

The Opportunity Gap Bill: Next Steps

- How did we get here?
- What is HB 1541?
- Where do we go next?



Rep. Lillian Ortiz-Self | August 23, 2016



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Overview

- Substitute House Bill 1541, which went into effect June 9, will soon play out in schools.
 - HB 1541 was created to help implement strategies to close the educational opportunity gap, based on the recommendations of the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC)



How did we get here?

- The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) was created in 2009 to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the Superintendent of Public Instruction, the Professional Educator Standards Board (PESB), and the State Board of Education (SBE) to close the achievement gap.
- The EOGOAC has six legislative members, representatives of the Office of Education Ombuds (OEO) and the Office of the Superintendent of Public Instruction (OSPI), and five members representing the state ethnic commissions and federally recognized tribes.



How did we get here?

- Who serves on the EOGOAC?
 - Four members of the House and Senate, including one from each education committee
 - A representative of the Office of the Education Ombuds (OEO)
 - A representative of the Center for the Improvement of Student Learning (CISL) in the Office of the Superintendent of Public Instruction (OSPI)
 - A representative of federally recognized Indian tribes
 - Four members who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.
 - The Committee has three Co-chairs: Representative Lillian Ortiz-Self (D-21), Senator John McCoy (D-38), and Frieda Takamura of the Commission on Asian Pacific American Affairs.



How did we get here?

- EOGOAC recommendations for 2016:
 1. Reduce the length of time students of color are excluded from school due to suspensions and expulsions and provide student support for re-engagement plans
 2. Enhance the cultural competence of current and future educators and classified staff
 3. Endorse all educators in English Language Learner (ELL)/second language acquisition
 4. Transitional Bilingual Instructional Program (TBIP) accountability for instructional services provided to ELL students
 5. Analyze the opportunity gap through deeper disaggregation of student demographic data
 6. Invest in the recruitment, hiring, and retention of educators of color
 7. Incorporate Integrated Student Services (ISS) and family engagement practices
 8. Strengthen student transitions.



What is House Bill 1541?

- Under the new law, students will no longer be suspended or expelled for discretionary offenses and better statewide data on student demographics will ensure that the system is working to keep all students on track and in school.
- All students suspended or expelled will receive educational services and school staff will be provided with new trainings that are sensitive to culture and positively support all students' growth.



What is House Bill 1541?

- Student Discipline.

- ***Opportunity to Receive Educational Services.***
 - School districts may not suspend the provision of educational services to a student as a disciplinary action, whether discretionary or nondiscretionary.
 - Students may be excluded from classrooms or instructional or activity areas for the period of suspension or expulsion, but districts must provide students with an opportunity to receive educational services during that time.
 - If educational services are provided in an alternate setting, the alternate setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline.



What is House Bill 1541?

- **Limits.**

- School districts may not use long-term suspension or expulsion as a form of discretionary discipline. "Discretionary discipline" means a disciplinary action taken by a district for student behavior that violates the rules of student conduct, except for actions taken in response to:
 - A violation of the prohibition against firearms on school premises, transportation, or facilities;
 - Certain violent offenses, sex offenses, offenses related to liquor, controlled substances, and toxic inhalants, and certain crimes related to firearms, assault, kidnapping, harassment, and arson;
 - Two or more violations within a three-year period of criminal gang intimidation or other gang activity on school grounds, possessing dangerous weapons on school facilities, willfully disobeying school administrators or refusing to leave public property, or defacing or injuring school property; or
 - Behavior that adversely impacts the health or safety of other students or educational staff.



What is House Bill 1541?

- **Limits.**
 - Except for violation of the prohibition against firearms on school premises, districts should consider alternative actions before using long-term suspension or expulsion for any of the violations listed on the previous slide.
 - Possession of a telecommunication device and violation of dress and grooming codes are removed from the list of discretionary violations that, if performed two or more times within a three-year period, may result in long-term suspension or expulsion.
 - Where disciplinary action involves a suspension or expulsion for more than 10 days, the end date must be no more than the length of an academic term, as defined by the school district, rather than one year, from the time of the disciplinary action.



What is House Bill 1541?

- ***Re-engagement.***
 - After a student is suspended or expelled, the district must, rather than should, convene a reengagement meeting with the student and family.
 - Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.



