried.

### **Private School Approval for 2013-2014 Academic School**

Motion made to approve First Presbyterian Church School and Cascade Christian School as private schools for the 2013-2014 academic school year based on the recommendation of the Superintendent of Public Instruction.

Motion seconded.

Motion carried.

### **Approval of SBE 2015-2016 Dates and Location**

Motion made to approve the Board's Regular Meeting Dates and Locations for calendar year 2015 and 2016 as noted on page 233 of the Board's packet.

Motion seconded.

Motion carried.

**Approval of Special Board Meeting Dates**

Motion made to approve the Board Special Meetings on March 27, 2014 and August 25, 2014

Motion seconded.

Motion carried.

**Adoption of Board's Revised Strategic Plan**

Motion made to approve the Board's Revised Strategic Plan as shown on the online version of the Board's packet for the November meeting.

Motion seconded.

Motion carried.

**Approval of SBE's 2014 Legislative Priorities**

Motion made to approve the Board's 2014 Legislative Priorities as they appear on Page 211 of the Board's packet.

Motion seconded.

Motion carried.

**Approval of Legislative Report on Goals for Statewide Indicators of Educational System Health**

Motion made to approve the information on pages 135-152 for inclusion in the Board's report to the Legislature on the Goals for Statewide Indicators of Educational System Health with direction to the Executive Director to include member comments received from the November meeting.

Motion seconded.

Member Wilds moved a friendly amendment to provide for the report to include not only the comments received from the QEC but also comments received from the Board at this meeting.

Motion seconded.

After some discussion the friendly amendment was further amended to delete the phrase "received from the QEC" but leave in comments received from the Board. Motion on friendly amendment carried.

Motion as amended carried.

**Adoption of WAC 180-19-210 Charter Authorizer Annual Reports**

Motion made to adopt WAC 180-19-210 governing the requirements for filing annual reports by charter school authorizers with the changes to the rules as shown in Exhibit D.

Motion seconded.

Motion carried.

**Draft Rules on Establishment of an Accountability Framework for Publication**

Motion made to approve for filing with the Code Reviser a CR 102 with the proposed rules regarding the accountability framework as shown on Exhibit B with the public hearing noted for January 8, 2014.

Motion seconded.

Motion carried.

**Draft Rules on Charter Authorizer Oversight**

Motion made to approve for filing with the Code Reviser a CR 102 with the proposed rules governing school district authorizers as shown on Exhibit C, with the public hearing noted for January 8, 2014.

Motion seconded.

Motion carried.

**Approval of Board's Analysis and Recommendation Regarding 180 day school day waivers authorized by RCW 28A.305.141**

Member McMullen made the following motion: Recognizing that the data is inconclusive as to the question asked by the Legislature, "*Did the alternative program lead to measurable growth in student achievement?*," but that the data does show no measurable decline in student achievement and that other benefits were identified by the waiver district communities, the State Board of Education recommends that Option 2 waivers be allowed to continue for an interim period.

Motion seconded.

Motion carried.

**Approval of SBE Student Led Anti-Bullying Resolution**

Motion made to approve the "2013 Anti-Bullying Resolution" on page 207 of the Board's packet.

Motion seconded.

Member Munoz–Colon moved a friendly amendment to reflect the change to the resolution as read at this meeting to paragraph 4 of the resolution stating that “thousands of people have supported a student-led petition . . .” Motion on friendly amendment carried.

Motion as amended carried.

The Board directed staff to send a copy of the resolution to WSSDA.

Meeting adjourned at 2:28 p.m.

Minutes were written by Denise Ross.

Staff with editorial rights to these minutes: Ben Rarick, Linda Drake, Parker Teed, Jack Archer, Andrew Parr, Julia Suliman and Sarah Lane.

The following documents are  
exhibits A-D of the SBE  
November board meeting  
minutes.

