

SENATE BILL REPORT

ESSB 5732

As Passed Senate, March 10, 2005

Title: An act relating to the powers, duties, and membership of the state board of education and the Washington professional educator standards board and the elimination of the academic achievement and accountability commission.

Brief Description: Revising the powers, duties, and membership of the state board of education and the Washington professional educator standards board and eliminating the academic achievement and accountability commission.

Sponsors: Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Weinstein, Schmidt, Berkey, Rockefeller, Shin, Prentice, Thibaudeau, Pridemore, Carrell, Kohl-Welles, Regala, Spanel, Fairley, Delvin and Rasmussen).

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 2/10/05, 2/24/05 [DPS-WM, DNP].

Passed Senate: 3/10/05, 30-19.

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 5732 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Berkey, Delvin, Eide, Kohl-Welles, Rasmussen, Rockefeller, Schoesler and Shin.

Minority Report: Do not pass.

Signed by Senators Benton, Carrell and Mulliken.

Staff: Brian Jeffries (786-7422)

Background: The State Board of Education (SBE) is comprised of one member of each Congressional district elected by local school boards of directors, the Superintendent of Public Instruction, and one at-large member elected by school boards of directors of all private schools in the state. Each member, except the Superintendent of Public Instruction, serves for four years. The Superintendent of Public Instruction is the Chief Executive Officer and is an ex officio, non-voting member, except in instances of a tie vote. The SBE is responsible for, among other policy areas, the preparation and certification of teachers, administrators, and educational staff associates; the funding distribution for state matching funds for school construction; the establishment of state minimum high school graduation requirements; school accreditation; private school approval; school district boundaries; and monitoring school district compliance with the Basic Education Act.

The Professional Educator Standards Board (PESB) is comprised of Superintendent of Public Instruction and twenty members appointed by the Governor for four-year terms, with four public school teachers, one private school teacher, three who represent higher education educator preparation programs, four school administrators, two educational staff associates, one public school instructional paraprofessional, one parent, and one citizen. The Superintendent of Public Instruction is an ex officio, non-voting member. The PESB serves as the sole advisory body to the SBE on issues related but limited to the recruitment, hiring, preparation and certification of teachers, administrators, and educational staff associates. The PESB is responsible for overseeing alternative routes to certification and teacher basic skills and subject matter assessments.

The Academic Achievement and Accountability Commission (A+ Commission) is comprised of the Superintendent of Public Instruction and eight members appointed by the Governor, four of who are recommended by each major caucus of the Senate and the House of Representatives. The chair of the commission is appointed by the Governor from among the commission members. The A+ Commission oversees the state's K-12 accountability system and is responsible for adopting and revising performance improvement goals in reading, writing, mathematics, and science as well as setting school and school district improvement goals for high school graduation rates and dropout reduction; setting academic achievement standards students must achieve on the Washington Assessment of Student Learning (WASL) and, for high school students, to acquire a Certificate of Academic Achievement; adopting criteria to identify successful schools and school districts as well as to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state academic standards; and identifying performance incentives that have improved or have the potential to improve student achievement.

Summary of Bill: The membership of the State Board of Education (SBE) is reconstituted. The SBE is comprised of the Superintendent of Public Instruction and nine members with four appointed by the Governor, including one representative of early learning programs operating in the state, one representative of state institutions of higher education, and two at-large members. Four members are elected by the membership of the Washington State School Directors Association (WSSDA). WSSDA must elect one member representing a First Class school district and one member representing a Second Class school district. WSSDA is encouraged to elect members who are geographically representative of the state, particularly electing members from the western and eastern regions of the state. All appointed and elected members serve a four-year term and may not serve more than two consecutive terms. One member will represent the private schools in the state but may only vote on those issues pertaining to private schools. All members, including the Superintendent of Public Instruction, are voting members.

The chair of the board must be elected by a majority vote of the board members, will serve a two-year term, and may be elected to more than one term if elected to do so with a majority vote of the board members. The Superintendent of Public Instruction is prohibited from being the chair of the SBE.

With the exception of duties for educator preparation and certification, the SBE will retain its present duties. In addition, it will adopt performance standards (i.e., cut scores), in consultation with the superintendent of public instruction; performance improvement goals for

schools, school districts, and groups of students; and performance standards for the Certificate of Academic Achievement. The improvement goals will focus on improving student learning in reading, writing, mathematics, science, academic, and technical skills in secondary career and technical education programs, student attendance and high school graduation. The performance standards must be adopted by rule by the board. The board must present to the education committees of the Legislature the standards for review, allowing the Legislature time to take any action deemed necessary for each goal is implemented. The performance improvement goals must not conflict with the goals included in Title I of the Elementary and Secondary Education Act of 1965, as amended. The board must provide the Legislature an opportunity to review and to take any statutory action on the performance standards to attain a Certificate of Academic Achievement before the standards are implemented.

