
SENATE BILL 5889

State of Washington

61st Legislature

2009 Regular Session

By Senators Hobbs, McAuliffe, McDermott, and Oemig

Read first time 02/05/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.165.025, 28A.165.045, 28A.175.010, 28A.180.040, 28A.210.010,
3 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.210.110,
4 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.230.097,
5 28A.230.205, 28A.300.040, 28A.300.118, 28A.300.150, 28A.300.525,
6 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061,
7 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125;
8 repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085,
9 28A.230.092, 28A.230.185, 28A.300.412, and 28A.600.320; and providing
10 an expiration date.

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

12 **Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read
13 as follows:

14 ~~((By July 1st of each year,))~~ (1) A participating school district
15 shall submit the district's plan for using learning assistance funds to
16 the office of the superintendent of public instruction for approval, to
17 the extent required under subsection (2) of this section. ~~((For the~~
18 ~~2004 05 school year, school districts must identify the program~~
19 ~~activities to be implemented from RCW 28A.165.035 and are encouraged to~~

1 ~~implement the elements in subsections (1) through (8) of this section.~~
2 ~~Beginning in the 2005-06 school year,~~) The program plan must identify
3 the program activities to be implemented from RCW 28A.165.035 and
4 implement all of the elements in (~~subsections (1)~~) (a) through
5 (~~(8)~~) (h) of this (~~section~~) subsection. The school district plan
6 shall include the following:

7 ((1)) (a) District and school-level data on reading, writing, and
8 mathematics achievement as reported pursuant to chapter 28A.655 RCW and
9 relevant federal law;

10 ((2)) (b) Processes used for identifying the underachieving
11 students to be served by the program, including the identification of
12 school or program sites providing program activities;

13 ((3)) (c) How accelerated learning plans are developed and
14 implemented for participating students. Accelerated learning plans may
15 be developed as part of existing student achievement plan process such
16 as student plans for achieving state high school graduation standards,
17 individual student academic plans, or the achievement plans for groups
18 of students. Accelerated learning plans shall include:

19 ((a)) (i) Achievement goals for the students;

20 ((b)) (ii) Roles of the student, parents, or guardians and
21 teachers in the plan;

22 ((c)) (iii) Communication procedures regarding student
23 accomplishment; and

24 ((d)) (iv) Plan reviews and adjustments processes;

25 ((4)) (d) How state level and classroom assessments are used to
26 inform instruction;

27 ((5)) (e) How focused and intentional instructional strategies
28 have been identified and implemented;

29 ((6)) (f) How highly qualified instructional staff are developed
30 and supported in the program and in participating schools;

31 ((7)) (g) How other federal, state, district, and school
32 resources are coordinated with school improvement plans and the
33 district's strategic plan to support underachieving students; and

34 ((8)) (h) How a program evaluation will be conducted to determine
35 direction for the following school year.

36 (2) If a school district has received approval of its plan once, it
37 is not required to submit a plan for approval under RCW 28A.165.045 or
38 this section unless the district has made a significant change to the

1 plan. If a district has made a significant change to only a portion of
2 the plan the district need only submit a description of the changes
3 made and not the entire plan. Plans or descriptions of changes to the
4 plan must be submitted by July 1st as required under this section. The
5 office of the superintendent of public instruction shall establish
6 guidelines for what a "significant change" is.

7 **Sec. 2.** RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read
8 as follows:

9 A participating school district shall (~~annually~~) submit a program
10 plan to the office of the superintendent of public instruction for
11 approval to the extent required by RCW 28A.165.025. The program plan
12 must address all of the elements in RCW 28A.165.025 and identify the
13 program activities to be implemented from RCW 28A.165.035.

14 School districts achieving state reading and mathematics goals as
15 prescribed in chapter 28A.655 RCW shall have their program approved
16 once the program plan and activities submittal is completed.

17 School districts not achieving state reading and mathematics goals
18 as prescribed in chapter 28A.655 RCW and that are not in a state or
19 federal program of school improvement shall be subject to program
20 approval once the plan components are reviewed by the office of the
21 superintendent of public instruction for the purpose of receiving
22 technical assistance in the final development of the plan.

