



## **MEMO: LEGISLATIVE PRIORITIES FOR CONSIDERATION**

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*Submitted for the July 2021 Board meeting by J. Lee Schultz, Director of Advocacy and Engagement*

### **Introduction**

During this segment, the Legislative Committee will share about its process for reviewing legislative priority proposals and present the committee's recommendation of which requests the Board should focus on developing for the 2022 legislative session. The committee will also provide a preview of potential platform priorities for consideration. The committee's presentation will be followed by a full Board discussion facilitated by committee members.

### **Background**

Between the May and July Board meetings, the Legislative Committee met to review and discuss potential legislative priorities. The committee considered ideas from three sources: an existing list of legislative issues (including previous requests and pending legislation), new proposals submitted by Board members through the Legislative Priority Proposal Form, and notes from the May Board meeting brainstorming session. Committee members reviewed ideas through the Board's equity lens and in light of the following considerations: alignment with the Board's statutory purpose, authority, and roles; alignment with the Board's strategic plan priorities; stakeholder engagement and positions; grounding and viability; and strategic approach for advancing the issue.

The committee's primary objective was to come to a recommendation on which proposals the State Board of Education should take the lead on developing for the 2022 legislative session. Timing-wise, the Board should focus first on deciding whether to advance any proposals that take the form of agency request legislation or budget requests. These requests would need to be developed between July and September in order to meet the Office of the Governor and Office of Financial Management submission deadline of September 13, 2021. There is a significant amount of stakeholder engagement, research, drafting, and supporting documentation that go into developing each request. For this reason, the committee aimed to elevate only a few proposals for development into requests.

As a secondary objective, the committee identified potential advocacy priorities to be considered for the Board's legislative platform. The Board has more time to develop the platform. The Board will begin discussing platform priorities at the July meeting, continue this discussion at the September retreat, and adopt the final legislative platform at the November meeting.

Finally, for the remaining ideas not elevated as priorities, the committee discussed other potential avenues and levers to promote progress.

## Discussion questions

The primary objective of the Board discussion is to check whether the Board supports the committee's recommendations, to allow opportunity to adjust these recommendations, and to leave with a sense of direction on which requests to focus on developing between July and September. The focus should be on a narrow set of requests that the Board needs to take the lead on developing.

- General reaction to the recommendations:
  - Are they supported?
  - Is there pushback?
  - Are there any glaring omissions?
  - Do the recommendations need to be adjusted?
- Which requests should the Board focus on developing between now and September?

As a secondary objective, it would be helpful to devote some discussion time to the high priorities that require special consideration:

- What is the best approach for advancing ethnic studies?
- What is the best approach for advancing elementary science?

Finally, time willing, the Board could begin discussing which advocacy priorities to include on the legislative platform. The platform conversation will continue at the September retreat, and the platform will be finalized and adopted at the November Board meeting.

## Summary Outline

### Committee recommendations

- Agency request legislation
  - Creating new graduation credit and pathway options (SHB 1162)
  - Granting voting power to student members on the State Board of Education
- Budget requests
  - Student, family, and community engagement
  - School climate survey
- High priorities for special consideration
  - Ethnic studies graduation requirement
  - Equitable access to quality elementary science learning opportunities
- Advocacy priorities
  - Educational equity
  - Ethnic studies and antiracism
  - Strengthen student voice
  - Student mental health and social emotional learning
  - Expand dual credit access

### Other ideas considered

- Ready to respond
  - Graduation statute technical clean-up
  - K-12 education governance
- Longer term issues
  - Graduation requirements
  - Ad hoc accountability work group recommendations
- Collaborate with others in lead
  - Private school issues
  - Oversight of boarding/residential private schools
  - Oversight of outdoor schools
- Issues addressed elsewhere
  - Charter schools authorization window
  - Resources to support data collection and analysis needs
  - Expanded learning opportunities
- May not require legislative action
  - Support equitable implementation of recent legislation on sexual health education
  - Petition to count Braille as World Language
- Needs further definition
  - Music education overhaul and funding
  - Strengthen district ability to leverage remote capabilities

## Committee recommendations

### Agency request legislation

The Legislative Committee recommends the State Board of Education take the lead on developing the following requests for the 2022 legislative session.

