



THE WASHINGTON STATE BOARD OF EDUCATION

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

Title:	<u>2017 Legislative Priorities</u>	
As Related To:	<input checked="" type="checkbox"/> Goal One: Develop and support policies to close the achievement and opportunity gaps. <input type="checkbox"/> Goal Two: Develop comprehensive accountability, recognition, and supports for students, schools, and districts.	<input checked="" type="checkbox"/> Goal Three: Ensure that every student has the opportunity to meet career and college ready standards. <input type="checkbox"/> Goal Four: Provide effective oversight of the K-12 system. <input type="checkbox"/> Other
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input type="checkbox"/> System Oversight <input checked="" type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	<ol style="list-style-type: none"> Which of the potential 2017 legislative priorities should be considered for adoption at the Board’s November meeting? In what ways, if any, should the draft legislative priorities presented be changed? What, if any, are other legislative priorities that should be considered by the Board for adoption in November? 	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Approve	<input type="checkbox"/> Adopt <input type="checkbox"/> Other
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input checked="" type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>In your packet you will find memos on six potential legislative priorities for the 2017 Legislative Session:</p> <ul style="list-style-type: none"> • Full State Compliance with <i>McCleary</i> • Assessment Alternatives • Biology End-of-Course Test • Professional Learning for Educators • Expanded Learning Opportunities • Career Readiness <p>The memos consist of background information, draft legislative priorities, and questions for board discussion. An additional memo lists some potential additional priorities for consideration.</p>	



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REVIEW OF 2016 LEGISLATIVE PRIORITIES

2016 SBE Legislative Priority	Legislative Action
<p>MCCLEARY IMPLEMENTATION</p> <p>Fully implement ESHB 2261 (2009 Session) and SHB 2776 (2010 Session); Make ample provision for basic education in compliance with Article IX, Section 2 of the state constitution, and eliminate the state’s unconstitutional reliance on local levies to meet its paramount duty.</p>	<ul style="list-style-type: none"> • The 2016 Supplemental Budget does not add to the \$1.3 billion in new funding for implementation of SHB 2776 provided in the original 2015-17 budget. • In lieu of action to reduce reliance on local levies, the Legislature passed E2SSB 6195, creating an Education Funding Task Force to make recommendations for K-12 staff compensation sufficient to hire and retain staff funded by the state, together with recommendations on local maintenance and operations levies and Local Effort Assistance, the distinction between services provided as part of the state’s program of basic education and those that may be provided as a local enrichment, school district collective bargaining, school employee health benefits, sources of revenue to support the state’s program of basic education, and other related subjects. Recommendations are due January 2017. Legislative action must be taken the end of the 2017 Session.
<p>CAREER AND COLLEGE-READY DIPLOMA</p> <p>End the Biology End-of-Course exam as a graduation requirement and adopt a comprehensive science assessment. Expand alternatives to assessments for high school graduation, including successful completion of college transition courses and dual credit courses.</p>	<ul style="list-style-type: none"> • SHB 2214 eliminated the requirement that students pass the Biology EOC to earn a Certificate of Academic Achievement (CAA) and graduate, and provided for a 2-year transition period following development of a comprehensive science assessment, after which students will be required to meet standard to earn a CAA. It also added completion of a dual credit course in ELA or math as an assessment alternative for graduation. SHB 2214 passed the House but had no action in the Senate. • HB 2734, eliminating the requirement that students meet standard on the high school science assessment to earn a CAA, passed the House policy committee but had no further action.

