

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329**

Chapter 159, Laws of 2013

63rd Legislature  
2013 Regular Session

K-12 EDUCATION--FAILING SCHOOLS

EFFECTIVE DATE: 07/28/13 - Except for section 6, which becomes effective 06/30/19.

Passed by the Senate April 19, 2013  
YEAS 44 NAYS 3

BRAD OWEN

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**President of the Senate**

Passed by the House April 15, 2013  
YEAS 68 NAYS 29

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved May 7, 2013, 2:22 p.m.

JAY INSLEE  
\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

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**Secretary**

FILED

May 7, 2013

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5329

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AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington                      63rd Legislature                      2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Hobbs, Fain, Hatfield, Tom, Frockt, and Roach)

READ FIRST TIME 03/01/13.

1            AN ACT Relating to transforming persistently failing schools;  
2 amending RCW 28A.657.005, 28A.657.010, 28A.657.020, 28A.657.030,  
3 28A.657.050, 28A.657.050, 28A.657.060, 28A.657.070, 28A.657.090,  
4 28A.657.100, and 28A.657.110; adding new sections to chapter 28A.657  
5 RCW; repealing RCW 28A.657.125; providing an effective date; and  
6 providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            **Sec. 1.** RCW 28A.657.005 and 2010 c 235 s 101 are each amended to  
9 read as follows:

10            (1) The legislature finds that an effective educational  
11 accountability system is premised on creating and maintaining  
12 partnerships between the state and local school district boards of  
13 directors. The legislature also recognizes it takes time to make  
14 significant changes that are sustainable over the long term in an  
15 educational system that serves more than one million students from  
16 diverse communities.

17            (2) The legislature further finds that it is the state's  
18 responsibility to create a coherent and effective accountability  
19 framework for the continuous improvement (~~for~~) of all schools and

1 school districts. This system must provide an excellent and equitable  
2 education for all students((+)), an aligned ((federal/state)) federal  
3 and state accountability system((+)), and the tools necessary for  
4 schools and school districts to be accountable. These tools include  
5 ((the-necessary)) accounting and data reporting systems, assessment  
6 systems to monitor student achievement, and a comprehensive system of  
7 ((general)) differentiated support, targeted assistance, and, if  
8 necessary, intervention.

9 (3) The office of the superintendent of public instruction is  
10 responsible for developing and implementing the accountability tools to  
11 build district capacity and working within federal and state  
12 guidelines. The legislature assigned the state board of education  
13 responsibility and oversight for creating an accountability framework.  
14 This framework provides a unified system of support for challenged  
15 schools that aligns with basic education, increases the level of  
16 support based upon the magnitude of need, and uses data for decisions.  
17 Such a system will identify schools and their districts for recognition  
18 as well as for additional state support.

19 (4) For a specific group of ((challenged-schools,-defined-as))  
20 persistently lowest-achieving schools((7)) and their districts, it is  
21 necessary to provide a required action process that creates a  
22 partnership between the state and local district to target funds and  
23 assistance to turn around the identified ((lowest-achieving)) schools.  
24 The legislature finds that state takeover of persistently lowest-  
25 achieving schools is unlikely to produce long-term improvement in  
26 student achievement because takeover is an unsustainable approach to  
27 school governance and an inadequate response to addressing the  
28 underlying barriers to improved outcomes for all students. However, in  
29 the rare case of a persistently lowest-achieving school that continues  
30 to fail to improve even after required action and supplemental  
31 assistance, it is appropriate and necessary to assign the  
32 superintendent of public instruction the responsibility to intercede,  
33 provide robust technical assistance, and direct the necessary  
34 interventions. Even though the superintendent of public instruction  
35 continues to work in partnership with the local school board, the  
36 superintendent of public instruction is accountable for assuring that  
37 adequate steps are taken to improve student achievement in these  
38 schools.

1       (5) Phase I of this accountability system will recognize schools  
2 that have done an exemplary job of raising student achievement and  
3 closing the achievement gaps using the ~~((state board of education's  
4 accountability))~~ Washington achievement index adopted by the state  
5 board of education. The state board of education shall have ongoing  
6 collaboration with the ~~((achievement))~~ educational opportunity gap  
7 oversight and accountability committee regarding the measures used to  
8 measure the closing of the achievement gaps and ~~((the))~~ recognition  
9 provided to the school districts for closing the achievement gaps.  
10 Phase I will also target the lowest five percent of persistently  
11 lowest-achieving schools defined under federal guidelines to provide  
12 federal funds and federal intervention models through a voluntary  
13 option in 2010, and for those who do not volunteer and have not  
14 improved student achievement, a required action process beginning in  
15 2011.

16       (6) Phase II of this accountability system will work toward  
17 implementing the ~~((state board of education's accountability))~~  
18 Washington achievement index for identification of challenged schools  
19 in need of improvement, including those that are not Title I schools,  
20 and the use of state and local intervention models and federal and  
21 state funds through a ~~((required action process))~~ comprehensive system  
22 of differentiated support, targeted assistance, and intervention  
23 beginning in ~~((2013, in addition to the federal program))~~ the 2014-15  
24 school year. If federal approval of the ~~((state board of education's  
25 accountability))~~ Washington achievement index ~~((must-be))~~ is not  
26 obtained ~~((or-else))~~, the federal guidelines for ~~((persistently lowest-  
27 achieving))~~ identifying schools will continue to be used. If it ever  
28 becomes necessary, a process is established to assign responsibility to  
29 the superintendent of public instruction to intervene in persistently  
30 lowest-achieving schools that have failed to improve despite required  
31 action.