## Exhibit A

### Board Norms for the Washington State Board of Education

Adopted by the Board, \_\_\_\_\_ 2013

- Board meetings will focus on the State Board of Education (SBE) goals as articulated in the Strategic Plan, while recognizing that other matters may also be part of a meeting agenda.
- At board meetings and in all communications with the public and staff, SBE members will maintain the dignity and integrity appropriate to an effective public body.
- Every board member should play a meaningful role in the Board's overall deliberations. Each member expects of others a commitment to the work of the SBE and will endeavor to understand the views of other members and to engage in civil discussion. The Board embraces a healthy debate on policy issues.
- The principal purpose of Board meetings is to discuss policies that help all students to succeed, and to graduate from high school college and/or career-ready. Agendas, presentations, and discussions for each board meeting should reflect this overarching purpose.
- Board meetings should include the following procedures:
  - Board meetings should start on time and end on time.
  - Meeting materials should be made available one week in advance (see Bylaw Article V section 2) and should be of high quality.
  - Board members are expected to consistently attend and prepare for Board meetings and to review the materials in advance of the meeting (see Bylaw Article III, section 2).
  - Each staff presentation should begin by clarifying the purpose of the presentation and the decision to be made or issue to be considered.

## Exhibit A

- Board members should hold their questions (except for brief clarifying questions) until the end of each presentation, or until the presenter offers a designated “pause” for questions.
- Each Board member expects of others a commitment to speak with purpose during each discussion. The Board Chair – or his/her designee – will provide leadership to ensure that the discussions and deliberations are leading to a focused outcome.
- Board meetings should be a forum for Board discussion. Staff and guest presentations should be structured to facilitate this discussion, not supplant it.
- When considering policy proposals, each Board member expects of others an opportunity for advance review. The Board agrees to a “no surprises” mode of operation – all significant proposals should be sent in advance of the meeting (preferably before Board packets are sent) to the Chair and Executive Director for their consideration in constructing the agenda and materials for the meeting.
- Board members may submit proposed agenda items to the Chair or Executive Director (see Bylaw Article V, section 2) for consideration by the Executive Committee. The Executive Committee will respond to member proposals, as appropriate, in a timely fashion.
- Although the SBE is composed of appointed and elected members, Board members strive for commonality and unity of purpose through their deliberations.
- Board members will maintain the confidentiality of executive sessions.
- Members of the SBE should support board decisions and policies when providing information to the public. This does not preclude board members from expressing their personal views. The executive director or a board designee will be the spokesperson for the board to the media (same as Bylaw Article III, section 3).



Exhibit B  
Chapter 180-17 WAC  
Accountability

**WAC 180-17-020**

Process for submittal and approval of revised required action plan in Level I.

(1) Except as otherwise provided in WAC 180-17-030, school districts designated as required action districts by the state board of education shall develop a required action plan according to the following schedule:

(a) By April 15th of the year in which the district is designated, a school district shall submit a required action plan to the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines for the receipt of a School Improvement Grant. The required action plan must comply with all of the requirements set forth in RCW 28A.657.050.

(b) By May 1st of the year in which the district is designated, a school district shall submit a required action plan approved by the superintendent of public instruction to the state board of education for approval.

(2) The state board of education shall, by May 15th of each year, either:

(a) Approve the school district's required action plan; or

(b) Notify the school district that the required action plan has not been approved, stating the reasons for the disapproval.

(3) A school district notified by the state board of education that its required action plan has not been approved under subsection (2)(a) of this section shall either:

(a) Submit a new required action plan to the superintendent of public instruction and state board of education for review and approval within forty days of notification that its plan was rejected. The state board of education shall approve the school

district's required action plan by no later than July 15th if it meets all of the requirements set forth in RCW 28A.657.050 or

(b) Submit a request to the required action plan review panel established under RCW 28A.657.070 for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. The review panel shall consider and issue a decision regarding a district's request for reconsideration to the state board of education by no later than June 10th. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the school district and the panel by no later than June 20th. If the state board of education accepts the changes to the required action plan recommended by the panel, the school district shall submit a revised required action plan to the superintendent of public instruction and state board of education by July 30th. The state board of education shall approve the plan by no later than August 10th if it incorporates the recommended changes of the panel.

(4) If the review panel issues a decision that reaffirms the decision of the state board of education rejecting the school district's required action plan, then the school district shall submit a revised plan to the superintendent of public instruction and state board of education within twenty days of the panel's decision. The state board of education shall approve the district's required action plan by no later than July 15th if it meets all of the requirements set forth in RCW 28A.657.050.