<p>PROFESSIONAL LEARNING FOR EDUCATORS</p> <p>Incorporate state-funded time for educator professional learning into the state’s program of basic education. Adopt a statewide definition and standards for effective professional learning aligned to state and district goals.</p>	<ul style="list-style-type: none"> • SB 5415 (Professional educator learning days) had a hearing in the Senate but no further action. No funding was provided for this purpose in the 2016 Supplemental Budget. • HB 1345, Adopting a definition and standards of professional learning, passed the Legislature and was signed into law.
<p>HIGH SCHOOL AND BEYOND PLAN</p> <p>Strengthen and fund the High School and Beyond Plan to support career and college-ready graduation requirements. Define the minimum elements of the HSBP to ensure that every student has access to a high-quality plan.</p>	<ul style="list-style-type: none"> • SHB 2214 specified minimum elements of a High School and Beyond Plan, and directed that the HSBP must be initiated during the 8th grade and updated annually. SHB 2214 passed the House but had no action in the Senate.
<p>EXPANDED LEARNING OPPORTUNITIES</p> <p>Increase access to and funding of high-quality, expanded learning opportunities to reduce achievement gaps for economically disadvantaged students.</p>	<ul style="list-style-type: none"> • No funding was provided in the supplemental budget to increase access to expanded learning opportunities.
<p>ALIGNING EDUCATOR COMPENSATION AND CREDENTIALING AND ADDRESSING TEACHER SHORTAGES</p> <p>Joint Priority with Professional Educator Standards Board</p> <p>Align the new system of professional certification of teachers with a new model of professional compensation, as recommended by the QEC. Support measures proposed by the Professional Educator Standards Board and the Superintendent of Public Instruction to address a persistent and multifaceted problem of teacher shortages.</p>	<ul style="list-style-type: none"> • No legislation was introduced in the 2016 Session to create a new model for educator compensation aligned with professional certification. Legislation introduced in the 2015 Session had no action in 2016. • ESSSB 6455 passed the Legislature with a variety of provisions intended to relieve the shortage of teachers and substitutes, including measures on teacher recruitment, professional certification for out-of-state teachers, alternative routes for teacher certification, district reporting on teacher hiring, teacher mentor training, new and expanded financial aid for aspiring teachers, and enabling retired teachers, for a period of time, to return to the classroom without suspension of pension benefits.

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



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LEGISLATIVE PRIORITY: ACHIEVING FULL STATE COMPLIANCE WITH *MCCLEARY*

Some recent chronology is essential to a 2017 legislative priority on *McCleary*, as we approach the sixth regular session of the Legislature since the Supreme Court's landmark decision in *McCleary v. State of Washington* in January 2012. The 2017 session is the critical one for fully complying with the *McCleary* mandate to meet the state's paramount duty under Article IX, Section 1 of the constitution by the 2018 date the state set for itself in ESHB 2261 in 2009.

September 2014 Supreme Court Order. The Supreme Court [finds](#) the state in contempt for failing to comply with its January 2014 order to submit by April 30, 2014 "a complete plan for fully implementing its program of basic education for each school year between now and the 2017-18 school year,' including 'a phase-in schedule for fully funding each of the components of basic education.'" The court holds sanctions and other remedial measures in abeyance to give the state an opportunity to comply with the court's order in the 2015 session.

2015 Legislative Session. The Legislature appropriates \$1.3 billion for implementation of SHB 2776 (2010), which specifies the levels and schedule for funding of the revised definition of basic education established in ESHB 2261 (2009). The 2015-17 biennial budget includes:

- \$742 million to complete implementation of the materials, supplies and operating costs (MSOCs) component of the prototypical school funding formula established in SHB 2776.
- \$350 million for class size reduction in grades K-3 in all schools, as required in SHB 2776.
- \$180 million to complete implementation of state-funded, full-day kindergarten statewide in the 2016-17 school year, a year ahead of the statutory deadline in SHB 2776.

The Legislature also funds I-732 cost-of-living adjustments at \$231 million, and adds \$152 million more for one-biennium salary increases. Implementation of I-1351, lowering class sizes and increasing other staff, is delayed by four years to the 2019-21 biennium, saving \$2 billion in the current biennium.

August 2015 Supreme Court Order. The court [finds](#), after the extended 2015 legislative sessions, that the state still has offered no plan for achieving full constitutional compliance by the 2018 deadline the Legislature set for itself in ESHB 2261, and imposes a \$100,000 per day penalty for each day the state remains in violation of the court's order of January 9, 2014.

2016 Legislative Session. The Legislature does not add in the 2016 supplemental budget to the \$1.3 billion in new funding provided in the 2015-17 biennial budget to implement 2776 funding formulas (though it does make enhancements to non-basic education programs). Nor does it take concrete actions to reduce reliance on local levies for compensation of staff for duties within the program of basic education. Instead it passes and the governor signs [E2SSB 6195](#), creating the Education Funding Task Force, to make recommendations to the Legislature on implementing the program of basic education as defined by law. The act directs the Washington State Institute for Public Policy (WSIPP) to contract for a consultant to collect and analyze school staff compensation and labor market data for use by the task force in making its recommendations. "This foundational data," it states, "is necessary to inform the legislature's decisions." Recommendations and implementing legislation must be submitted by January

9, 2017. The act provides that “Legislative action must be taken by the end of the 2017 session to eliminate dependency on local levies to implement the state’s program of basic education.”¹

May 2016 Report of the Joint Select Committee on Article IX Litigation. In its 2016 [report](#) to the Supreme Court, the Legislature’s bicameral Article IX committee states that with enactment of the 2015-17 budget, the state is on track to fully fund the enhancements in basic education allocations required by SHB 2776 by the statutory deadline. Moreover, “E2SSB 6195 establishes the process for the Legislature to enact legislation to address the remaining aspects of ESHB 2261 and this Court’s ruling, with legislation required in the 2017 legislative session to end school districts’ reliance on levies to support the state’s statutory program of basic education.”