All statutory authority previously held by the State Board of Education pertaining to educator preparation and certification transfers to the Professional Educator Standards Board. The PESB retains all previous statutory authority for alternative routes to certification and educator assessments. The PESB will adopt policies and practices for teacher, administrator, and educational staff associates preparation and certification. The certification responsibilities include approval of traditional and nontraditional preparation programs, preparation of a list of approved preparation programs, supervision of the issuance of educator certificates, and a review at least every five years of program approval standards. The PESB will specify the types and kinds of educator certificates, hear certification appeals, adopt rules, apply for federal funds, and submit annual reports to agencies and legislative committees. The PESB will also maintain data on educator certification, the quality of preparation programs, and employer needs. The PESB will no longer advise the Superintendent of Public Instruction on the revocation or suspension of educator and administrator certificates. All members, including the Superintendent of Public Instruction, are voting members.

The Academic Achievement and Accountability Commission is abolished and its powers, duties, personnel, and functions are transferred to the State Board of Education.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2005.

Testimony For: The State Board of Education (SBE), as envisioned in this bill, would focus on program and accountability and the new membership would add additional focus across the educational system, preschool through college. The membership is leaner and has more breadth of program focus. The A+ Commission members have always expected that their duties would be eliminated at some point; however, the members of the commission would like to complete its mission of adopting a comprehensive accountability system before they are sunset. The addition of career and technical education under the State Board's authority to recommend school improvement goals is a good idea and aligns career and technical education with school improvement efforts. The Professional Educators Standards Board (PESB) has shown its ability to manage certification policy and evaluation through its work on the alternative routes to certification as well as its work on teacher assessments. The policy

authority for certification should rest with one agency and the most appropriate agency is the PESB.

Testimony Against: Having the Governor appoint the members of the SBE will politicize school accountability. A citizens board is more appropriate. The current members of the SBE and the process for electing them has worked for decades and should not be changed. The Superintendent of Public Instruction (SPI) has constitutional authority for oversight of all issues pertaining to public education. This bill conflicts with the SPI's constitutional authority. The SBE and PESB should advise the SPI. This bill does not fix the problems inherent in our fractured K-12 governance structure. There should be an interim study of the issues of governance, similar to the study done by the Governor's Council on Education Reform and Funding. Accountability for students and accountability for teachers should not be separated. The State Board of Education should be responsible for student standards and teacher standards.

Who Testified: PRO: Senator Rosemary McAuliffe, prime sponsor; Chris Thompson, A+ Commission; Jennifer Wallace, PESB; Lucinda Young, WEA; Judy Hartmann; Governor's Policy Office; Susan Mielke, Washington Roundtable; Wes Pruitt, WTECB; Rainer Houser, AWSP.

CON: Robert Butts, OSPI; Bobbie May, SBE; Dan Steele, WSSDA; Barbara Mertens, WASA; Ted Andrews, citizen; Nancy Vernon, citizen; Jeanelle Malone, citizen.

House Amendment(s): Eliminates the A+ commission effective July 1, 2005 and assigns its duties to the State Board of Education.

Reconstitutes the State Board of Education (SBE) effective January 1, 2006.

Gives policy and rule-making authority for all educator preparation programs to the Professional Educator Standards Board (PESB) effective January 1, 2006.

Adopts statements of purpose for the SBE and PESB to clearly align their work and ground it in RCW 28A.150.210, which includes the student achievement goals from the basic education law (as adopted in the 1993 Education Reform Act).

Changes the membership of the SBE to include sixteen members. Seven members will represent the educational system and seven will be gubernatorial appointees. The seven educational members include five members elected by school board members (two from Eastern Washington and three from Western Washington), the Superintendent of Public Instruction and one member elected by private schools. The final two members will be students. Permits the board to elect its own chair to two year terms.

Permits all SBE members to vote except students.

Creates an interim joint subcommittee of the House and Senate Education Committees to review, in collaboration with the SBE, school directors, administrators, educators, parents and others, the remaining duties of the SBE and to report back to the two committees with any recommendations by December 15, 2005.

Directs PESB to analyze strengths and weaknesses of educator preparation programs and submit a report and recommendations to the legislative education committees by December 1,

2005. This report will also serve as the basis for a PESB planning document to guide its assumption of policy and rule-making authority.

Directs the SBE and PESB to jointly produce a biennial report to the legislature on the progress made and obstacles encountered in the work of achieving the student achievement goals in the basic education law.

Passed House: 77-19.