#### *Creating new graduation credit and pathway options (SHB 1162)*

The State Board of Education ran an agency request bill last session that stalled in the Senate. SHB 1162, sponsored by Rep. Stonier, has two components. First, the bill creates a “performance exhibition” graduation pathway option (originally called “portfolio”) that includes “authentic evidence demonstrating industry or profession specific knowledge and skills in two or more subject areas.” Second, the bill creates flexibility within the 24-credit framework. The bill maintains the requirement that school districts provide every student the opportunity to complete 24 credits, but the number of credits required for graduation is reduced. Beginning with the Class of 2021, graduating students must earn at least 20 credits (instead of 24), including the mandatory core subject credits and the personalized pathway requirements defined by the SBE. The flexibility is limited to the four general elective credits, ensuring that students complete core subjects and college admissions requirements, if applicable. With this change, the current two-credit individual student waiver would end.

This bill will come back to life in the 2022 legislative session. The Legislative Committee recommends that the State Board of Education continue working closely with the Prime Sponsor, Representative Stonier, and other champions on strengthening the bill’s prospects and focusing efforts on communication and advocacy. The committee does not anticipate proposing any preemptive changes to the bill, other than to add an intent section. However, potential changes could include: removing the credit flexibility to focus on just the performance exhibition pathway, amending the credit flexibility component to reflect Superintendent Reykdal’s vision, adding a list of avenues for completing the performance exhibition, and incorporating other potential pathways (e.g., industry recognized credentials, vocational rehabilitation).

There is some urgency to create more relevant pathway options in light of the Certificate of Individual Achievement expiring with the Class of 2021 and limitations to the test-based pathways. As a contingency option, pathways recommendations may also be incorporated into a graduation requirements alignment proposal expected for the 2023 legislative session (see [longer term issues](#) below).

#### *Granting voting power to student members on the State Board of Education*

The Legislative Committee supports giving student Board members the power to vote on the State Board of Education. The committee recommends submitting agency request legislation to make this change in statute, with a narrow bill title to prevent other issues from being tacked on. The bill would simply strike the following language from RCW [28A.305.011\(4\)\(c\)](#): “All members ~~except the student members~~ are voting members.” The committee

recommends pairing this request with a broader advocacy priority on student voice and a budget request on student, family, and community engagement.

The committee also discussed the idea of adding more student members, with a focus on students representing specific underserved populations, but decided to limit its recommendation to voting power at this point in time. In addition, the committee discussed other changes that could be made without legislation, such as changing the geographic eligibility criterion to ensure geographic equity and focusing recruitment on students representing underserved student groups.

### **Budget requests**

The Legislative Committee recommends the State Board of Education submit the following budget requests for the 2022 legislative session.

#### *Student, family, and community engagement*

In the 2021 session, the State Board of Education submitted a budget request to employ a Student, Family, and Community Engagement Coordinator that would bolster outreach efforts and more effectively connect with communities. This position would work on restructuring the Board's current engagement processes in collaboration with our communities to ensure that engagement is meaningful, authentic, and mutually beneficial. The intent would be to engage students, families, and community partners in co-designing policy that is more responsive to the needs of those we serve and particularly to those who have been furthest from educational justice. In addition, this position would improve the Board's ability to connect with communities to share information about current policies that may affect their education or the education of their children.

This budget request was not reflected in the Governor's budget proposal last year, so the Board held off on advocating for it during the 2021 session. However, the need for building this capacity exists now more than ever. The Legislative Committee recommends updating and resubmitting this budget request for reconsideration.

#### *School climate survey*

In the 2019 session, the State Board of Education submitted a budget request to explore options for developing a statewide approach to support assessment of school climate and culture. The request was for funding to engage external expertise and convene a workgroup to evaluate options for state-level implementation and different assessment tools, such as adding questions to the Healthy Youth Survey or adopting a validated school climate survey (e.g., tools developed by the U.S. Department of Education, the American Institutes for Research, Panorama Education and the Harvard Graduate School for Education, the Center of Educational Effectiveness). In addition to developing recommendations for a statewide school climate survey, the workgroup would explore the efficacy of including climate and culture in the accountability framework and indicators of system health. The workgroup would submit a final report with recommendations to the Board.