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

36       **Sec. 2.** RCW 28A.657.010 and 2010 c 235 s 112 are each amended to  
37 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "All students group" means those students in grades three  
4 through eight and high school who take the state's assessment in  
5 reading or English language arts and mathematics required under 20  
6 U.S.C. Sec. 6311(b)(3).

7 (2) "Title I" means Title I, part A of the federal elementary and  
8 secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

9 (3) "Turnaround principles" include but are not limited to the  
10 following:

11 (a) Providing strong leadership;

12 (b) Ensuring teachers are effective and able to improve  
13 instruction;

14 (c) Increasing learning time;

15 (d) Strengthening the school's instructional program;

16 (e) Using data to inform instruction;

17 (f) Establishing a safe and supportive school environment; and

18 (g) Engaging families and communities.

19 **Sec. 3.** RCW 28A.657.020 and 2010 c 235 s 102 are each amended to  
20 read as follows:

21 (1) Beginning in 2010, and each year thereafter(~~(7-by)~~) through  
22 December ((1st)) 1, 2012, the superintendent of public instruction  
23 shall annually identify schools as one of the state's persistently  
24 lowest-achieving schools if the school is a Title I school, or a school  
25 that is eligible for but does not receive Title I funds, that is among  
26 the lowest-achieving five percent of Title I or Title I eligible  
27 schools in the state.

28 (2) The criteria for determining whether a school is among the  
29 persistently lowest-achieving five percent of Title I schools, or Title  
30 I eligible schools, under subsection (1) of this section shall be  
31 established by the superintendent of public instruction. The criteria  
32 must meet all applicable requirements for the receipt of a federal  
33 school improvement grant under the American recovery and reinvestment  
34 act of 2009 and Title I of the elementary and secondary education act  
35 of 1965, and take into account both:

36 (a) The academic achievement of the "all students" group in a

1 school in terms of proficiency on the state's assessment, and any  
2 alternative assessments, in reading and mathematics combined; and

3 (b) The school's lack of progress on the mathematics and reading  
4 assessments over a number of years in the "all students" group.

5 (3)(a) Beginning December 1, 2013, and each December thereafter,  
6 the superintendent of public instruction shall annually identify  
7 challenged schools in need of improvement and a subset of such schools  
8 that are the persistently lowest-achieving schools in the state.

9 (b) The criteria for determining whether a school is a challenged  
10 school in need of improvement shall be adopted by the superintendent of  
11 public instruction in rule. The criteria must meet all applicable  
12 federal requirements under Title I of the elementary and secondary  
13 education act of 1965 and other federal rules or guidance, including  
14 applicable requirements for the receipt of federal school improvement  
15 funds if available, but shall apply equally to Title I, Title I-  
16 eligible, and non-Title I schools in the state. The criteria must take  
17 into account the academic achievement of the "all students" group and  
18 subgroups of students in a school in terms of proficiency on the state  
19 assessments in reading or English language arts and mathematics and a  
20 high school's graduation rate for all students and subgroups of  
21 students. The superintendent may establish tiered categories of  
22 challenged schools based on the relative performance of all students,  
23 subgroups of students, and other factors.

24 (c) The superintendent of public instruction shall also adopt  
25 criteria in rule for determining whether a challenged school in need of  
26 improvement is also a persistently lowest-achieving school for purposes  
27 of the required action district process under this chapter, which shall  
28 include the school's lack of progress for all students and subgroups of  
29 students over a number of years. The criteria for identifying  
30 persistently lowest-achieving schools shall also take into account the  
31 level of state or federal resources available to implement a required  
32 action plan.

33 (d) If the Washington achievement index is approved by the United  
34 States department of education for use in identifying schools for  
35 federal purposes, the superintendent of public instruction shall use  
36 the approved index to identify schools under (b) and (c) of this  
37 subsection.

1       **Sec. 4.** RCW 28A.657.030 and 2010 c 235 s 103 are each amended to  
2 read as follows:

3       (1) Beginning in January 2011, the superintendent of public  
4 instruction shall annually recommend to the state board of education  
5 school districts for designation as required action districts. A  
6 district with at least one school identified as a persistently lowest-  
7 achieving school according to the criteria established by the  
8 superintendent of public instruction under RCW 28A.657.020 shall be  
9 designated as a required action district (~~(if it meets the criteria~~  
10 ~~developed by the superintendent of public instruction)~~). However, a  
11 school district shall not be recommended for designation as a required  
12 action district if the district was awarded a federal school  
13 improvement grant by the superintendent in 2010 or 2011 and for three  
14 consecutive years following receipt of the grant implemented a federal  
15 school intervention model at each school identified for improvement.  
16 The state board of education may designate a district that received a  
17 school improvement grant in 2010 or 2011 as a required action district  
18 if after three years of voluntarily implementing a plan the district  
19 continues to have a school identified as persistently lowest-achieving  
20 and meets the criteria for designation established by the  
21 superintendent of public instruction.

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

32       (3) The state board of education shall annually designate those  
33 districts recommended by the superintendent in subsection (1) of this  
34 section as required action districts. A district designated as a  
35 required action district shall be required to notify all parents of  
36 students attending a school identified as a persistently lowest-  
37 achieving school in the district of the state board of education's

1 designation of the district as a required action district and the  
2 process for complying with the requirements set forth in RCW  
3 28A.657.040 through 28A.657.100.