#### **WAC 180-17-030**

Process for submittal and approval of a required action plan when mediation or superior court review is involved.

(1) By April 1st of the year in which a school district is designated for required action, it shall notify the superintendent of public instruction and the state board of education that it is pursuing mediation with the public employment relations commission in an effort to agree to changes to terms and conditions of employment to a collective bargaining agreement that are necessary to implement a required action plan. Mediation with the public employment relations commission must commence no later than April 15th.

(2) If the parties are able to reach agreement in mediation, the following timeline shall apply:

(a) A school district shall submit its required action plan according to the following schedule:

(i) By June 1st, the school district shall submit its required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.

(ii) By June 10th, the school district shall submit its required action plan to the state board of education for approval.

(b) The state board of education shall, by June 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW [28A.657.050](#) and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.

(3) If the parties are unable to reach an agreement in mediation, the school district shall file a petition with the superior court for a review of any disputed issues under the timeline prescribed in RCW [28A.657.050](#). After receipt of the superior court's decision, the following timeline shall apply:

(a) A school district shall submit its revised required action plan according to the following schedule:

(i) By June 30th, the school district shall submit its revised required action plan to the superintendent of public instruction for review and approval as consistent with federal guidelines for the receipt of a School Improvement Grant.

(ii) By July 7th, the school district shall submit its revised required action plan to the state board of education for approval.

(b) The state board of education shall, by July 15th of each year, approve a plan proposed by a school district only if the plan meets the requirements in RCW [28A.657.050](#) and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.

[Statutory Authority: RCW [28A.657.120](#). WSR 10-23-083, § 180-17-030, filed 11/16/10, effective 12/17/10.]

**WAC 180-17-040**

Failure to submit or receive approval of a required action plan.

The state board of education shall 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 by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

[Statutory Authority: RCW [28A.657.120](#). WSR 10-23-083, § 180-17-040, filed 11/16/10, effective 12/17/10.]

**WAC 180-17-050**

Release of a school district from designation as a required action district.

- (1) The state board of education shall release a school district from designation as a required action district upon recommendation by the superintendent of public instruction, and confirmation by the board, that the district has met the requirements for release set forth in RCW [28A.657.100](#).
- (2) If the board determines that the required action district has not met the requirements for a release in RCW [28A.657.100](#), the state board of education may determine that the district remain a Level I required action district and submit a new or revised required action plan under the process and timeline prescribed in WAC 180-17-020, or to the extent applicable 180-17-030, or it may assign the district to Level II status, according to the requirements of 180-17-060.

**WAC 180-17-060**

Designation of required action districts to Level II status.

- (1) For required action districts which have not demonstrated recent and significant progress toward the requirements for release under RCW 28A.657.100, the state board of

- education may direct that the district be assigned to Level II status of the required action process.
- (2) For the purposes of this section, recent and significant progress shall be defined as progress occurring within the two most recently completed school years, which is determined by the board to be substantial enough to put the school on track to exit the list of persistently lowest-achieving schools list, as defined in RCW 28A.657.020100, if the rate of progress is sustained for an additional three school years. Schools meeting their annual measurable objectives (AMOs) for the all students group for two consecutive years, as established by the office of the superintendent of public instruction, may also be deemed to have made recent and significant progress under this section.
  - (3) If the required action district received a federal School Improvement Grant for the same persistently lowest-achieving school in 2010 or 2011, the superintendent may recommend that the district be assigned to Level II of the required action process after one year of implementing a required action plan under this chapter ~~if the district is not making progress.~~
  - (4) Districts assigned by the state board of education as required action districts must be evaluated for exit under the same criteria used for their original designation into required action status; except, the board may, at its discretion, exit a district if subsequent changes in the exit criteria make them eligible for exit.

#### **WAC 180-17-070**

Level II needs assessment and revised required action plan - requirements.

- (1) Upon assignment of a school district to Level II required action district status, the state board shall ~~notify~~~~direct~~ the superintendent of public instruction ~~to~~ ~~who shall direct that~~ ~~conduct~~ a Level II needs assessment and review ~~be conducted~~ to determine the reasons why the previous required action plan did not succeed in improving student achievement. The needs assessment shall be completed within ninety (90) days of the Level II designation and presented to the board at its next regularly scheduled meeting.
- (2) The needs assessment and review shall include an evaluation of the extent to which the instructional and

administrative practices of the school materially changed in response to the original Level I needs assessment and the periodic reviews conducted by the office of the superintendent of public instruction, during Phase I required action.