July 2016 Supreme Court Order. The court [directs](#) the plaintiffs and the state to appear on September 7 for oral arguments to address “(1) what remains to be done to achieve timely constitutional compliance by 2018; (2) how much it is expected to cost, (3) how the state intends to fund it, and (4) what significance, if any, the court should attach to E2SSB 6195 in determining compliance with the court’s order to provide a complete plan.” The court lists questions the state would be expected to answer in detail, including whether E2SSB 6195, when read together with ESHB 2261 and SHB 2776, satisfies the court’s January 9, 2014 order for a plan, what opportunities remain to provide the plan required by that order, if it does not, and whether the court should dismiss its contempt order or continue sanctions.

August 2016 State’s Reply Brief. The state responds in detail on August 22 to the questions asked by the court in its July 14 order, including what has been funded in successive biennial budgets to implement the basic education allocations specified in SHB 2776 on the specified schedule, and what remains to be funded in the next biennial budget to complete the K-3 class reduction for 2017-18 identified in the act. The state notes that SHB 2776 did not address compensation, but states that the plan enacted in E2SSB 6195 fills that gap. “Taken together,” the state said, “E2SSB 6195 and SHB 2776 constitute a complete plan for implementing the education reforms the State enacted in E2HB 2166.” The state said the court should therefore dissolve the contempt order and terminate the daily sanction imposed in August 2015.

Draft Legislative Priority

Complete the funding of the basic education allocations specified in SHB 2776 for implementation in the 2017-18 school year, and take specific legislative actions by the end of the 2017 Regular Session to eliminate the use of local levies to support the state’s program of basic education by the 2018 date set in ESHB 2261.

Questions for Discussion

1. Should the Board take positions on specific topics called out in E2SSB 6195 or the Supreme Court’s July order, such as staff salaries and benefits, what services are part of the state’s statutory program of basic education and what may be provided as local enrichments through local levies, local levy authority, Local Effort Assistance, and capital costs of implementing SHB 2776?
2. Should the Board take a position on the means by which the state should meet its constitutional requirement to eliminate dependency on local levies for the state’s program of basic education?
3. How can the Board most effectively advance this priority in the 2017 session?

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LEGISLATIVE PRIORITY: ASSESSMENT ALTERNATIVES

Background

Since 2004, Washington has required that high school students obtain a Certificate of Academic Achievement (CAA) to graduate with a diploma through successful completion of a statewide assessment or approved alternative. 3ESSHB 2195 provided that beginning with the graduating class of 2008, public school students who pass the high school Washington Assessment of Student Learning (WASL) in reading, writing and mathematics will receive a CAA. A separate but comparable requirement applied for students with Individual Educational Plans to obtain a Certificate of Individual Achievement (CIA). WAC 180-61-061, applying to students entering the ninth grade from July 1, 2004 through June 30, 2009, was the first set of graduation requirements in SBE rule to require attainment of a Certificate of Academic Achievement or Certificate of Individual Achievement.

The Certificate of Academic Achievement and Certificate of Individual Achievement serve the joint purpose of student and system accountability, enabling students to demonstrate achievement of state standards in the assessed content areas. The SBE has repeatedly affirmed its support for the CAA and CIA, including in position statements adopted by the Board in January 2013 and [January 2015](#).

While requiring a summative assessment, or “exit exam,” for graduation, the Legislature has recognized that standardized tests are not the only, or always the most appropriate, way to identify whether students are meeting standard. In 2006 the Legislature passed ESSB 6475, directing the Superintendent of Public Instruction to implement three objective alternative assessment methods, comparable in rigor to the skills and knowledge students must demonstrate on the WASL, for students to show achievement of the state standards in areas where they were not successful on the statewide exam. The alternative assessment methods directed in 6475 were:

1. A comparison of the student’s grades in applicable courses to the grades of a cohort of students in the same school who took the same courses and met or exceeded the state standard on the high school WASL.
2. An evaluation of a collection of work samples prepared and submitted by the student.
3. For students in an OSPI-approved career and technical program, a collection of work samples relevant to a particular program leading to a certificate or credential.