4 **Sec. 5.** RCW 28A.657.050 and 2012 c 53 s 10 are each amended to  
5 read as follows:

6 (1)(a) The local district superintendent and local school board of  
7 a school district designated as a required action district must submit  
8 a required action plan to the state board of education for approval.  
9 Unless otherwise required by subsection (3) of this section, the plan  
10 must be submitted under a schedule as required by the state board. A  
11 required action plan must be developed in collaboration with  
12 administrators, teachers, and other staff, parents, unions representing  
13 any employees within the district, students, and other representatives  
14 of the local community.

15 (b) The superintendent of public instruction shall provide a  
16 district with assistance in developing its plan if requested, and shall  
17 develop and publish guidelines for the development of required action  
18 plans. The superintendent of public instruction, in consultation with  
19 the state board of education, shall also publish a list of research and  
20 evidence-based school improvement models, consistent with turnaround  
21 principles, that are approved for use in required action plans.

22 (c) The school board must conduct a public hearing to allow for  
23 comment on a proposed required action plan. The local school district  
24 shall submit the plan first to the office of the superintendent of  
25 public instruction to review and approve that the plan is consistent  
26 with federal and state guidelines, as applicable. After the office of  
27 the superintendent of public instruction has approved that the plan is  
28 consistent with federal and state guidelines, the local school district  
29 must submit its required action plan to the state board of education  
30 for approval.

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

32 (a) Implementation of ~~((one of the four federal intervention))~~ an  
33 approved school improvement model~~((s))~~ required for the receipt of  
34 ~~((a))~~ federal or state funds for school improvement ~~((grant,))~~ for  
35 those persistently lowest-achieving schools that the district will be  
36 focusing on for required action. ~~((However, a district may not~~  
37 ~~establish a charter school under a federal intervention model without~~



1 ~~express — legislative — authority. — The — intervention — models — are — the~~  
2 ~~turnaround, restart, school closure, and transformation models.)~~) The  
3 ((~~intervention~~)) approved school improvement model selected must  
4 address the concerns raised in the academic performance audit and be  
5 intended to improve student performance to allow a school district to  
6 be removed from the list of districts designated as a required action  
7 district by the state board of education within three years of  
8 implementation of the plan. The required action plan for districts  
9 with multiple persistently lowest-achieving schools must include  
10 separate plans for each school as well as a plan for how the school  
11 district will support the schools collectively;

12 (b) Submission of an application for ((~~a federal school improvement~~  
13 ~~grant or a grant from other~~)) federal or state funds for school  
14 improvement to the superintendent of public instruction;

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

17 (d) A description of the changes in the district's or school's  
18 existing policies, structures, agreements, processes, and practices  
19 that are intended to attain significant achievement gains for all  
20 students enrolled in the school and how the district intends to address  
21 the findings of the academic performance audit; and

22 (e) Identification of the measures that the school district will  
23 use in assessing student achievement at a school identified as a  
24 persistently lowest-achieving school, which include closing the  
25 educational opportunity gap, improving mathematics and reading or  
26 English language arts student achievement, and improving graduation  
27 rates as defined by the office of the superintendent of public  
28 instruction that enable the school to no longer be identified as a  
29 persistently lowest-achieving school.

30 (3)(a) For any district designated for required action, the parties  
31 to any collective bargaining agreement negotiated, renewed, or extended  
32 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
33 agreement, or negotiate an addendum, if needed, to make changes to  
34 terms and conditions of employment that are necessary to implement a  
35 required action plan. For any district applying to participate in a  
36 collaborative schools for innovation and success pilot project under  
37 RCW 28A.630.104, the parties to any collective bargaining agreement  
38 negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after

1 June 7, 2012, must reopen the agreement, or negotiate an addendum, if  
2 needed, to make changes to terms and conditions of employment that are  
3 necessary to implement an innovation and success plan.

4 (b) If the school district and the employee organizations are  
5 unable to agree on the terms of an addendum or modification to an  
6 existing collective bargaining agreement, the parties, including all  
7 labor organizations affected under the required action plan, shall  
8 request the public employment relations commission to, and the  
9 commission shall, appoint an employee of the commission to act as a  
10 mediator to assist in the resolution of a dispute between the school  
11 district and the employee organizations. Beginning in 2011, and each  
12 year thereafter, mediation shall commence no later than April 15th.  
13 All mediations held under this section shall include the employer and  
14 representatives of all affected bargaining units.

15 (c) If the executive director of the public employment relations  
16 commission, upon the recommendation of the assigned mediator, finds  
17 that the employer and any affected bargaining unit are unable to reach  
18 agreement following a reasonable period of negotiations and mediation,  
19 but by no later than May 15th of the year in which mediation occurred,  
20 the executive director shall certify any disputed issues for a decision  
21 by the superior court in the county where the school district is  
22 located. The issues for determination by the superior court must be  
23 limited to the issues certified by the executive director.

24 (d) The process for filing with the court in this subsection (3)(d)  
25 must be used in the case where the executive director certifies issues  
26 for a decision by the superior court.

27 (i) The school district shall file a petition with the superior  
28 court, by no later than May 20th of the same year in which the issues  
29 were certified, setting forth the following:

30 (A) The name, address, and telephone number of the school district  
31 and its principal representative;

32 (B) The name, address, and telephone number of the employee  
33 organizations and their principal representatives;

34 (C) A description of the bargaining units involved;

35 (D) A copy of the unresolved issues certified by the executive  
36 director for a final and binding decision by the court; and

37 (E) The academic performance audit that the office of the  
38 superintendent of public instruction completed for the school district

1 in the case of a required action district, or the comprehensive needs  
2 assessment in the case of a collaborative schools for innovation and  
3 success pilot project.

