

REQUIRED ACTION DISTRICT IMPLEMENTATION

BACKGROUND

The 2010 Legislature passed E2SSB 6696 creating Required Action Districts that contain persistently lowest achieving (PLA) Title I or Title I eligible schools in the bottom 5 percent of performance on state assessments for all students in math and reading. The following steps take place to determine which districts could become Required Action Districts:

- By December 2010, and annually thereafter, the Office of Superintendent of Public Instruction (OSPI) shall develop a list of the 5 percent persistently lowest achieving Title I or Title I eligible schools.
- By January 2011, and annually thereafter, the Office of Superintendent of Public Instruction (OSPI) shall recommend to the State Board of Education (SBE) Required Action Districts based on the availability of federal funds for school improvement and OSPI criteria as defined in rule.
- In January 2011, and annually thereafter, provided federal funds are available the SBE will designate the Required Action District(s) based on OSPI's recommendations.

Once the SBE designates one or more Required Action Districts, those districts must follow a schedule set in rule to complete a Required Action Plan. The SBE approves the Required Action District's plan. OSPI must also ensure the Required Action District will meet the requirements of the Federal School Improvement guidelines to receive funding.

Provisions are made in law for mediation or superior court review if the local parties are unable to agree on a Required Action Plan or the district does not submit a Required Action Plan.

Upon SBE approval, each Required Action District will receive the federal grant to implement its Required Action Plan using one of the four federal models for intervention over a three year period. OSPI will report on the progress of the Required Action District schools twice a year to the SBE based on the Required Action District's plan and metrics.

After three years, OSPI will make a recommendation to the SBE as to whether the Required Action District should be released. The primary deciding factor will be if the lowest achieving schools in the Required Action District have improved their student achievement for all students in math and reading by: 1) a positive performance trend for three years and 2) a review of their combined math and reading scores to indicate they are not on the current list of lowest 5 percent PLAs. The SBE will then release the district from designation as a Required Action District. If the Required Action District is not released, then it will have to develop a new or revised plan.

POLICY CONSIDERATION

The SBE and OSPI are drafting rules to implement the Required Action District provision. SBE's rules address the schedule for the Required Action process. OSPI's rules address the criteria for selection and deselection into and out of required action. OSPI and SBE will issue more detailed joint guidelines that describe the full process for Required Action separately from the rules issued. See Attachment A for the draft SBE rule.

SBE Process Criteria:

The SBE rule outlines the actions and dates for the Required Action Process, which includes:

- Designation of Required Action District.
- Process for Submittal and Approval of Required Action Plan.
- Process for Submittal and Approval of Required Action Plan When Mediation or Superior Court Review is Involved.
- Failure to Submit or Receive Approval of a Required Action Plan.
- Release of a School District from Designation as a Required Action District.

See Attachment A for the proposed SBE rule language. Attachment B provides the details of the Required District Action process as passed in E2SSB 6696 (Chapter 235).

OSPI Selection Criteria:

OSPI will consider school districts for required action designation, provided those school districts with PLAs demonstrate the greatest need for required action as determined by the following draft OSPI concepts:

(a) The criteria for the January 2011 recommendation shall be:

- (i) The school district has one or more schools on the persistently lowest achieving list;
- (ii) The school district declined the voluntary option to apply for a school improvement grant in the 2009-10 school year application period;
- (iii) The school or schools in the district are in the lowest 20 percent of the schools on the persistently lowest achieving list;
- (iv) The school or schools have a declining achievement in reading/math on state assessments for all students below the statewide average over the last three years; and
- (v) Federal funds are available to fund assistance for the required action district.

(b) The criteria for the January 2012 recommendations and thereafter shall be:

- (i) The school district has one or more schools on the persistently lowest achieving list;
- (ii) The school or schools in the district are in the lowest 20 percent of the schools on the persistently lowest achieving list;
- (iii) The school or schools have a declining achievement in reading/math on state assessments for all students below the statewide average over the last three years; and
- (iv) Federal funds are available to fund assistance for the required action district.

OSPI Deselection Criteria:

OSPI will recommend to SBE that a school district is no longer in required action after three years implementation if:

- (a) It has no school or schools on the list of PLA; and
- (b) The school or schools in the Required Action District have a positive performance trend in reading and mathematics on the state's assessment in the "all students" category based on a three-year average.

EXPECTED ACTION

The SBE will consider approval of its draft rule on Required Action District process (Attachment A) at the July meeting. The final SBE rule will have a public hearing and consideration of final adoption at the September meeting.

SBE ACCOUNTABILITY RULES (E2SSB 6696)

WAC XXX-XX-XXX Designation of Required Action Districts

In January of each year, the State Board of Education shall designate as a required action district a school district recommended by the Superintendent of Public Instruction for such designation.

WAC XXX-XX-XXX Process for Submittal and Approval of Required Action Plan

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

(a) By April 15 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 Section 105, Chapter 235, Laws of 2010.