Although this request was not funded, it continues to be a Board priority and is reflected in the Board's 2019 – 2023 Strategic Plan:

- Board Initiative under the Student Well-Being priority: "To promote student well-being, the Board believes it is essential to understand more about the environment students are exposed to at school. To this end the Board intends to convene a workgroup to examine options for a statewide survey of school climate and culture. Using the workgroup recommendations, the Board will determine how student well-being would be reflected in the System Health report or in the School Improvement Framework."
- Board Initiative under the Funding & Accountability priority: "Reconstitute the Achievement and Accountability Workgroup to examine potential revisions to the School Improvement Framework, including additional school quality indicators to address school climate and culture."

To help advance these goals, the Legislative Committee recommends updating, revising, and resubmitting this budget request. The request should align with the Board's current project in partnership with the Learning Policy Institute to redesign the accountability and assessment system. It should also reflect the forthcoming recommendations of the Social Emotional Learning Indicators Workgroup staffed by OSPI. This request aligns and would package well with the recommended advocacy priorities related to student voice and supporting student's mental and social emotional health.

### **High priorities for special consideration**

The Legislative Committee recommends the following issues be treated as high priorities, but not necessarily as agency requests. These issues are complex and require more development than time allows prior to the September deadline for requests.

#### *Ethnic studies graduation requirement*

In March, the Board adopted a [resolution](#) of intent to establish an ethnic studies graduation requirement. The resolution commits the Board to developing the form of this requirement in consultation with stakeholders by December 2021. The Legislative Committee considered different vehicles for proposing "the form" of this requirement. The committee ruled out agency request options (legislation or budget) due to timing. That is, the mid-September deadline for requests is too soon. Other options, such as draft rules or a joint legislative proposal with partner agencies, were determined to be not viable with the December target.

Instead, the committee recommends spending more time developing the concept for the graduation requirement and coalition building before determining the appropriate vehicle for advancing this change. In order to uphold our commitment and continue moving forward, the committee recommends that the Board work with stakeholders between now and December to develop the concept and produce a deliverable in the form of a concept paper. This paper will serve the purpose of public transparency and set a vision to rally around and work towards. In tandem with this concept development phase, and extending beyond December, the Board should work on communications (definitions, talking points, etc.) and building a broad coalition of advocates to champion a legislative proposal for the 2023 session. The

committee recommends continuing to have an advocacy priority on ethnic studies and antiracism and being prepared for opportunities that may present during session.

### *Equitable access to quality elementary science learning opportunities*

The Legislative Committee recommends elevating this issue as a Board priority. However, more research is needed to determine the Board's role and levers (policy, advocacy, and oversight). The committee recommends collaborating with partners and developing a strategy to advance this priority.

### **Advocacy priorities**

The Legislative Committee recommends the following advocacy priorities be considered for inclusion on the Board's 2022 legislative platform.

### *Educational equity*

The Legislative Committee recommends maintaining educational equity as the overarching priority which the other platform priorities aim to achieve. In other words, all the priorities center on creating an equitable education system that is responsive to the individual needs of students. This priority would serve as the foundation for the Board's advocacy in support of a number of specific issues in which members have expressed interest, including LGBTQ+ equity within basic education, addressing segregation in schools, expanding access to expanded learning opportunities for students who have been systemically underserved, and providing resources to support tribes with Since Time Immemorial consultation and local curriculum development. The committee recommends that the full Board discuss unpacking this overarching priority, deciding which focused priorities should be highlighted.

### *Ethnic studies and antiracism*

In support of the Board's intent to establish an ethnic studies graduation requirement in the future, the Legislative Committee recommends including ethnic studies and antiracism as an advocacy priority for the 2022 platform. The Board could maintain or revise the priority from last session's platform to "incorporate ethnic studies and antiracism throughout K-12" which included the following:

- Ensure every student sees their own culture reflected in their education and learns about cultures other than their own
- Incentivize recruiting and retaining a diverse educator workforce
- Incorporate antiracism and cultural responsiveness into educator preparation and professional development programs
- Bolster efforts to embed ethnic studies throughout K-12 state learning standards and curricula and to increase ethnic studies offerings in our schools

### *Strengthen student voice*

Based on the May Board meeting brainstorm session, there is a lot of interest among Board members to bolster student voice. In addition to our agency requests, the Legislative Committee recommends keeping, and potentially expanding upon, our platform priority on

student voice. Last year's priority was to "center student, family, and community voices in policymaking" and it included the following:

- Create more authentic and meaningful opportunities to engage students, families, and community members as essential partners in the collective process of policymaking
- Support student-led advocacy efforts and promote student representation on local school boards and work groups

In addition, there is interest in advocating for expansion of student voice in all agencies that serve students. A student voice priority aligns and packages well with the engagement coordinator and school climate survey budget requests, as well as the request legislation to grant student members voting power.