4 (ii) Within seven days after the filing of the petition, each party  
5 shall file with the court the proposal it is asking the court to order  
6 be implemented in a required action plan or innovation and success plan  
7 for the district for each issue certified by the executive director.  
8 Contemporaneously with the filing of the proposal, a party must file a  
9 brief with the court setting forth the reasons why the court should  
10 order implementation of its proposal in the final plan.

11 (iii) Following receipt of the proposals and briefs of the parties,  
12 the court must schedule a date and time for a hearing on the petition.  
13 The hearing must be limited to argument of the parties or their counsel  
14 regarding the proposals submitted for the court's consideration. The  
15 parties may waive a hearing by written agreement.

16 (iv) The court must enter an order selecting the proposal for  
17 inclusion in a required action plan that best responds to the issues  
18 raised in the school district's academic performance audit, and allows  
19 for the award of (~~a federal school improvement grant or a grant from~~  
20 ~~either~~) federal or state funds for school improvement to the district  
21 from the office of the superintendent of public instruction to  
22 implement (~~one of the four federal intervention~~) an approved school  
23 improvement model(~~s~~). In the case of an innovation and success plan,  
24 the court must enter an order selecting the proposal for inclusion in  
25 the plan that best responds to the issues raised in the school's  
26 comprehensive needs assessment. The court's decision must be issued no  
27 later than June 15th of the year in which the petition is filed and is  
28 final and binding on the parties; however the court's decision is  
29 subject to appeal only in the case where it does not allow the school  
30 district to implement a required action plan consistent with the  
31 requirements for the award of (~~a federal school improvement grant or~~  
32 ~~either~~) federal or state funds for school improvement by the  
33 superintendent of public instruction.

34 (e) Each party shall bear its own costs and attorneys' fees  
35 incurred under this statute.

36 (f) Any party that proceeds with the process in this section after  
37 knowledge that any provision of this section has not been complied with

1 and who fails to state its objection in writing is deemed to have  
2 waived its right to object.

3 (4) All contracts entered into between a school district and an  
4 employee must be consistent with this section and allow school  
5 districts designated as required action districts to implement (~~one of~~  
6 ~~the four federal~~) an approved school improvement model(~~s~~) in a  
7 required action plan.

8 **Sec. 6.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to  
9 read as follows:

10 (1)(a) The local district superintendent and local school board of  
11 a school district designated as a required action district must submit  
12 a required action plan to the state board of education for approval.  
13 Unless otherwise required by subsection (3) of this section, the plan  
14 must be submitted under a schedule as required by the state board. A  
15 required action plan must be developed in collaboration with  
16 administrators, teachers, and other staff, parents, unions representing  
17 any employees within the district, students, and other representatives  
18 of the local community.

19 (b) The superintendent of public instruction shall provide a  
20 district with assistance in developing its plan if requested, and shall  
21 develop and publish guidelines for the development of required action  
22 plans. The superintendent of public instruction, in consultation with  
23 the state board of education, shall also publish a list of research and  
24 evidence-based school improvement models, consistent with turnaround  
25 principles, that are approved for use in required action plans.

26 (c) The school board must conduct a public hearing to allow for  
27 comment on a proposed required action plan. The local school district  
28 shall submit the plan first to the office of the superintendent of  
29 public instruction to review and approve that the plan is consistent  
30 with federal and state guidelines, as applicable. After the office of  
31 the superintendent of public instruction has approved that the plan is  
32 consistent with federal and state guidelines, the local school district  
33 must submit its required action plan to the state board of education  
34 for approval.

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

36 (a) Implementation of (~~one of the four federal intervention~~) an  
37 approved school improvement model(~~s~~) required for the receipt of

1 ((a)) federal or state funds for school improvement (~~grant,~~) for  
2 those persistently lowest-achieving schools that the district will be  
3 focusing on for required action. (~~However, a district may not~~  
4 ~~establish a charter school under a federal intervention model without~~  
5 ~~express legislative authority. The intervention models are the~~  
6 ~~turnaround, restart, school closure, and transformation models.~~) The  
7 (~~intervention~~) approved school improvement model selected must  
8 address the concerns raised in the academic performance audit and be  
9 intended to improve student performance to allow a school district to  
10 be removed from the list of districts designated as a required action  
11 district by the state board of education within three years of  
12 implementation of the plan. The required action plan for districts  
13 with multiple persistently lowest-achieving schools must include  
14 separate plans for each school as well as a plan for how the school  
15 district will support the schools collectively;

16 (b) Submission of an application for (~~a federal school improvement~~  
17 ~~grant or a grant from other~~) federal or state funds for school  
18 improvement to the superintendent of public instruction;

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

21 (d) A description of the changes in the district's or school's  
22 existing policies, structures, agreements, processes, and practices  
23 that are intended to attain significant achievement gains for all  
24 students enrolled in the school and how the district intends to address  
25 the findings of the academic performance audit; and

26 (e) Identification of the measures that the school district will  
27 use in assessing student achievement at a school identified as a  
28 persistently lowest-achieving school, which include closing the  
29 educational opportunity gap, improving mathematics and reading or  
30 English language arts student achievement, and improving graduation  
31 rates as defined by the office of the superintendent of public  
32 instruction that enable the school to no longer be identified as a  
33 persistently lowest-achieving school.