(3) Based on the results of the Level II needs assessment and review, the superintendent of public instruction shall work collaboratively with the school district board of directors to develop a revised required action plan for Level II.

(4) The Level II required action plan shall include the following components:

- a. A list of the primary reasons why the previous plan did not succeed in improving student achievement.
- b. A list of the conditions which will be binding on the district in the Level II plan. These may include:
  - i. Assignment of on-site school improvement specialists or other personnel by the superintendent of public instruction;
  - ii. Targeted technical assistance to be provided through an educational service district or other provider;
  - iii. Assignment or reassignment of personnel;
  - iv. Reallocation of resources, which may include redirection of budgeted funds or personnel, as well as changes in use of instructional and professional development time;
  - v. Changes to curriculum or instructional strategies;
  - vi. Use of a specified school improvement model; or
  - vii. Other conditions which the superintendent of public instruction determines to be necessary to ensure that the revised action plan will be implemented with fidelity and will result in improved student achievement.

(5) The ~~final~~ plan shall be submitted to the state board of education for approval prior to May 30th of the year preceding implementation, with a cover letter bearing the signatures of the superintendent of public instruction and the chair of the board of directors of the required action district, affirming mutual agreement to the ~~revised~~ plan.

#### **WAC 180-17-080**

Level II required action plan - procedures for direct submission to State Board of Education by Superintendent of Public Instruction; role of Required Action Plan Review Panel.

- (1) If the superintendent of public instruction and the school district board of directors are unable to come to an agreement on a Level II required action plan within ninety (90) days of the completion of the needs assessment and review conducted under subsection (2) of this section, the superintendent of public instruction shall complete and submit a Level II required action plan directly to the state board of education for approval. Such submissions must be presented and approved by the board prior to July 15 of the year preceding the school year of implementation.
- (2) The school district board of directors may submit a request to the required action plan review panel for reconsideration of the superintendent's Level II required action plan within ten (10) days of the submission of the plan to the state board of education. The state board of education will delay decision on the Level II required action plan for twenty (20) calendar days from the date of the request, in order to receive any recommendations and comment provided by the review panel, which shall be convened expeditiously by the superintendent of public instruction as required, pursuant to RCW 28A.657.070 (2) (c). After the state board of education considers the recommendations of the required action review panel, the decision of the board regarding the Level Two required action plan is final and not subject to further reconsideration. The board's decision must be made by public vote, with an opportunity for public comment provided at the same meeting.
- (3) If changes to a collective bargaining agreement are necessary to implement a Level II required action plan, the procedures prescribed under RCW 28A.657.050 shall apply. A designee of the superintendent shall participate in the discussions among the parties to the collective bargaining agreement.
- (4) In Level II required action, the superintendent of public instruction shall attempt to work collaboratively with the local board of education. However, if the superintendent of public instruction finds that the Level II required action plan is not being implemented as specified, including the implementation of any binding conditions within the plan, the superintendent may direct actions that must be taken by school district personnel and the board of directors to implement the Level II required action plan. If necessary, the superintendent of

public instruction may exercise authority under RCW 28A.505.120 regarding allocation of funds.

- (5) If the superintendent of public instruction seeks to make material changes to the Level II required action plan at any time, those changes must be submitted to the state board of education for approval at a public meeting where an opportunity for public comment is provided.

#### **WAC 180-17-090**

Input of the education accountability system oversight committee prior to Level II designations.

- (1) Prior to assigning a required action district to Level II status, the board must hold a public hearing on the proposal, and must take formal action at a public meeting to submit its recommendation to the education accountability system oversight committee established in RCW 28A.657 for review and comment.
- (2) Prior to assigning a district to Level II status, the board must provide a minimum of thirty (30) calendar days to receive comments by the education accountability system oversight committee. If written comment is provided by the committee, it shall be included in Board meeting materials, and posted to the board's website for public review. The superintendent of public instruction may begin the Level II needs assessment process once the board has formally requested committee input on a Level II designation, but may not initiate any part of the required action process until the board has made an official designation into Level II status.