(b) By May 1 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 15 of each year, either:

(a) Approve the school districts 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 section (2)(a) shall submit by July 1 a revised required action plan to the superintendent of public instruction to review and approve as consistent with federal guidelines for the receipt of a School Improvement Grant. The state board of education shall approve the districts required action plan by July 15 if it meets all of the requirements set forth in Section 105, Chapter 235, Laws of 2010.

WAC XXX-XX-XXX Process for Submittal and Approval of a Required Action Plan When Mediation or Superior Court Review is Involved

(1) By April 1 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 15.

- (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 1, 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 10, 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 15 of each year, approve a plan proposed by a school district only if the plan meets the requirements in Section 105, Chapter 235, Laws of 2010 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 Section 105, chapter 235, Laws of 2010. 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 30, 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 5, 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 15 of each year, approve a plan proposed by a school district only if the plan meets the requirements in Section 105, Chapter 235, Laws of 2010 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement.

WAC XXX-XX-XXX 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.

WAC XXX-XX-XXX 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 Section 110, Chapter 235, Laws of 2010.

(2) If the board determines that the required action district has not met the requirements for a release in Section 110, Chapter 235, Laws of 2010, the school district shall remain in required action and submit a new or revised required action plan under the process and timeline as prescribed in WAC XXX-XX-XXX or WAC XXX-XX-XXX.

**Summary of Chapter 235, 2010 Laws, E2SSB 6696
with a section-by-section summary of Part I**

<p>Part I: Accountability Framework Section 101: Intent</p>	<p>State's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.</p> <p>Definition of roles of Superintendent of Public Instruction (OSPI) and the State Board of Education (SBE) for accountability outlined. Phase I will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps through SBE Accountability Index. SBE will have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps. Phase I will also use federal guidelines to identify the lowest five percent of persistently low achieving schools to use federal funds and federal intervention models beginning in 2010 (voluntary) and 2011 (required).</p> <p>Phase II will implement SBE Accountability Index for identification of schools including non Title I schools in need of improvement and develop state and local intervention models with state and local funds beginning in 2013. Federal approval of the state board of education's accountability index must be obtained or else the federal guidelines for persistently low-achieving schools will continue to be used.</p> <p>The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.</p>
<p>Section 102: Identification of the Persistently Lowest Achieving Schools</p>	<p>Beginning no later than December 1, 2010, and annually thereafter, OSPI will use the federal criteria set forth in the final federal rules for school improvement to identify the persistently lowest achieving schools and their districts. The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, shall be established by OSPI. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and</p>

	<p>reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account:</p> <ul style="list-style-type: none"> • The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and • The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.
<p>Section 103: Required Action Districts</p>	<p>Beginning in January 2011, OSPI shall annually recommend to SBE districts for designation as required action districts based on the availability of federal funds and criteria developed by SPI. Districts must have at least one of the persistently lowest achieving schools. School districts that have volunteered in 2010 or have improved shall not be included in this designation. SBE may designate a district that received a school improvement grant in 2010 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.</p> <p>OSPI will provide districts with written notice. School districts may request reconsideration of this designation within ten days. SBE will annually designate those districts recommended by OSPI. Districts must notify all parents with students in persistently low achieving schools that the district is in required action.</p>
<p>Section 104: Academic Performance Audit</p>	<p>OSPI will contract with an external review team to conduct an academic performance audit of the required action district. The review team shall have expertise in comprehensive school and district reform and shall not be from OSPI, SBE, or school district subject to audit.</p> <p>OSPI shall establish audit criteria. The audit shall include, but not be limited to: student demographics, mobility patterns, school feeder patterns, performance of different student groups on assessments, effective school leadership, strategic allocation of resources, clear and shared focus on student learning, high standards and expectations for all students, high level of collaboration and communication, aligned curriculum, instruction and assessment to state standards, frequency of monitoring learning and teaching, focused professional development, supportive learning environment, high level of family and community involvement, alternative secondary schools best practices, and any unique circumstances or characteristics of the school or district.</p> <p>Audit findings shall be made available to the local school district, its staff, community, and the State Board of Education.</p>
<p>Section 105: Required Action Plan</p>	<p>The local school district superintendent and local board of a required action district shall submit a required action plan to SBE upon a schedule SBE develops.</p>

The required action plan must be developed in collaboration with administrators, teachers, staff, parents, union (representing any employees in district), students, and representatives of the local community. OSPI will assist district as requested in plan development. The local school board will hold a public hearing on the proposed required action plan.

The required action plan must address the concerns raised in the audit and include:

- a) Implementation of one of four federal intervention models, including turnaround, restart, closure, and transformation (no charters unless expressly authorized by legislature). The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan.
- b) An application for a federal school improvement grant to OSPI.
- c) Budget for adequate resources to implement.
- d) Description of changes in district or school policies and practices to improve student achievement.
- e) Metrics used to assess student achievement to improve reading, math, and graduation rates.