34 (3)(a) For any district designated for required action, the parties  
35 to any collective bargaining agreement negotiated, renewed, or extended  
36 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
37 agreement, or negotiate an addendum, if needed, to make changes to

1 terms and conditions of employment that are necessary to implement a  
2 required action plan.

3 (b) If the school district and the employee organizations are  
4 unable to agree on the terms of an addendum or modification to an  
5 existing collective bargaining agreement, the parties, including all  
6 labor organizations affected under the required action plan, shall  
7 request the public employment relations commission to, and the  
8 commission shall, appoint an employee of the commission to act as a  
9 mediator to assist in the resolution of a dispute between the school  
10 district and the employee organizations. Beginning in 2011, and each  
11 year thereafter, mediation shall commence no later than April 15th.  
12 All mediations held under this section shall include the employer and  
13 representatives of all affected bargaining units.

14 (c) If the executive director of the public employment relations  
15 commission, upon the recommendation of the assigned mediator, finds  
16 that the employer and any affected bargaining unit are unable to reach  
17 agreement following a reasonable period of negotiations and mediation,  
18 but by no later than May 15th of the year in which mediation occurred,  
19 the executive director shall certify any disputed issues for a decision  
20 by the superior court in the county where the school district is  
21 located. The issues for determination by the superior court must be  
22 limited to the issues certified by the executive director.

23 (d) The process for filing with the court in this subsection (3)(d)  
24 must be used in the case where the executive director certifies issues  
25 for a decision by the superior court.

26 (i) The school district shall file a petition with the superior  
27 court, by no later than May 20th of the same year in which the issues  
28 were certified, setting forth the following:

29 (A) The name, address, and telephone number of the school district  
30 and its principal representative;

31 (B) The name, address, and telephone number of the employee  
32 organizations and their principal representatives;

33 (C) A description of the bargaining units involved;

34 (D) A copy of the unresolved issues certified by the executive  
35 director for a final and binding decision by the court; and

36 (E) The academic performance audit that the office of the  
37 superintendent of public instruction completed for the school district.

1 (ii) Within seven days after the filing of the petition, each party  
2 shall file with the court the proposal it is asking the court to order  
3 be implemented in a required action plan for the district for each  
4 issue certified by the executive director. Contemporaneously with the  
5 filing of the proposal, a party must file a brief with the court  
6 setting forth the reasons why the court should order implementation of  
7 its proposal in the final plan.

8 (iii) Following receipt of the proposals and briefs of the parties,  
9 the court must schedule a date and time for a hearing on the petition.  
10 The hearing must be limited to argument of the parties or their counsel  
11 regarding the proposals submitted for the court's consideration. The  
12 parties may waive a hearing by written agreement.

13 (iv) The court must enter an order selecting the proposal for  
14 inclusion in a required action plan that best responds to the issues  
15 raised in the school district's academic performance audit, and allows  
16 for the award of (~~a federal school improvement grant or a grant from~~  
17 ~~other~~) federal or state funds for school improvement to the district  
18 from the office of the superintendent of public instruction to  
19 implement (~~one of the four federal intervention~~) an approved school  
20 improvement model(~~s~~). The court's decision must be issued no later  
21 than June 15th of the year in which the petition is filed and is final  
22 and binding on the parties; however the court's decision is subject to  
23 appeal only in the case where it does not allow the school district to  
24 implement a required action plan consistent with the requirements for  
25 the award of (~~a federal school improvement grant or other~~) federal or  
26 state funds for school improvement by the superintendent of public  
27 instruction.

28 (e) Each party shall bear its own costs and attorneys' fees  
29 incurred under this statute.

30 (f) Any party that proceeds with the process in this section after  
31 knowledge that any provision of this section has not been complied with  
32 and who fails to state its objection in writing is deemed to have  
33 waived its right to object.

34 (4) All contracts entered into between a school district and an  
35 employee must be consistent with this section and allow school  
36 districts designated as required action districts to implement (~~one of~~  
37 ~~the four federal~~) an approved school improvement model(~~s~~) in a  
38 required action plan.

1       **Sec. 7.** RCW 28A.657.060 and 2010 c 235 s 106 are each amended to  
2 read as follows:

3       A required action plan developed by a district's school board and  
4 superintendent must be submitted to the state board of education for  
5 approval. The state board must accept for inclusion in any required  
6 action plan the final decision by the superior court on any issue  
7 certified by the executive director of the public employment relations  
8 commission under the process in RCW 28A.657.050. The state board of  
9 education shall approve a plan proposed by a school district only if  
10 the plan meets the requirements in RCW 28A.657.050 and provides  
11 sufficient remedies to address the findings in the academic performance  
12 audit to improve student achievement. Any addendum or modification to  
13 an existing collective bargaining agreement, negotiated under RCW  
14 28A.657.050 or by agreement of the district and the exclusive  
15 bargaining unit, related to student achievement or school improvement  
16 shall not go into effect until approval of a required action plan by  
17 the state board of education. If the state board does not approve a  
18 proposed plan, it must notify the local school board and local  
19 district's superintendent in writing with an explicit rationale for why  
20 the plan was not approved. Nonapproval by the state board of education  
21 of the local school district's initial required action plan submitted  
22 is not intended to trigger any actions under RCW 28A.657.080. With the  
23 assistance of the office of the superintendent of public instruction,  
24 the superintendent and school board of the required action district  
25 shall either: (~~(a)-(1)~~) (1) Submit a new plan to the state board  
26 of education for approval within forty days of notification that its  
27 plan was rejected, or (~~(b)-(2)~~) (2) submit a request to the  
28 required action plan review panel established under RCW 28A.657.070 for  
29 reconsideration of the state board's rejection within ten days of the  
30 notification that the plan was rejected. If federal or state funds for  
31 school improvement are not available, the plan is not required to be  
32 implemented until such funding becomes available. If federal or state  
33 funds for this purpose are available, a required action plan must be  
34 implemented in the immediate school year following the district's  
35 designation as a required action district.