What is House Bill 1541?

- ***Discipline Policies and Procedures.***
 - The Washington State School Directors' Association (WSSDA) must create and publicly post model school district discipline policies and procedures by December 1, 2016, and update the policies as necessary.
 - The districts must adopt and enforce discipline policies and procedures consistent with the WSSDA model policy by the beginning of the 2017-18 school year and annually disseminate these policies to the community.
 - Districts must use disaggregated student-level data to monitor the impact of the school district's discipline policies and procedures. Districts must, in consultation with school district staff, students, families, and the community, periodically review and update their discipline rules, policies, and procedures.
 - The OSPI must develop a training program to support the implementation of discipline policies and procedures, as specified. Districts are strongly encouraged to train school and district staff on the discipline policies and procedures:



What is House Bill 1541?

- **Civil Liability.**
 - Neither the requirement that school districts provide students with the opportunity to received education services nor the limitation on imposing long-term suspension or expulsion as a form of disciplinary action create any civil liability for districts or create a new cause of action or theory of negligence against a school board, district, or the state.
- **Other Provisions.**
 - Tribal representatives are added to the membership of the Student Discipline Task Force.
 - The Education Research and Data Center (ERDC) must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system. To enable this data collection, certain research data held by the Administrative Office of the Courts may be shared with the ERDC.
 - The Department of Social and Health Services is added to the list of agencies that must work with the ERDC.



What is House Bill 1541?

- Cultural Competence.

- Professional development programs to support teacher and principal evaluation systems must be aligned to cultural competence standards, focus on multicultural education and principals of English language acquisition, and include best practices to implement the tribal history and culture curriculum.
- Cultural competency training must be developed by the OSPI for administrators and school staff, and by the WSSDA for school board directors and superintendents.
- Required Action Districts, districts with schools that receive the federal School Improvement Grant, and districts with schools identified by the Superintendent of Public Instruction as priority or focus are strongly encouraged to provide cultural competence professional development and training.



What is House Bill 1541?

• English Language Learner (ELL) Instruction and Accountability.

- All classroom teachers in the Transitional Bilingual Instructional Program (TBIP) must hold an endorsement in bilingual education or ELL by the 2019-20 school year.
- At the beginning of each school year, the OSPI must identify schools in the top 5 percent of schools with the highest percent growth in ELL students during the previous two years and strongly encourage districts with identified schools to provide cultural competence professional development and training.
- The Legislature is no longer required to approve and fund the TBIP evaluations before the program can be implemented. Subject to funding, the OSPI must provide districts with assistance and support related to the TBIP.



What is House Bill 1541?

- Disaggregated Data.

- The OSPI must collect, and school districts must submit, student data using federal race and ethnicity reporting guidelines, including subracial and subethnic categories, with the following additions:
 - Further disaggregation of the African American/Black category and Asian category;
 - Further disaggregation of the White category to include Eastern European nationalities with significant populations in Washington; and
 - Reporting of students by their discrete racial categories if they report as multi-racial.
- This data must be collected beginning in the 2017-18 school year for students who newly enroll, transfer, or change schools within a district.



What is House Bill 1541?

- Recruitment and Retention.

- The OSPI must, to the extent data are available, post on the Internet the percentage of classroom teachers per school district and per school, and the average length of service of these teachers, disaggregated by race and ethnicity as described for student-level data.

- Transitions.

- The Department of Early Learning (DEL) must collaborate with the OSPI to create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the Education Advocate (EA) program.



What is House Bill 1541?

• Integrated Student Services (ISS) and Family Engagement.

- Subject to funding, the Washington ISS Protocol (WISSP) is established at the Center for the Improvement of Student Learning (CISL) within the OSPI. The purposes of the WISSP include:
 - Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;
 - Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;
 - Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;
 - Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and
 - Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.



What is House Bill 1541?

- Learning Assistance Program (LAP).
 - The requirement that expenditure of funds from the LAP be consistent with certain academic achievement and accountability provisions is removed.
 - The school board, rather than the OSPI, must approve in an open meeting the community-based organization or local agency before LAP funds may be expended.

Next Steps for HB 1541



QUESTIONS?