#### **WAC 180-17-100**

Establishment of accountability framework to improve student achievement for all children.

- (1) Pursuant to the requirements of RCW 28A.657.110 (Chapter 159, Laws of 2013), the state board of education adopts the following guiding principles in fulfillment of its responsibility to establish an accountability framework. The framework establishes the guiding principles for 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 statutory purpose of the accountability framework is to provide guidance to the superintendent of public instruction in the design of a comprehensive system of specific strategies for recognition, provision of differentiated support and targeted assistance, and, if necessary, intervention in underperforming schools and school districts, as defined under RCW 28A.657.020.
- (3) The Board finds that the accountability system design and implementation should reflect the following principles and priorities:
- a. Student growth is an essential element in an effective school accountability system. However, inclusion of student growth shall not come at the expense of a commitment to and priority to get all students to academic standard. Washington's accountability system should work toward incorporating metrics of growth adequacy, which measure how much growth is necessary to bring students and schools to academic standard within a specified period of time. An objective standard of career and college-readiness for all students should remain the long-term focus of the system.
  - b. The Board recognizes that the transition to Common Core State Standards creates practical challenges for shorter term goals-setting, as a new baseline of student performance is established on a series of more rigorous standards and assessments. Normative measures of accountability are a transitional strategy during periods of significant change. Long-term, however, the accountability framework shall establish objective standards for Index performance tiers and exit criteria for required action status. The board does not support a permanent system of moving, normative performance targets for our schools and students. The long-term goal remains gradually reduced numbers of schools in the bottom tiers of the index.
  - c. To the greatest extent allowable by federal regulations, the federal accountability requirements for title one schools should be treated as an integrated aspect of the overall state system of accountability and improvement applying to all schools. The composite achievement index score should be used as the standard measure of school achievement, and should be directly aligned with designations of challenged schools in need of improvement made annually by the superintendent of public instruction,

- and the lists of persistently low- achieving schools as required under federal regulations.
- d. The integration of state and federal accountability policies should also be reflected in program administration. To the greatest extent allowed by federal regulation, state and federal improvement planning should be streamlined administratively through a centralized planning tool. Improvement and compliance plans required across various state programs and federal title programs should be similarly integrated to the extent allowable. Planning will become less burdensome and more meaningful when the linkages between programs become more apparent in the way they are administered.
  - e. The state's graduation requirements should ultimately be aligned to the performance levels associated with career and college readiness. During implementation of these standards, the Board recognizes the necessity of a minimum proficiency standard for graduation that reflects a standard approaching full mastery, as both students and educators adapt to the increased rigor of Common Core and the underlying standard of career and college-readiness for all students.
  - f. In the education accountability framework, goals-setting should be a reciprocal process and responsibility of the legislature, state agencies, and local districts and schools. The state education system should set clearly articulated performance goals for itself in a manner consistent with the planning requirements established for school districts and schools. State goals-setting should be grounded in what is practically achievable in the short-term and aspirational in the long-term, and should reflect realistic assumptions about the level of resources needed, and the time necessary, for implementation of reforms to achieve the desired system outcomes.
  - g. While the board supports the use of school improvement models beyond those identified by the federal department of education under the No Child Left Behind Act, the board will uphold a standard of rigor in review of these plans to ensure that authentic change occurs in instructional and leadership practices as a result of required action plan implementation. Rigorous school improvement models should not be overly accommodating of existing policies and practices in struggling schools, and summative

evaluations should be able to document verifiable change in practice.

- h. Recognition of school success is an important part of an effective accountability framework. The board is committed to an annual process of school recognition, and believes that award-winning schools can make significant contributions to the success of the system by highlighting replicable best practices. All levels of success should be celebrated, including identifying improvement in low-performing schools, and highlighting examples of good schools that later achieve exemplary status.
- i. Fostering quality teaching and learning is the ultimate barometer of success for a system of school accountability and support. The central challenge for the superintendent of public instruction is developing delivery systems to provide the needed resources and technical assistance to schools in need, whether they be rural or urban, homogenous or diverse, affluent or economically challenged. In instances where traditional approaches have failed, the system will need to be prepared to develop innovative ways to secure the right instructional and leadership supports for districts and schools that need them.