In the spirit of Secretary Cardona's statements on student voice, the Board may consider reframing this priority to focus not on strengthening student voice, but on ensuring our institutions and systems are designed to listen.

### *Student mental health and social emotional learning*

Student well-being is a long-standing Board priority. The COVID-19 crisis has exacerbated the need for increasing supports for student's mental health and social emotional learning (see for example, results from the [COVID-19 Student Survey](#)). The Legislative Committee recommends that the Board advocate for these supports during the 2022 session. The Board could revise the priority from last year's platform which focused on "student and staff physical and emotional safety" and included the following:

- Ensure students and staff return to safe school environments.
- Modernize the school funding model to invest in more social emotional health and safety staff.
- Provide school staff with professional development in trauma-informed, antiracist, and culturally responsive instruction.
- Make sure state policies support school environments where teacher-student relationships are prioritized and educators are given the time and capacity to foster these relationships.

Other interests could fall under this priority, including the student request to incorporate trauma education into the health education standards, and board member interest in educating students about human trafficking.

### *Expand dual credit access*

The committee did not reach consensus on whether or not to include dual credit as a platform priority and decided to leave this for discussion with the full Board. On the one hand, the Board already has grounds for advocacy with dual credit access as a strategic plan priority. The strategic plan states that the Board supports "increasing equity in access to accelerated learning opportunities, including dual credit programs" (Goal Area: Student Transitions & Diploma) and "fully funding dual credit programs in all subject areas to eliminate disparities related to cost" (Goal Area: Funding & Accountability). On the other hand, the Board may want to emphasize this priority by reiterating it on the platform if this seems timely for the 2022 legislative session. It is worth noting that the Dual Credit Task

Force, staffed by the Washington Student Achievement Council, is developing recommendations this summer and plans to engage in collective advocacy this fall to advance state policy recommendations. We will find out soon whether our partners are coalescing around dual credit as an issue to advance next session.

## Other ideas considered

The following ideas were *not* elevated as recommendations for the 2022 session. However, the Legislative Committee discussed other potential avenues and levers to promote progress.

### Ready to respond

The Legislative Committee thinks the Board does not need to advance requests on these issues, but should be ready to respond.

#### *Graduation statute technical clean-up*

Some technical (non-substantive) changes are desired to make the graduation requirements statutes easier to read. Board staff are ready to assist legislative staff with this clean-up if directed by a member of the Legislature.

#### *K-12 education governance*

The 2021-23 biennial operating budget includes a proviso for the Ruckelshaus Center at Washington State University to “conduct a situation assessment to gauge the prospects for a collaborative approach to integration of leadership, aligning roles and responsibilities, and increasing efficiency and responsiveness of the state’s K-12 education governance structure” with a preliminary report to the Legislature by February of 2022 (see Sec. 607(22) of [ESSB 5092](#)). The Board will learn more this month about the Ruckelshaus Center’s plan and timeline for this work, including interviews with select Board members. The Legislative Committee recommends reserving issues related to agency administration and governance for this assessment.

### Longer term issues

The committee recognized the Board’s current strands of work with longer timelines that may lead to legislative proposals in future sessions.

#### *Graduation requirements*

Current and ongoing research on graduation requirements will lead to recommendations in advance of the 2023 legislative session. First, the graduation pathways final report is due December 10, 2022 ([2019 E2SHB 1599](#)). Second, a report on findings and recommendations regarding the Profile of a Graduate is due by December 31, 2022 ([2021 SSB 5249](#)). This is expected to include recommendations to align graduation requirements with the Profile. In developing the recommendations, the Board is required to consider:

- Whether changes to the core subject area requirements, flexible credits, and noncredit requirements should be made and what those changes should be;
- The relationship between credits and core subject area requirements; and

- How the following components of the high school diploma work together as a system of graduation requirements designed to declare that a student is ready for success in postsecondary education, gainful employment, and civic engagement and is equipped with the skills to be a lifelong learner: the high school and beyond plan, the credit and subject area graduation requirements, and the graduation pathway options.