23 School districts with one or more schools in a state or federal
24 program of school improvement shall have their plans and activities
25 reviewed and approved in conjunction with the state or federal program
26 school improvement program requirements.

27 **Sec. 3.** RCW 28A.175.010 and 2005 c 207 s 3 are each amended to
28 read as follows:

29 Each school district shall account for the educational progress of
30 each of its students. To achieve this, school districts shall be
31 required to report (~~annually~~) in even-numbered years to the
32 superintendent of public instruction:

33 (1) For students enrolled in each of a school district's high
34 school programs:

35 (a) The number of students who graduate in fewer than four years;

36 (b) The number of students who graduate in four years;

1 (c) The number of students who remain in school for more than four
2 years but who eventually graduate and the number of students who remain
3 in school for more than four years but do not graduate;

4 (d) The number of students who transfer to other schools;

5 (e) The number of students in the ninth through twelfth grade who
6 drop out of school over a four-year period; and

7 (f) The number of students whose status is unknown.

8 (2) Dropout rates of students in each of the grades seven through
9 twelve.

10 (3) Dropout rates for student populations in each of the grades
11 seven through twelve by:

12 (a) Ethnicity;

13 (b) Gender;

14 (c) Socioeconomic status; and

15 (d) Disability status.

16 (4) The causes or reasons, or both, attributed to students for
17 having dropped out of school in grades seven through twelve.

18 (5) The superintendent of public instruction shall adopt rules
19 under chapter 34.05 RCW to assure uniformity in the information
20 districts are required to report under subsections (1) through (4) of
21 this section. In developing rules, the superintendent of public
22 instruction shall consult with school districts, including
23 administrative and counseling personnel, with regard to the methods
24 through which information is to be collected and reported.

25 (6) In reporting on the causes or reasons, or both, attributed to
26 students for having dropped out of school, school building officials
27 shall, to the extent reasonably practical, obtain such information
28 directly from students. In lieu of obtaining such information directly
29 from students, building principals and counselors shall identify the
30 causes or reasons, or both, based on their professional judgment.

31 (7) The superintendent of public instruction shall report
32 (~~annually~~) in even-numbered years to the legislature the information
33 collected under subsections (1) through (4) of this section.

34 **Sec. 4.** RCW 28A.180.040 and 2001 1st sp.s. c 6 s 4 are each
35 amended to read as follows:

36 Every school district board of directors shall:

1 (1) Make available to each eligible pupil transitional bilingual
2 instruction to achieve competency in English, in accord with rules of
3 the superintendent of public instruction.

4 (2) (~~Wherever feasible~~) To the extent funding is available,
5 ensure that communications to parents emanating from the schools shall
6 be appropriately bilingual for those parents of pupils in the bilingual
7 instruction program.

8 (3) Determine, by administration of an English test approved by the
9 superintendent of public instruction the number of eligible pupils
10 enrolled in the school district at the beginning of a school year and
11 thereafter during the year as necessary in individual cases.

12 (4) Before the conclusion of each school year, measure each
13 eligible pupil's improvement in learning the English language by means
14 of a test approved by the superintendent of public instruction.

15 (5) To the extent funding is available, provide in-service training
16 for teachers, counselors, and other staff, who are involved in the
17 district's transitional bilingual program. Such training shall include
18 appropriate instructional strategies for children of culturally
19 different backgrounds, use of curriculum materials, and program models.

20 **Sec. 5.** RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read
21 as follows:

22 The state board of health, after consultation with the
23 superintendent of public instruction, shall adopt reasonable rules
24 (~~and regulations~~) regarding the presence of persons on or about any
25 school premises who have, or who have been exposed to, contagious
26 diseases deemed by the state board of health as dangerous to the public
27 health. Such rules (~~and regulations~~) shall specify reasonable and
28 precautionary procedures as to such presence and/or readmission of such
29 persons and may include the requirement for a certificate from a
30 licensed physician that there is no danger of contagion. The
31 superintendent of public instruction shall (~~print and distribute the~~)
32 provide to appropriate school officials and personnel, access and
33 notice of these rules (~~and regulations~~) of the state board of health
34 (~~above provided to appropriate school officials and personnel~~).
35 Providing online access to these rules satisfies the requirements of
36 this section. The superintendent of public instruction is required to

1 provide this notice only when there are significant changes to the
2 rules.