NEW SECTION

**WAC 180-19-XXX. Oversight of authorizers. General Provisions.**

(1) The state board of education is responsible under RCW 28A.710.120 for oversight of the performance and effectiveness of all authorizers approved under RCW 28A.710.090. This oversight is ongoing and is not limited to the specific actions and procedures described in these rules. For the purposes of the board's rules governing the oversight of authorizers, the term "authorizer" means a school district board of directors that has been approved to be a charter school authorizer under RCW 28A.710.090.

(2) In reviewing or evaluating the performance of authorizers against nationally recognized principles and standards for quality authorizing, the board will compare the authorizer's performance to the standards for quality set forth in the Principles and Standards for Quality Charter School Authorizing, 2012 edition, published by the national association of charter school authorizers. A link to this publication shall be posted on the board's public web site.

(3) In carrying out its responsibilities for overseeing the performance and effectiveness of authorizers under RCW 28A.710.120, the board shall utilize information including but not limited to the annu-

al authorizer reports submitted to the board under RCW 28A.710.100, all reports and data submitted to the office of the superintendent of public instruction under Chapter 28A.710 RCW, charter contracts, and the findings of any special review conducted under RCW 28A.710.120(2). The board will require submission of or access to materials or data from the authorizer deemed reasonably necessary to evaluate the performance and effectiveness of the authorizer.

(4) The board may contract for services with persons or entities having relevant expertise in the performance of its duties under RCW 28A.710.120.

(5) The board may conduct site visits to charter schools in an authorizer's portfolio for the purpose of conducting oversight of the performance of an authorizer under these rules. The board shall provide reasonable notice to the authorizer and the charter governing board prior to a site visit.

(6) In carrying out its duties for oversight of the performance and effectiveness of authorizers under RCW 28A.710.120, the board shall respect the principal role and responsibility of the authorizer for monitoring and oversight of the charter school under RCW 28A.710.100, and the authority of the charter school board to manage and operate the charter school under RCW 28A.710.030 and the terms of its charter contract.

**WAC 180-19-XXX. Oversight of authorizers. Special review. (1)**

The Board is authorized, upon a determination of persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances, to conduct a special review of an authorizer's performance. The purpose of the special review is to determine the need for additional action by the board as provided in these rules.

(2) "Persistently unsatisfactory performance of an authorizer's portfolio of charter schools" shall consist, for any school or schools, of:

(a) Repeated failure to meet the expectations for academic performance set forth in the charter contract, including but not limited to applicable state and federal accountability requirements, without evidence of a trend indicating the school will meet those expectations.

(b) Repeated failure to meet the financial performance targets within the charter contract;

(c) Repeated failure to meet the targets for organizational performance within the charter contract;

(3) "A pattern of well-founded complaints" means multiple complaints that are found by the board to be supported by sufficient factual information alleging that an authorizer is not in compliance with a charter contract, its authorizing contract, or its authorizer du-

ties, including the failure to develop and follow nationally recognized principles and standards for charter authorizing.

(a) Any individual or entity may submit a written complaint to the board about an authorizer or its charter schools. The complaint should state in specific terms the alleged violation of law, failure to comply with a charter contract or its authorizing contract, or failure to develop and follow nationally recognized principles and standards for charter authorizing. The complaint must be signed and dated and provide contact information for use by the board in requesting additional information as deemed needed. The board shall post a standard form for submission of complaints on its public web site.

(b) Upon receipt, the board shall transmit the complaint to the authorizer for its written response, which shall be submitted to the board within thirty (30) days of receipt.

(c) The board may request additional information from the complainant or the authorizer as deemed necessary to investigate the complaint.

(d) If the complaint is determined not to be well-founded, the board shall notify the complainant in writing, and the board shall not be required to take further action.

(e) If the complaint is determined to be well-founded, the board shall provide written notification of such determination to the complainant and the authorizer.