36       **Sec. 8.** RCW 28A.657.070 and 2010 c 235 s 107 are each amended to  
37 read as follows:



1 (1) A required action plan review panel shall be established to  
2 offer an objective, external review of a request from a school district  
3 for reconsideration of the state board of education's rejection of the  
4 district's required action plan or reconsideration of a level two  
5 required action plan developed only by the superintendent of public  
6 instruction as provided under section 11 of this act. The review and  
7 reconsideration by the panel shall be based on whether the state board  
8 of education or the superintendent of public instruction gave  
9 appropriate consideration to the unique circumstances and  
10 characteristics identified in the academic performance audit or level  
11 two needs assessment and review of the local school district (~~whose~~  
12 ~~required action plan was rejected~~)).

13 (2)(a) The panel shall be composed of five individuals with  
14 expertise in school improvement, school and school district  
15 restructuring, or parent and community involvement in schools. Two of  
16 the panel members shall be appointed by the speaker of the house of  
17 representatives; two shall be appointed by the president of the senate;  
18 and one shall be appointed by the governor.

19 (b) The speaker of the house of representatives, president of the  
20 senate, and governor shall solicit recommendations for possible panel  
21 members from the Washington association of school administrators, the  
22 Washington state school directors' association, the association of  
23 Washington school principals, the (~~achievement~~) educational  
24 opportunity gap oversight and accountability committee, and  
25 associations representing certificated teachers, classified school  
26 employees, and parents.

27 (c) Members of the panel shall be appointed no later than December  
28 1, 2010, but the superintendent of public instruction shall convene the  
29 panel only as needed to consider a school district's request for  
30 reconsideration. Appointments shall be for a four-year term, with  
31 opportunity for reappointment. Reappointments in the case of a vacancy  
32 shall be made expeditiously so that all requests are considered in a  
33 timely manner.

34 (3)(a) In the case of a rejection of a required action plan, the  
35 required action plan review panel may reaffirm the decision of the  
36 state board of education, recommend that the state board reconsider the  
37 rejection, or recommend changes to the required action plan that should  
38 be considered by the district and the state board of education to

1 secure approval of the plan. The state board of education shall  
2 consider the recommendations of the panel and issue a decision in  
3 writing to the local school district and the panel. If the school  
4 district must submit a new required action plan to the state board of  
5 education, the district must submit the plan within forty days of the  
6 board's decision.

7 (b) In the case of a level two required action plan where the local  
8 school district and the superintendent of public instruction have not  
9 come to agreement, the required action plan review panel may reaffirm  
10 the level two required action plan submitted by the superintendent of  
11 public instruction or recommend changes to the plan that should be  
12 considered by the state board of education, the superintendent of  
13 public instruction, and the local school district. The state board of  
14 education shall consider the recommendations of the panel and issue a  
15 decision in writing to the local school district, the superintendent of  
16 public instruction, and the panel.

17 (4) The state board of education and superintendent of public  
18 instruction must develop timelines and procedures for the deliberations  
19 under this section so that school districts can implement a required  
20 action plan within the time frame required under RCW 28A.657.060.

21 **Sec. 9.** RCW 28A.657.090 and 2010 c 235 s 109 are each amended to  
22 read as follows:

23 A school district must implement a required action plan upon  
24 approval by the state board of education. The office of (~~{the}~~) the  
25 superintendent of public instruction must provide the required action  
26 district with technical assistance and (~~{federal school improvement~~  
27 ~~grant funds or other}~~) federal or state funds for school improvement,  
28 if available, to implement an approved plan. The district must submit  
29 a report to the superintendent of public instruction that provides the  
30 progress the district is making in meeting the student achievement  
31 goals based on the state's assessments, identifying strategies and  
32 assets used to solve audit findings, and establishing evidence of  
33 meeting plan implementation benchmarks as set forth in the required  
34 action plan.

35 **Sec. 10.** RCW 28A.657.100 and 2010 c 235 s 110 are each amended to  
36 read as follows:

1 (1) The superintendent of public instruction must provide a report  
2 twice per year to the state board of education regarding the progress  
3 made by all school districts designated as required action districts.