The 2006 act created a fourth alternative method, a student’s score on the mathematics portion of the Scholastic Aptitude Test (SAT) and American College Test (ACT), to demonstrate that the student has met the math standard for the CAA. Subsequent legislation added a student’s score on the reading, English or writing portion on the SAT or ACT. The full range of objective alternative assessments today includes as well a score of at least three, on a scale of five, on selected Advanced Placement examinations, and of at least four on International Baccalaureate (IB) examinations. ([RCW 28A.655.061](#).)

For the SBE, support of objective alternatives is not only a matter of fairness to students and respect for legislative intent, but consistency with its [statutory mandate](#) to “provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles.”

The transition to the new career and college-ready diploma and Smarter Balanced Assessments (SBAs) aligned with Common Core State Standards spurred interest by the SBE in new assessment alternatives to demonstrate readiness for postsecondary education and employment. Members noted that the eventual movement to a Level 3 score on SBAs for a Certificate of Academic Achievement may establish a need for additional alternatives to demonstrate career and college readiness.

In a January 2015 position statement, the Board supported exploration of alternatives such as permitting tenth grade students to take the high school SBA, earning credit in Bridge-to-College transition courses recognized by the higher education system for college placement, earning dual credit in college-level courses, obtaining an industry certification, or completing a CTE program assessment. The Board followed in March with an [exploration](#) and discussion of assessment alternatives.

In Legislative Priorities for the 2016 session, the Board called for expansion of alternatives for students who do not pass Smarter Balanced assessments for graduation, to include successful completion of college transition courses and dual credit courses.

The only movement on that recommendation in the session was a provision in E2SHB 2214 that districts prioritize enrolling students in available high school transition courses among “locally determined courses” that students who have not passed Smarter Balanced assessments could take to earn a CAA. “High school transition course” was defined in the bill as an English language, mathematics or science course offered in high school that will ensure the student college-level placement at participating institutions of higher education and satisfy credit requirements for high school graduation requirements established by the SBE.

A governor’s request bill, HB 1703, added “college readiness transition courses” in math and English Language Arts as an additional alternative in 2016-17, with science to follow in 2017-18. OSPI, SBE, SBCTC and the Council of Presidents were to annually establish the requirements for these courses. HB 1703 had no action in the 2015 or 2016 sessions.

Draft Legislative Priority

Expand assessment alternatives for a Certificate of Academic Achievement to include:

- a. Successful completion of math and English Language Arts courses offering dual credit for high school and college under provisions of RCW 28A.320.195 (Academic acceleration for high school students), and
- b. Successful completion of transition courses, developed by OSPI in collaboration with the State Board for Community and Technical Colleges, that are comparable in rigor to the skills and knowledge that each student must demonstrate on the statewide student assessment for each content area per RCW 28A.655.061.

Questions for discussion

1. Can the Board be assured that dual credit courses are of comparable rigor and address a sufficient breadth of learning standards to serve as assessment alternatives?
2. Will there be enough availability of transition courses to alleviate any concerns about equitable access to such courses as an assessment alternative?
3. In seeking to make the system more flexible and individualized, does adding alternatives make it excessively complex and too difficult to communicate to parents, students and educators?

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LEGISLATIVE PRIORITY: PROFESSIONAL LEARNING FOR EDUCATORS

Background

When the state made its historic commitment to standards-based education reform almost a quarter century ago, it recognized that effective teaching was fundamental to raising the standard of achievement for all students, and that focused time for professional learning was fundamental to effective teaching. In the years that followed, however, the Legislature's commitment to providing funded time for professional learning flagged, and has yet to be renewed.

In Section 1 of [ESHB 1209](#), the Education Reform Act of 1993, the Legislature found "that improving student achievement will require . . . time and resources for educators to collaboratively develop and implement strategies for improved student learning." It supported that finding by funding of the equivalent of three additional staff days for "additional time and resources for staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210."

The commitment the state made in ESHB 1209 did not survive later economic downturns.

- In 2002, the Legislature, seeking to close a budget gap estimated at \$1.5 billion, reduced from three to two the Learning Improvement Days (LIDs) that had been added to salary allocations for certificated staff in 1999, saving about \$12 million over the rest of the 2001-03 biennium.
- In 2009, the Legislature, with a projected three-year shortfall of about \$9 billion, eliminated the second Learning Improvement Day for savings of \$36 million in the 2009-11 biennium.
- In 2010, the Legislature, still struggling with the impacts of the Great Recession, eliminated the last Learning Improvement Day for savings of \$15 million over the rest of the biennium.