(4) "Other objective circumstances" include but are not limited to failure of the authorizer or its charter schools to comply with an

applicable state or federal law or regulation, or evidence that a charter school is not operating in a manner that fulfills the requirements of its charter contract or has a substantial risk of becoming operationally unable to fulfill those requirements.

(5) The board must provide written notice to the authorizer of initiation of a special review, documenting the reasons for the decision to conduct the review. The board must provide opportunity for the authorizer to respond in writing to the specific determinations of the need for the review.

(6) The board shall submit a written report of the results of the special review to the authorizer and other interested persons. The report may include recommended corrective actions. The report shall be posted on the board's public web site.

**WAC 180-19-XXX. Oversight of authorizers. Notice of identified problems.**

(1) If at any time the board finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, it shall provide the authorizer with written notification of the identified problems, with specific reference to the charter contract, the authorizing contract, or the authorizer duties under RCW 28A.710.100.

(2) The authorizer shall respond to the written notification and remedy the problems within a specific time frame as determined reasonable by the board under the circumstances.



(3) Nothing in this section requires the board to conduct a special review under WAC 18-19-XXX before providing an authorizer with notice of identified problems.

**WAC 180-19-XXX Oversight of authorizers. Revocation of authorizing contract.**

(1) Evidence of material or persistent failure by an authorizer to carry out its duties according to nationally recognized principles and standards for charter authorizing is grounds for revocation of an authorizer's chartering contract. This may include:

(a) Failure to comply with the terms of the authorizing contract between the authorizer and the board;

(b) Violation of a term of the charter contract between the authorizer and a charter school;

(c) Demonstrated failure to develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in any of the following areas, as required by RCW 28A.710.100:

(i) Organizational capacity;

(ii) Soliciting and evaluating charter applications;

(iii) Performance contracting;

(iv) Ongoing charter school oversight and evaluation;

(v) Charter renewal decision making.

(2) Notice of Intent to Revoke. If the board makes a determination, after due notice to the authorizer and reasonable opportunity to effect a remedy, that the authorizer continues to be in violation of a material provision of a charter contract or its authorizing contract, or has failed to remedy other identified authorizing problems:

(a) The board shall notify the authorizer in writing that it intends to revoke the authorizer's chartering authority under RCW 28A.710.120. The notification to the authorizer shall explain and document the reasons for the intent to revoke chartering authority.

(b) The authorizer shall, within thirty (30) days of notification, submit a written response showing clearly that the authorizer has implemented, or will promptly implement, a sufficient remedy for the violation or deficiencies that are the stated grounds for the intent to revoke chartering authority.

(3) Notice of Revocation. If the authorizer fails to provide a timely written response or if the response is deemed inadequate by the Board to meet the requirement set forth in subsection (1):

(a) The board shall provide the authorizer with written notice of revocation of the authorizer's chartering authority. The notice of revocation shall state the effective date of revocation, which shall not be sooner than 20 days from the date of receipt of the notice of revocation by the authorizer, unless a timely notice of a request for an adjudicative proceeding is filed as set forth herein.

(b) The authorizer may request an adjudicative proceeding to contest the revocation. The request for an adjudicative proceeding

must be submitted in writing by the authorizer to the board within 20 days of receipt of the notice of revocation at the following address: Old Capitol Building, Room 253, P.O. Box 47206, 600 Washington St. SE, Olympia, Washington 98504. Any adjudicative proceeding shall be conducted in accordance with the Washington Administrative Procedure Act (APA).

**WAC 180-19-XXX. Authorizer oversight. Transfer of charter contract.**

(1) In the event that a notice of revocation is provided to the authorizer under WAC 180-19-XXX, any charter contract held by that authorizer shall be transferred, for the remaining portion of the charter term, to the Washington charter school commission on documentation of mutual agreement to the transfer by the charter school and the commission.

(2) Documentation of mutual agreement shall consist of a written agreement between the charter school board and the commission, signed and dated by the chair or president of the charter school board and the chair of the commission. The agreement shall include any modification or amendment of the charter contract as may be mutually agreed upon by the charter school board and the commission.

(3) The commission shall submit the agreement to the state board of education. The board shall review the agreement, and on a determination that the requirements of these rules have been met, issue written certification of the transfer of the charter contract to the charter school governing board and the commission.