Other ideas that came up in the Board's May brainstorm session may fit well within this work, such as creating financial incentives for work-based learning experiences and other experiential learning opportunities, valuing those experiences in the required credits, and requiring rather than allowing school districts to provide credit for mastery in certain circumstances (e.g., World Language credit for Seal of Biliteracy).

In addition, the Legislative Committee recommends deferring any legislative or budget request regarding the High School and Beyond Plan to be addressed in conjunction with the other strands of work on graduation requirements given the interconnections. In the meantime, the Board should consider how to meaningfully link the High School and Beyond Plan to existing policy levers and learn more about what is and is not working.

#### *Ad hoc accountability work group recommendations*

The Board's ad hoc accountability work group has partnered with the Learning Policy Institute to broaden and enhance the state's accountability and school recognition system. The workgroup is expected to develop recommendations by December 2021. Some of these recommendations may require legislation to implement, while others may be addressed through rulemaking or other means.

### **Collaborate with others in lead**

#### *Private school issues*

The committee recommends that the Board collaborate with the Washington Federation of Independent Schools to address a number of issues that have arisen regarding private schools. Some of these issues may be addressed through rulemaking (e.g., clarifying the definition of a school and when a school needs Board approval, adjusting for innovations in outdoor education), while others may require legislation (e.g., oversight of private residential boarding schools, online schools, records retention after schools close).

### **Issues addressed elsewhere**

The Legislative Committee believes the following issues are addressed through other vehicles and do not require the Board to take the lead at this point in time.

#### *Charter schools*

Some Board members have expressed interest in extending the window of time to authorize new charter schools. The Board's 2019-20 charter schools report includes this recommendation. The Board does not need to propose legislation to make this change. There

was already a bill introduced last session ([HB 1195](#) & [SB 5443](#)) which would have extended the time frame by another five years. The bill died early in session, but the Board can continue advocating for this extension when the bill comes back to life next session.

### *Resources to support data collection and analysis needs*

In 2020, the Board advocated for additional resources at the Education Research and Data Center (ERDC) to support cross-agency data analysis and reporting. This request was fulfilled in some respects. ERDC received funding for two additional staff to support increased data collection, analysis, and dissemination in response to increased demand from state agencies and legislative requirements in the Workforce Education Investment Act (2019 E2SHB 2158). It remains to be seen whether the Board's needs will be met through these resources. In the meantime, the Legislative Committee recommends partnering with organizations that are leading the way with analysis of K-12 education data (e.g., WA STEM, CCER).

### *Expanded learning opportunities*

Board members have expressed interest in advocating for expanded learning opportunities. The Legislative Committee believes this issue is well addressed in both the Board's strategic plan and under the advocacy priority for educational equity. In addition, recent progress has been made with the influx of federal recovery funds and the expansion of the Learning Assistance Program.

## **May not require legislative action**

### *Support equitable implementation of recent legislation on sexual health education*

There is interest in supporting equitable implementation of recent legislation on sexual health education ([2020 ESSB 5395](#)). The Legislative Committee believes that legislative action is not needed since the focus is on implementation. The Board should determine how it can support equitable implementation through existing authority and roles. For example, the Board intends to begin monitoring implementation by asking about this on the Basic Education Compliance Survey starting next school year.

### *Petition to count Braille as World Language*

Board staff received a petition from a member of public requesting a rule change to count Braille as World Language. Staff responded to clarify that the State Board of Education does not have the authority to expand the definition of World Language in WAC 180-51-068 without legislative review under RCW [28A.230.090](#). This request would be better addressed by a change in law. However, it should be noted that this proposal is not supported by the broader Blind community. Braille is not seen as a World Language because it is a direct translation of English (in contrast to American Sign Language). In addition, flexibility is already built into the graduation requirements with regard to World Language; students can opt to take two personalized elective credits instead of World Language. Therefore, action is not recommended on this issue.

**Needs further definition**

The Legislative Committee believes these issues need further definition before an advocacy recommendation can be made:

- Music education overhaul and funding
- Strengthen district ability to leverage remote capabilities