The plan will have to be implemented over a three year period. OSPI will review the local school district required action plan and approve that it is consistent with federal guidelines prior to the local superintendent and Board submitting the plan to the SBE.

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

If no agreement can be reached between district and employee organizations, then:

- Mediation through the Public Employment Relations Commission must start no later than April 15 and be completed by May 15.
- Or it will be go to Superior Court with decision by June 15.

If it goes to Superior Court, then:

- The school district must file a petition with the superior court by May 20, and
- Within seven days of filing the petition each party must file a proposal to be implemented in a final required action plan.
- The court's decision must be issued no later than June 15th.

Each party will bear its own costs for mediation or courts. All

	mediation shall include employer and representatives of all affected bargaining units.
Section 106: SBE Approves Required Action Plan	<p>SBE shall approve the local district required action plan if it meets the requirements identified in Section 105 and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. The SBE must accept for inclusion any final decision by the superior court.</p> <p>The required action plan goes into effect for the next school year (thus a district designated in January 2011 would implement the plan in the immediate school year following designation as a required action district). Federal funds must be available to implement the plan or else it will not go into effect.</p> <p>Any addendum to the collective bargaining agreement related to student achievement or school improvement shall not go into effect until SBE approves the plan.</p> <p>If SBE does not approve the plan. SBE must notify the district in writing and provide reasons. The district may either:</p> <ul style="list-style-type: none"> • Submit new plan within 40 days with OSPI assisting the district with resubmission of the plan; or • Submit a request to the Required Action Plan Review Panel (established under section 107) for reconsideration of SBE's rejection within ten days of the notification that the plan was rejected. <p>If federal funds are not available, the plan is not required to be implemented until such funding becomes available. If federal funds for this purpose are available, a required action plan must be implemented in the next immediate school year.</p>
Section 107: Required Action Review Panel	<p>A Required Action Review Panel is established and shall be composed of five individuals with expertise in school improvement, school and district restructuring, or parent and community involvement in schools. Two of the panel members shall be appointed by the speaker of the house of representatives; two shall be appointed by the president of the senate; and one shall be appointed by the governor.</p> <p>If SBE does not approve a district's Required Action Plan, then the district may appeal the decision to the Panel for consideration. The Panel will be convened as-needed.</p> <p>The Panel may reaffirm the decision of SBE, recommend that the SBE reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and SBE to secure approval of the plan. SBE shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within 40 days of the board's decision.</p>

	SBE and OSPI must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under section 106.
Section 108: Redirect of Title I Funds if No Required Action Plan	SBE may charge OSPI to redirect district's Title I funds based on the academic performance audit findings if a school district has not submitted a required action plan for approval or the final plan submitted has not received approval by SBE.
Section 109: Implementation of Required Action Plan	<p>A school district must implement a required action plan upon approval by the state board of education. OSPI must provide the required action district with technical assistance and federal school improvement grant funds or other federal funds for school improvement, if available, to implement an approved plan.</p> <p>The district will provide regular updates to OSPI on its progress in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.</p>
Section 110: Biannual Reports and Delisting Districts	<p>OSPI will inform SBE at least biannually (twice a year) of the progress of the Required Action District's progress on its plan implementation and metrics.</p> <p>OSPI will recommend to SBE that a district is no longer in required action after three years of district implementation based on improvement as defined by OSPI, in reading and mathematics on the state's assessment over the past three consecutive years.</p> <p>SBE will release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release or SBE will recommend that the district remain in required action.</p>
Sec. 111: Recognition of Exemplary Performance and Collaboration with the Achievement Gap Oversight and Accountability Committee	SBE, in cooperation with OSPI, shall annually recognize schools for exemplary performance as measured on the state board of education accountability index. SBE shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.
Sec. 112: Definitions	<p>Definitions for the Chapter:</p> <ul style="list-style-type: none"> • "All students group" means those students in grades three through eight and high school who take the state's assessment in reading and mathematics; and • "Title I" means Title I, part A of the federal elementary and secondary education act of 1965.

Sec. 113: Adopting Rules	OSPI and SBE may each adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.
Sec. 114: Joint Select Committee on Education Accountability	<p>A joint select committee on education accountability is established beginning no earlier than May 1, 2012, to:</p> <ul style="list-style-type: none"> • Identify and analyze options for a complete system of education accountability, particularly consequences in the case of persistent lack of improvement by a required action district; • Identify and analyze appropriate decision-making responsibilities and accompanying consequences at the building, district, and state level within such an accountability system; • Examine models and experiences in other states; • Identify the circumstances under which significant state action may be required; and • Analyze the financial, legal, and practical considerations that would accompany significant state action. <p>The committee shall submit an interim report to the education committees of the legislature by September 1, 2012, and a final report with recommendations by September 1, 2013.</p>