What these successive budget actions had in common were that none were made for reasons of educational policy. Each was made for purely budgetary reasons. The Legislature eliminated state-funded time for professional learning because it needed savings, and because it could. And it could because the funding was not within the state's program of basic education, and so not protected from budget cuts when the economy, as it inevitably will, turns down.

While state support for professional learning has disappeared, the need for it has become the greater. Common Core State Standards with aligned curricula, Smarter Balanced Assessments, the Teacher Principal and Evaluation Program (TPEP), and Next Generation Science Standards are just some of the state policy initiatives demanding time outside of the 180-day calendar for planning, training and educating staff.

In the absence of state-funded time, districts essentially have three choices: (1) Fund the needed time through local levies, raising concerns of both equity and stability; (2) Utilize late starts and early releases, cited often as harmful to instructional quality and disruptive for students and parents, and (3) Seek waivers of the basic education requirement of a minimum 180 school days from the State Board of Education, with resultant loss of time in school for children. Of the 38 districts with waivers approved by vote of the Board for 2016-17, all but four are for purposes of professional development of staff.

In a November 2014 position [statement](#), the Board said that the state’s treatment of professional learning time as an add-on, or local enrichment, “flies in the face of what the research tells us, and practitioners know to be true: It is impossible to deliver high-quality, system-wide instruction without embedded time for reflection, collaboration, inquiry and planning for teachers.”

Local district leaders understand this need. Unfortunately, to accommodate these needs, they are unfairly forced to compromise one essential resource for another. The only way they can offer professional development is often by offering half school days, or shortening the school year calendar. Our goal as a state should be to protect instructional time for students by making the necessary investment in professional development statewide.

Days waived from the basic education requirement of a 180-day school year are not – and should not be used as -- a substitute for state funding of the fundamental need for professional development of staff.

In each of the last three years the SBE has advocated for state-funded professional learning time -- within the state’s program of basic education -- as one of its select legislative priorities, and testified in support of bills to resume the state’s lapsed commitment. The Board also included funding of high-quality professional learning among recommendations for evidence-based reforms to address student achievement in its statutorily mandated [report](#) to the Legislature on educational system health.

The Board recognizes that not all professional development is high-quality professional development¹, and that the Legislature needs some assurance of a return on investment of public funds in enhanced quality of instruction and improved student achievement. For that reason, it supported, with OSPI, PESB and other entities, legislation placing in law a definition and nationally recognized standards for high-quality professional learning. Our effort was rewarded when [HB 1345](#) was enacted this year.

Draft Legislative Priority

Establish a program of ten days or equivalent hours of state-funded professional learning for educators, phased in over an appropriate number of years, within the state’s program of basic education. Require that professional learning funded by state basic education allocations be designed to meet the standards for high-quality professional learning established by HB 1345, as codified in RCW 28A.300.604. When funding has reached a specified level, eliminate by law the use of basic education waivers for purposes of staff professional development.

Questions for Discussion

1. Should the funding be mandated for certificated instructional staff and school-based administrators only, or for classified staff as well?
2. Should the Legislature be required to specify the topics for state-funded professional learning time in each biennial budget act, as provided in [SB 5415](#)?
3. How can the Board most effectively advance this legislative priority?

¹ M. Tooley and K. Connolly, [No Panacea: Diagnosing What Ails Teacher Professional Development Before Reaching for Remedies](#). New America. June 2, 2016. See also A. Pennucci, [Teacher Compensation and Training Policies: Impacts on Student Outcomes](#). Joint Legislative Audit and Review Committee. May 2012.

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LEGISLATIVE PRIORITIES: CAREER READINESS

Background

Goal 4 of basic education is to “Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.” (RCW 28A.150.210)

The career and college-ready high school diploma developed by the State Board and adopted, after legislative action in 2014, is intended to equip students with the knowledge and skills needed to be successful in post-secondary education and employment. The 24-credit requirements are designed to offer both the rigor and the flexibility to prepare students for whatever path they choose after graduation. The Legislature also approved adoption of the Common Core State Standards and aligned assessments so that students leave high school better prepared for college and career.