4 (2) The superintendent of public instruction must recommend to the  
5 state board of education that a school district be released from the  
6 designation as a required action district after the district implements  
7 a required action plan for a period of three years; has made progress,  
8 as defined by the superintendent of public instruction(~~(, in reading~~  
9 ~~and mathematics on the state's assessment over the past three~~  
10 ~~consecutive years)) using the criteria adopted under RCW 28A.657.020  
11 including progress in closing the educational opportunity gap; and no  
12 longer has a school within the district identified as persistently  
13 lowest-achieving. The state board shall release a school district from  
14 the designation as a required action district upon confirmation that  
15 the district has met the requirements for a release.~~

16 (3) If the state board of education determines that the required  
17 action district has not met the requirements for release(~~(,)~~) after at  
18 least three years of implementing a required action plan, the board may  
19 recommend that the district remain(~~(s))~~) in required action and (~~(must))~~)  
20 submit a new or revised plan under the process in RCW 28A.657.050, or  
21 the board may direct that the school district be assigned to level two  
22 of the required action process as provided in section 11 of this act.  
23 If the required action district received a federal school improvement  
24 grant for the same persistently lowest-achieving school in 2010 or  
25 2011, the board may direct that the school district be assigned to  
26 level two of the required action process after one year of implementing  
27 a required action plan under this chapter if the district is not making  
28 progress. Before making a determination of whether to recommend that  
29 a school district that is not making progress remain in required action  
30 or be assigned to level two of the required action process, the state  
31 board of education must submit its findings to the education  
32 accountability system oversight committee under section 13 of this act  
33 and provide an opportunity for the oversight committee to review and  
34 comment.

35 NEW SECTION. Sec. 11. A new section is added to chapter 28A.657  
36 RCW to read as follows:

37 (1) School districts assigned by the state board of education to

1 level two of the required action process under this chapter are those  
2 with one or more schools that have remained as persistently lowest-  
3 achieving for more than three years and have not demonstrated recent  
4 and significant improvement or progress toward exiting persistently  
5 lowest-achieving status, despite implementation of a required action  
6 plan.

7 (2) Within ninety days following assignment of a school district to  
8 level two of the required action process, the superintendent of public  
9 instruction shall direct that a needs assessment and review be  
10 conducted to determine the reasons why the previous required action  
11 plan did not succeed in improving student achievement.

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

16 (b) The level two required action plan must explicitly address the  
17 reasons why the previous plan did not succeed and must specify the  
18 interventions that the school district must implement, which may  
19 include assignment or reassignment of personnel, reallocation of  
20 resources, use of specified curriculum or instructional strategies, use  
21 of a specified school improvement model, or any other conditions  
22 determined by the superintendent of public instruction to be necessary  
23 for the level two required action plan to succeed, which conditions  
24 shall be binding on the school district. The level two required action  
25 plan shall also include the specific technical assistance and support  
26 to be provided by the office of the superintendent of public  
27 instruction, which may include assignment of school improvement  
28 specialists to have a regular on-site presence in the school and  
29 technical assistance provided through the educational service district.  
30 Individuals assigned as on-site school improvement specialists must  
31 have demonstrated experience in school turnaround and cultural  
32 competence.

33 (c) The level two required action plan must be submitted to the  
34 state board of education for approval.

35 (4) If the superintendent of public instruction and the school  
36 district board of directors are unable to come to an agreement on a  
37 level two required action plan within ninety days of the completion of  
38 the needs assessment and review conducted under subsection (2) of this

1 section, the superintendent of public instruction shall complete and  
2 submit a level two required action plan directly to the state board of  
3 education for approval. The school district board of directors may  
4 submit a request to the required action plan review panel established  
5 under RCW 28A.657.070 for reconsideration of the superintendent's level  
6 two required action plan within ten days of the submission of the plan  
7 to the state board of education. After the state board of education  
8 considers the recommendations of the required action plan review panel,  
9 the decision of the board regarding the level two required action plan  
10 is final and not subject to further reconsideration.

11 (5) If changes to a collective bargaining agreement are necessary  
12 to implement a level two required action plan, the parties must reopen  
13 the agreement, or negotiate an addendum, using the process outlined  
14 under RCW 28A.657.050. If the level two required action plan is  
15 developed by the superintendent of public instruction under subsection  
16 (4) of this section, a designee of the superintendent shall participate  
17 in the discussions among the parties to the collective bargaining  
18 agreement.

19 (6) While a school district is assigned to level two of the  
20 required action process under this chapter, the superintendent of  
21 public instruction is responsible and accountable for assuring that the  
22 level two required action plan is implemented with fidelity. The  
23 superintendent of public instruction shall defer to the school district  
24 board of directors as the governing authority of the school district  
25 and continue to work in partnership with the school district to  
26 implement the level two required action plan. However, if the  
27 superintendent of public instruction finds that the level two required  
28 action plan is not being implemented as specified, including the  
29 implementation of any binding conditions within the plan, the  
30 superintendent may direct actions that must be taken by school district  
31 personnel to implement the level two required action plan or the  
32 binding conditions. If necessary, the superintendent of public  
33 instruction may exercise authority under RCW 28A.505.120 regarding  
34 allocation of funds.

35 (7) The superintendent of public instruction shall include in the  
36 budget estimates and information submitted to the governor under RCW  
37 28A.300.170 a request for sufficient funds to support implementation of  
38 the level two required action plans established under this section.

1 (8) The superintendent of public instruction must recommend to the  
2 state board of education that a school district be released from  
3 assignment to level two of the required action process after the  
4 district implements the level two required action plan for a period of  
5 three years; has made progress, as defined by the superintendent of  
6 public instruction using the criteria established under RCW  
7 28A.657.020; and no longer has a school within the district identified  
8 as persistently lowest-achieving. The state board of education shall  
9 release a school district from the level two assignment upon  
10 confirmation that the school district has met the requirements for a  
11 release.