(4) On certification by the board of the transfer of the charter contract, the prior authorizer shall transfer to the commission all student records and school performance data collected and maintained in the performance of its duties as an authorizer under RCW 28A.710.100 and RCW 28A.710.170.

(5) The commission, in consultation with the charter school governing board, shall develop and implement a procedure for timely notification to parents of the transfer of the charter contract and any modifications or amendments to the charter included in the memorandum of understanding.

NEW SECTION

**WAC 180-19-210 Annual report by authorizer.** (1) Each authorizer must, no later than November 1st of each year starting in 2014, submit an annual report to the state board of education meeting the requirements of RCW 28A.710.100(4). The board shall develop and post on its web site by September 1st of each year a standard form which must be used, and instructions which must be followed, by each authorizer in making its report. The completed report must be sent via electronic mail to sbe@k12.wa.us and shall be posted on the board's web site.

(2) The report must include:

(a) The date of authorizer approval by the board;

(b) The names and job titles of district personnel having principal authorizing responsibilities, with contact information for each;

(c) The names and job titles of any employees or contractors to whom the district has delegated responsibilities under RCW 28A.710.100, with contact information for each.

(de) An executive summary including, but not limited to, an overview of authorizing activity during the prior year and the status and performance of the charter schools authorized;

(~~ed~~) The authorizer's strategic vision for chartering, as submitted to the state board under WAC 180-19-030 (3) (a), and its assessment of progress toward achieving that vision;

(e) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories:

(i) Approved but not yet open, including, for each, the targeted student population and the community the school hopes to serve; the location or geographic area proposed for the school; the projected enrollment; the grades to be operated each year of the term of the charter contract; the names of and contact information for the governing board, and the planned date for opening;

(ii) Operating, including, for each, location; grades operated; enrollment, in total and by grade, and ~~at-risk students served, for~~ each student subgroup as defined in RCW 28A.300.042, in totals and as percentages of enrollment. in total and as percent of enrollment.;

(iii) Charter renewed, with date of renewal;

(iv) Charter transferred to another authorizer during the prior year, with date of transfer;

(v) Charter revoked during the prior year, with date of and reasons for revocation;

(vi) Voluntarily closed;

(vii) Never opened, with no planned date for opening.

(f) The academic performance of each operating charter school overseen by the authorizer, based on the authorizer's performance framework, including:

(i) Student achievement on each of the required indicators of academic performance in RCW 28A.710.170 (2) (a) through (f), as applicable by grade, in absolute values and in comparison ~~relation~~ to the annual performance targets set by the charter school under RCW 28A.710.170(3). Student academic proficiency, student academic growth, achievement gaps, graduation rates and postsecondary readiness must be included as reported in the achievement index developed by the state board of education under RCW 28A.657.110.

(ii) Student achievement on each additional indicator of academic performance the authorizer has chosen to include in its performance framework to augment external evaluations of performance, in absolute values and in comparison to ~~statistical relation to~~ the annual performance targets set by the authorizer under RCW 28A.710.170.

(iii) Student achievement on each indicator must be disaggregated by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner sta-

tus, and highly capable status as required of performance frameworks in RCW 28A.710.170.

(g) The financial performance of each operating charter school overseen by the authorizer, based on the indicators and measures of financial performance and sustainability in the authorizer's performance framework, in absolute values and in comparison to the annual performance targets set by the authorizer under RCW 28A.710.170;

(h) The organizational performance of the governing board of each operating charter school overseen by the authorizer, based on the indicators and measures of organizational performance in the authorizer's performance framework, including compliance with all applicable laws, rules and terms of the charter contract.

(i) The authorizer's operating costs and expenses for the prior year for fulfilling the responsibilities of an authorizer as enumerated in RCW 28A.710.100(1) and provided under the terms of each charter contract, detailed in annual financial statements that conform with generally accepted accounting principles and applicable reporting and accounting requirements of the office of the superintendent of public instruction;

(j) The contracted, fee-based services purchased from the authorizer by the charter schools under its jurisdiction under RCW



28A.710.110, including a brief description of each service purchased, and  
~~and~~ an itemized accounting of the revenue received from the schools  
for the services, and the actual costs of these services to the au-  
thorizer.