Board members and others have expressed concerns, nevertheless, that both graduation requirements and academic standards – indeed, the entire K-12 system – is still too oriented toward preparing students for college, and not enough toward the world of work. And that the two – college readiness and career readiness -- are not fundamentally the same.

Over the last year the Board, in collaboration with agency partners, has initiated substantial work to explore what work can be done, at the state and district levels, to promote career readiness for all students.

- At the January 2016 meeting the Board received a presentation by senior staff to the National Association of State Boards of Education (NASBE) on their newly released report, *Toward a Better Balance: Bolstering the Second “C” in College and Career Readiness*. NASBE reviewed its findings on what state boards can do to advance career readiness, and highlighted work being done in other states.
- At the same meeting the Board convened a panel of staff and members of the Workforce Training and Education Coordinating to discuss their views of career readiness, their work with the business and labor communities to promote career readiness, and the possibilities for coordinating the work of the SBE and the Workforce Board in support of this goal.
- At the March meeting the executive director updated the Board on a career readiness presentation by staff to the Workforce Board.
- At the May meeting the chair convened a lengthy board discussion of career readiness, and what directions the Board may take to increase its efforts in this area.

As these activities went on, the Board was pursuing a grant from NASBE to support work over the next two years on career readiness. On March 30, NASBE announced that Washington’s was one of six state and territorial boards of education to be awarded stipends to advance policy efforts in school leadership and deeper learning to advance career readiness. Said the NASBE statement,

Washington’s \$15,000 in stipends will support efforts to define career readiness and align policies to support it. Over two years, Washington will examine best practices across states to develop a shared definition of what it means to be career ready, including the knowledge, skills, and dispositions all

students need for success. This definition will inform policy decisions around accountability and competency-based learning.

Discussions have continued over the summer with the Workforce Board, legislators and other key players on how work can be coordinated on career readiness for K-12 students, and how this goal might be advanced in the Legislature.

Draft Legislative Priority

Advocate for legislation directing the Office of Superintendent of Public Instruction, in consultation with the State Board of Education, the Workforce Training and Education Coordinating Board and the Washington Student Achievement Council, to develop a set of career readiness standards as a guide for K-12 curricula and a support for students, parents and counselors in the development of high school and beyond plans.

Questions for Discussion

1. How can the NASBE stipend most effectively be utilized over the rest of this year to support the work of developing legislation on standards for career readiness?
2. How can the Board most effectively advance this priority in the 2017 Legislative Session?

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LEGISLATIVE PRIORITY: EXPANDED LEARNING OPPORTUNITIES

Background

Increasing access to high-quality expanded learning opportunities (ELOs), particularly for disadvantaged students, has been a priority of the SBE for the past two years. The 2014 Legislature enacted SSB 6163, which established the ELO Council coordinated by OSPI, authorized a pilot ELO program if funded, and defined ELOs as:

- culturally responsive enrichment and learning activities that may focus on an array of academic and nonacademic areas;
- school-based programs that provide extended learning and enriching experiences beyond the traditional school day or calendar; and
- structured, intentional, and creative learning environments outside the traditional school day that are provided by the community-based organizations (CBOs) in partnership with schools and align in-school and out-of-school learning to complement classroom-based instruction.

In its (ESSB 5492) 2014 report on Statewide Indicators of Educational Health, the SBE made increasing access to high-quality expanded learning opportunities one of its recommended reforms. The report pointed to the inventory of research-based practices for the Learning Assistance Program by the Washington State Institute of Public Policy, which found academically focused summer learning to be one of two evidence-based practice associated with improved outcomes for students.

Funding ELOs was a 2016 SBE legislative priority. The Board urged the Legislature to establish a program of expanded learning opportunities for disadvantaged students, funded by a carefully designed grant program or targeted use of Learning Assistance Program (LAP) allocations. The 2016 Legislature's final supplemental budget supports the continued operation of the ELO Council, but not funds for an ELO pilot program or any other ELO program for students.

During 2016, the ELO Council has conducted numerous focus groups throughout the state. Input from the majority of focus group participants is that ELO should be included within the definition and funding of basic education, that it should include both longer school days and a balanced school year, and that it should be provided by both school districts and community-based organizations.

The SBE has continued representation on the ELO Council, which has met regularly since the passage of 6163 in 2014. The SBE's 2016 report on Statewide Indicators of Educational Health may again recommend increased access to high-quality expanded learning opportunities.

Draft Legislative Priority

Establish and fund high-quality expanded learning opportunities for historically students that are aligned with the quality indicators designed by the ELO Council per SSB 6163.

