

Initiative Measure No. 1495

Filed April 15, 2022

AN ACT Relating to increasing public transparency of instructional and training materials used in Washington's public schools; amending RCW 28A.657.005 and 28A.657.010; and adding a new section to chapter 28A.657 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 28A.657.005 and 2013 c 159 s 1 are each amended to read as follows:

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

(2) The legislature further finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement of all schools and school districts. This system must provide an excellent and equitable education for all students, an aligned federal and state accountability system, and the tools necessary for schools and school districts to be accountable. These tools include accounting and data reporting systems, assessment systems to monitor student achievement, and a comprehensive system of differentiated support, targeted assistance, and, if necessary, intervention.

(3) The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for

challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support.

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

(5) Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the Washington achievement index adopted by the state board of education. The state board of education shall have ongoing collaboration with the educational opportunity gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models

through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

(6) Phase II of this accountability system will work toward implementing the Washington achievement index for identification of challenged schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and federal and state funds through a comprehensive system of differentiated support, targeted assistance, and intervention beginning in the 2014-15 school year. If federal approval of the Washington achievement index is not obtained, the federal guidelines for identifying schools will continue to be used. If it ever becomes necessary, a process is established to assign responsibility to the superintendent of public instruction to intervene in persistently lowest-achieving schools that have failed to improve despite required action.

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

(8) An essential element of the educational accountability system is the full, complete, and timely publication of all educational materials and professional education and training materials related to teaching students in Washington school districts.

Sec. 2. RCW 28A.657.010 and 2013 c 159 s 2 are each amended to read as follows:

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

(1) "Activities" include, but are not limited to, assemblies, guest lectures, or other educational events facilitated by the institution's faculty or staff, including those conducted by outside individuals or organizations, excluding student presentations.

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

~~((+2))~~ (3) "Education provider" means the office of the superintendent of public instruction, an educational service district, a school district, a charter school, or any other public school operating in Washington state.

(4) "Educational materials" means all written materials and electronic resources that an educator uses in teaching in preschool, kindergarten, or grades one through five or in teaching a course in grades six through 12 including, but not limited to, textbooks, worksheets or texts, alternative materials, supplemental materials and temporary supplemental materials, intervention materials, assigned or recommended reading materials, videos, electronic or digital materials, websites, online applications, surveys, nonacademic assessments, analyses, evaluations, and course syllabi.

(5) "Educator" means a classroom teacher, a person employed by the local education provider to provide professional services to students in direct support of the education instructional program, or a school administrator.

(6) "Parent" means a biological parent, an adoptive parent, a legal guardian, or any other person having legal custody of a child.

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

~~((+3))~~ (8) "Training materials" means all written materials and electronic resources used for educators' professional development on any topic, whether optional or required, and whether provided by the education provider or by outside individuals or groups, regardless of the source of funding including, but not limited to, textbooks, supplemental worksheets or texts, assigned or recommended reading materials, videos, electronic or digital materials, websites, online

applications, surveys, nonacademic assessments, analyses, evaluations, and course syllabi.

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

- (a) Providing strong leadership;
- (b) Ensuring teachers are effective and able to improve instruction;
- (c) Increasing learning time;
- (d) Strengthening the school's instructional program;
- (e) Using data to inform instruction;
- (f) Establishing a safe and supportive school environment; and
- (g) Engaging families and communities.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.657 RCW to read as follows:

(1) An education provider shall display the following information on its website in an easily accessible location:

(a) All training materials or activities used for staff and faculty training;

(b) All sources and amounts of funding used for or supporting staff and faculty training;

(c) All educational materials or activities used for student instruction;

(d) The title, author, publisher, organization, and any website associated with each training material, educational material, and activity;

(e) A link to the training material and educational material, if publicly available on the internet; or, if not freely and publicly available, a brief description of the training material and educational material and information on how to request review of a copy of the training material or educational material;

(f) If the training material or educational material was created for nonpublic use, the identity of the teacher, staff member, school official, or outside presenter who created it; such identification

may be indicated by a personal title and last initial if referring to a teacher, staff member, or school official;

(g) The number of professional development hours or course credits that educators are required to complete and the length of time during which they must be completed;

(h) The options available to educators for meeting the professional development requirements and any specific courses or types of professional development that the education provider requires educators to complete or that are required by statute or rule;

(i) The amount of money the education provider spent in each of the preceding three years in providing professional development to the educators it employs;

(j) The professional development activities the education provider provides to the educators it employs, which are completed by the educators to meet professional development requirements for educator license renewal, aggregated by type of educator, for the preceding three school years; and

(k) Any procedures for the documentation, review, or approval of the training materials and educational materials used for staff and faculty training or student instruction by the education provider, including by the principal, curriculum administrators, or other teachers.

(2) Nothing in this section shall be construed to require the digital reproduction or posting of copies of the training materials or educational materials themselves, where the copyright owner has objected that such reproduction infringes upon copyrighted material; but in such cases, the education provider shall offer a link to a publicly available website describing and offering access to the educational materials, if possible; and upon request, if the educational materials are not offered free of charge, provide the educational materials for public inspection, as required under subsection (1)(f) of this section, at the location where the educational materials or activities are used for student

instruction, and no later than 30 days after requested. The education provider shall not impose a nondisclosure requirement of any kind on a parent who receives a copy of or reviews materials or who receives information pursuant to this section. To the extent practicable, each education provider shall make any and all educational materials, including original materials, available for public inspection and allow the public to copy, scan, duplicate, or photograph portions of original materials within the limits of fair use under Title 17 U.S.C. Sec 107.

(3) If a copyright owner objects to the posting of training materials or educational materials, the education provider shall request a license or permission to post the objected to materials, and shall post the objection, the request, and any response from the copyright owner.

(4) The information required by this section shall be displayed online no later than one week after the first instance of training or instruction. Such information shall be organized by education provider, grade, teacher, and subject, and remain displayed on the website for at least two years. For privacy purposes, teachers and staff employed by the education provider may request that it use a personal title and last initial in lieu of a full name. The date of the latest modification or update to such information shall be displayed on the same website location.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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