12 **Sec. 12.** RCW 28A.657.110 and 2010 c 235 s 111 are each amended to  
13 read as follows:

14 (1) By November 1, 2013, the state board of education shall  
15 ((continue to refine the development of)) propose rules for adoption  
16 establishing an accountability framework that creates a unified system  
17 of support for challenged schools((τ)) that aligns with basic  
18 education, increases the level of support based upon the magnitude of  
19 need, and uses data for decisions. The board must seek input from the  
20 public and interested groups in developing the framework. Based on the  
21 framework, the superintendent of public instruction shall design a  
22 comprehensive system of specific strategies for recognition, provision  
23 of differentiated support and targeted assistance, and, if necessary,  
24 requiring intervention in schools and school districts. The  
25 superintendent shall submit the system design to the state board of  
26 education for review. The state board of education shall recommend  
27 approval or modification of the system design to the superintendent no  
28 later than January 1, 2014, and the system must be implemented  
29 statewide no later than the 2014-15 school year. To the extent state  
30 funds are appropriated for this purpose, the system must apply equally  
31 to Title I, Title I-eligible, and non-Title I schools in the state.

32 (2) The state board of education shall develop ((an  
33 accountability)) a Washington achievement index to identify schools and  
34 school districts for recognition, for continuous improvement, and for  
35 additional state support. The index shall be based on criteria that  
36 are fair, consistent, and transparent. Performance shall be measured  
37 using multiple outcomes and indicators including, but not limited to,

1 graduation rates and results from statewide assessments. The index  
2 shall be developed in such a way as to be easily understood by both  
3 employees within the schools and school districts, as well as parents  
4 and community members. It is the legislature's intent that the index  
5 provide feedback to schools and school districts to self-assess their  
6 progress, and enable the identification of schools with exemplary  
7 (~~student~~) performance and those that need assistance to overcome  
8 challenges in order to achieve exemplary (~~student~~) performance.

9 (3) The state board of education, in cooperation with the office of  
10 the superintendent of public instruction, shall annually recognize  
11 schools for exemplary performance as measured on the (~~state board of~~  
12 ~~education-accountability~~) Washington achievement index. The state  
13 board of education shall have ongoing collaboration with the  
14 (~~achievement~~) educational opportunity gap oversight and  
15 accountability committee regarding the measures used to measure the  
16 closing of the achievement gaps and the recognition provided to the  
17 school districts for closing the achievement gaps.

18 (4) In coordination with the superintendent of public instruction,  
19 the state board of education shall seek approval from the United States  
20 department of education for use of the (~~accountability~~) Washington  
21 achievement index and the state system of differentiated support,  
22 assistance, and intervention(~~(7)~~) to replace the federal accountability  
23 system under P.L. 107-110, the no child left behind act of 2001.

24 (5) The state board of education shall work with the education data  
25 center established within the office of financial management and the  
26 technical working group established in (~~section 112, chapter 548, Laws~~  
27 ~~of 2009~~) RCW 28A.290.020 to determine the feasibility of using the  
28 prototypical funding allocation model as not only a tool for allocating  
29 resources to schools and school districts but also as a tool for  
30 schools and school districts to report to the state legislature and the  
31 state board of education on how the state resources received are being  
32 used.

33 NEW SECTION. Sec. 13. A new section is added to chapter 28A.657  
34 RCW to read as follows:

35 (1) The education accountability system oversight committee is  
36 established to provide ongoing monitoring of the outcomes of the

1 comprehensive system of recognition, support, and intervention for  
2 schools and school districts established under this chapter.

3 (2) The oversight committee shall be composed of the following  
4 members:

5 (a) Two members from each of the largest caucuses of the house of  
6 representatives, to be appointed by the speaker of the house of  
7 representatives;

8 (b) Two members from each of the largest caucuses of the senate, to  
9 be appointed by the president of the senate;

10 (c) Two members appointed by the governor; and

11 (d) One nonlegislative member of the educational opportunity gap  
12 oversight and accountability committee.

13 (3) The oversight committee shall choose a chair from among its  
14 membership who shall serve as chair for no more than one consecutive  
15 year.

16 (4) The committee shall:

17 (a) Monitor the progress and outcomes of the education  
18 accountability system established under this chapter, including but not  
19 limited to the effectiveness in improving student achievement of the  
20 tiered system of assistance and intervention provided to challenged  
21 schools in need of improvement, persistently lowest-achieving schools  
22 in required action districts, and level two required action districts;

23 (b) Review and make recommendations to the state board of education  
24 regarding the proposed assignment of a required action district to  
25 level two of the required action process under section 11 of this act;

26 (c) Make recommendations to the state board of education, the  
27 superintendent of public instruction, the governor, and the legislature  
28 as necessary if the oversight committee finds that changes to the  
29 accountability system should be made; and

30 (d) Report biennially to the education committees of the  
31 legislature.

32 (5) Staff support for the oversight committee must be provided by  
33 the senate committee services and the house of representatives office  
34 of program research.

35 (6) Legislative members of the oversight committee may be  
36 reimbursed for travel expenses in accordance with RCW 44.04.120.  
37 Nonlegislative members are entitled to be reimbursed for travel  
38 expenses in accordance with RCW 43.03.050 and 43.03.060.



1        NEW SECTION.    **Sec. 14.**    RCW 28A.657.125 (Joint select committee on  
2 education accountability--Reports) and 2010 c 235 s 114 are each  
3 repealed.

4        NEW SECTION.    **Sec. 15.**    Section 5 of this act expires June 30,  
5 2019.

6        NEW SECTION.    **Sec. 16.**    Section 6 of this act takes effect June 30,  
7 2019.

Passed by the Senate April 19, 2013.

Passed by the House April 15, 2013.

Approved by the Governor May 7, 2013.

Filed in Office of Secretary of State May 7, 2013.