Questions for Discussion

1. Should the Board prioritize specific grade ranges, e.g., elementary or high school, and/or ELO providers, such as school districts and/or community based organizations?

2. How can the Board most effectively advance this priority in the 2017 session?

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LEGISLATIVE PRIORITY: BIOLOGY END-OF-COURSE TEST

Background

The Board has long supported thoughtful exit exams to ensure Washington's high school diploma is meaningful. The Board has consistently supported students learning science and demonstrating their knowledge through a science assessment. Currently, the biology end-of-course (EOC) exam is required for high school graduation. The biology EOC stems from a time the Legislature contemplated multiple end-of-course exams to assess a variety of scientific subjects and content, but never enacted such. Biology is one science, and requiring a biology test for graduation necessitates a specific, outdated high school curricular sequence: a biology – chemistry – physics sequence. Washington state has adopted Next Generation Science Standards (NGSS); they are our road map for what we want students to know and be able to do. Biology is important, but ultimately just one part of those comprehensive standards. Focusing Washington students on biology at the expense of a broader exposure to STEM curriculum works against efforts to implement the NGSS.

At the November 2014 SBE meeting, the Board adopted a legislative priority to end the Biology EOC as an exit exam. Since then, the Board has advocated for this and urged the Legislature to end the biology EOC exam as a high school graduation requirement in favor of a comprehensive science exam currently under development that aligns with Next Generation Science Standards. The Board has consistently expressed support for devoting our full attention to implementing NGSS, which replaces a narrow focus on biology and emphasizes integration of the practices, cross-cutting concepts and disciplinary core ideas of science and engineering. Now that we require three credits of science in Washington, using test results from the first course students often take as 9th graders—Biology—to determine their eligibility for a diploma as seniors, seems misplaced.

The 2015 Legislature deliberated for six months and ultimately passed SB 6145, which in effect delayed the use of the Biology EOC as a high school graduation requirement for the classes of 2015 and 2016. The Class of 2017 and beyond, however, still must meet the requirement.

Draft Legislative Priority

Remove the biology end-of-course exam as a high school graduation requirement. Require the Next Generation Science Standards exam beginning in 2019-2020.

Questions for Discussion

1. Existing law stipulates a transition similar to math and ELA test transitions; is this the best process and timeline to transition from Biology EOC to NGSS?

If you have questions regarding this memo, please contact Kaaren Heikes at Kaaren.heikes@k12.wa.us.



THE WASHINGTON STATE BOARD OF EDUCATION

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

OTHER POTENTIAL LEGISLATIVE PRIORITIES

Following is a list of other potential board priorities for the 2106 Legislative Session, drawn from prior years' adopted priorities or board discussions of priorities.

High School and Beyond Plan

Strengthen the High School and Beyond Plan to support career and college-ready graduation requirements. Define the minimum elements of the HSBP to ensure that every student has access to a high-quality plan.

Align Educator Compensation and Credentialing

Align the new system of professional certification of teachers with a new model of professional compensation, as recommended by the Quality Education Council.

Teacher Shortages

Identify and fund additional effective actions to address the multi-faceted problem of teacher shortages, as a follow-up to enactment of ESSB 6455 in the 2016 Legislative Session.

Basic Education Waivers

Harmonize the definitions of "school day" and "instructional hours" or make other legislative changes to bring clarity to basic education requirements and eliminate the need for a 180-day waiver to devote a full school day to parent-teacher conferences.

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

THE SUPREME COURT OF WASHINGTON

MATHEW & STEPHANIE McCLEARY,)
et al.,)
Respondents/Cross-Appellants,)
v.)
STATE OF WASHINGTON,)
Appellant/Cross-Respondent.)
_____)

ORDER

Supreme Court No.
84362-7

King County No.
07-2-02323-2 SEA

FILED
JUL 14 2016
WASHINGTON STATE
SUPREME COURT
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In our continuing jurisdiction under *McCleary v. State*, 173 Wn.2d 477, 269 P.3d 227 (2012), this court determined last year that despite repeated directives to the State to provide a complete plan for fully complying with its paramount duty under Washington Constitution article IX, section 1, it failed to do so. Accordingly, the court imposed a sanction against the State of \$100,000 per day payable to a segregated account for the benefit of basic education.

The State argues that Engrossed Second Substitute Senate Bill 6195, 64th Leg., Reg. Sess. (Wash. 2016) (E2SSB 6195), enacted by the 2016 legislature, when read together with Substitute House Bill 2776, 61st Leg., Reg. Sess. (Wash. 2010) (SHB 2776) and Engrossed Substitute House Bill 2261, 61st Leg., Reg. Sess. (Wash. 2009) (ESHB 2261), constitutes a sufficient plan and shows that the legislature is on pace toward fulfilling its constitutional duty. The plaintiffs argue that none of those laws contain sufficient benchmarks for measuring purposes to satisfy our order for a plan.

Before making a decision on whether the State is in compliance, we will hear from the parties on precisely what the legislature has accomplished, what remains to be accomplished, and what significance we should attach to E2SSB 6195. The 2017 legislative session presents the last

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opportunity for complying with the State's paramount duty under article IX, section 1 by 2018. What remains to be done to achieve compliance is undeniably huge, but it is not undefinable. At this juncture, seven years since enactment of ESHB 2261 and six years since enactment of SHB 2776, the State can certainly set out for the court and the people of Washington the detailed steps it must take to accomplish its goals by the end of the next legislative session.¹

Therefore, by unanimous vote, the court directs the parties to appear before the court on September 7, 2016, for oral argument to address (1) what remains to be done to timely achieve constitutional compliance, (2) how much it is expected to cost, (3) how the State intends to fund it, and (4) what significance, if any, the court should attach to E2SSB 6195 in determining compliance with the court's order to provide a complete plan. A decision on whether to dismiss the contempt order or to continue sanctions will be determined by order following the hearing. The parties should be prepared to address these issues in addition to the other questions enumerated in this order.

Now, therefore, it is hereby

ORDERED:

(1) The parties are directed to appear before the court on September 7, 2016, where the State will be expected to provide specific and detailed answers to the following questions:

¹ The State notes, correctly, that the legislature may not constitutionally make appropriations beyond the current biennium. WASH. CONST. art. VIII, § 4. But the legislature is not constitutionally prohibited from requiring itself to make future appropriations to implement legislation. *See Wash. Ass'n of Neigh. Stores v. State*, 149 Wn.2d 359, 365-68, 70 P.3d 920 (2003) (initiative requiring legislature to use tobacco sales tax revenues for low-income health not unconstitutional because it only directs future legislatures to make certain appropriations; it does not actually make appropriations). The court rejects any suggestion that the biennial budget system hinders the State from complying with the court's order in this case.

(a) whether the State views the 2018 deadline as referring to the beginning of the 2017-2018 school year, to the end of the 2017-2018 fiscal year, to the end of 2018, or to some other date;

(b) whether E2SSB 6195, when read together with ESHB 2261 and SHB 2776, satisfies this court's January 9, 2014, order for a plan and, if not, what opportunities, if any, remain for the legislature to provide the plan required by that January 9, 2014, order;

(c) the estimated current cost of full state funding of the program of basic education identified by ESHB 2261 (RCW 28A.150.220) and the implementation program established by SHB 2776, including, but not limited to, the costs of materials, supplies, and operating costs; transportation; and reduced class sizes for kindergarten through third grade and all-day kindergarten, with the costs of reduced class sizes and all-day kindergarten to include the estimated capital costs necessary to fully implement those components and the necessary level of staffing;

(d) the estimated cost of full state funding of competitive market-rate basic education staff salaries, including the costs of recruiting and retaining competent staff and professional development of instructional staff;

(e) the components of basic education, if any, the State has fully funded in light of the costs specified above;

(f) the components of basic education, including basic education staff salaries, the State has not yet fully funded in light of the costs specified above, the cost of achieving full state funding of the components that have not been fully funded by the deadline, and how the State intends to meet its constitutional obligation to implement its plan of basic education through dependable and regular revenue sources by that deadline;

(g) whether this court should dismiss the contempt order or continue sanctions; and

(h) any additional information that will demonstrate to the court how the State will fully comply with article IX, section 1 by 2018.

(2) The State may submit a brief addressing the matters specified above no later than August 22, 2016. Plaintiffs may file an answer no later than August 29, 2016, and the State may file a reply no later than September 2, 2016. The briefs may include appendices relevant to the specified matters. Motions to file amicus briefs must be filed by August 3, 2016. If granted, the due date for amicus briefs will be established at that time.

(3) By July 29, 2016, the parties shall confer and inform the court how much time they expect to reasonably need for argument, after which a schedule for argument shall be established.

DATED at Olympia, Washington this 14th day of July, 2016.

For the Court

Madsen, C. J.
CHIEF JUSTICE