3 **Sec. 6.** RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read
4 as follows:

5 (1) Every board of school directors shall have the power, and it
6 shall be its duty to provide for and require screening for the visual
7 and auditory acuity of all children attending schools in their
8 districts to ascertain which if any of such children have defects
9 sufficient to retard them in their studies. Auditory and visual
10 screening shall be made in accordance with procedures and standards
11 adopted by rule or regulation of the state board of health. Prior to
12 the adoption or revision of such rules or regulations the state board
13 of health shall seek the recommendations of the superintendent of
14 public instruction regarding the administration of visual and auditory
15 screening and the qualifications of persons competent to administer
16 such screening.

17 (2) Except to the extent necessary to comply with the federal
18 individuals with disabilities education act (IDEA), this section is
19 suspended until July 1, 2011.

20 **Sec. 7.** RCW 28A.210.030 and 1991 c 3 s 289 are each amended to
21 read as follows:

22 (1) The person or persons completing the screening prescribed in
23 RCW 28A.210.020 shall promptly prepare a record of the screening of
24 each child found to have, or suspected of having, reduced visual and/or
25 auditory acuity in need of attention, including the special education
26 services provided by RCW 28A.155.010 through 28A.155.100, and send
27 copies of such records and recommendations to the parents or guardians
28 of such children and shall deliver the original records to the
29 appropriate school official who shall preserve such records and forward
30 to the superintendent of public instruction and the secretary of health
31 visual and auditory data as requested by such officials.

32 (2) Except to the extent necessary to comply with the federal
33 individuals with disabilities education act (IDEA), this section is
34 suspended until July 1, 2011.

1 **Sec. 8.** RCW 28A.210.040 and 1990 c 33 s 189 are each amended to
2 read as follows:

3 The superintendent of public instruction shall (~~print and~~
4 ~~distribute~~) provide access to appropriate school officials the rules
5 (~~and regulations~~) adopted by the state board of health pursuant to
6 RCW 28A.210.020 and the recommended records and forms to be used in
7 making and reporting such screenings. Providing online access to the
8 materials satisfies the requirements of this section.

9 **Sec. 9.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
10 read as follows:

11 (1) The attendance of every child at every public and private
12 school in the state and licensed day care center shall be conditioned
13 upon the presentation before or on each child's first day of attendance
14 at a particular school or center, of proof of either (a) full
15 immunization, (b) the initiation of and compliance with a schedule of
16 immunization, as required by rules of the state board of health, or (c)
17 a certificate of exemption as provided for in RCW 28A.210.090. The
18 attendance at the school or the day care center during any subsequent
19 school year of a child who has initiated a schedule of immunization
20 shall be conditioned upon the presentation of proof of compliance with
21 the schedule on the child's first day of attendance during the
22 subsequent school year. Once proof of full immunization or proof of
23 completion of an approved schedule has been presented, no further proof
24 shall be required as a condition to attendance at the particular school
25 or center.

26 (2)(a) Beginning with sixth grade entry, every public and private
27 school in the state shall provide parents and guardians with access to
28 information about meningococcal disease and its vaccine at the
29 beginning of every school year. Providing online access to the
30 information satisfies the requirements of this section unless a parent
31 or guardian specifically requests information to be provided in written
32 form. The information about meningococcal disease shall include:

33 (i) Its causes and symptoms, how meningococcal disease is spread,
34 and the places where parents and guardians may obtain additional
35 information and vaccinations for their children; and

36 (ii) Current recommendations from the United States centers for

1 disease control and prevention regarding the receipt of vaccines for
2 meningococcal disease and where the vaccination can be received.

3 (b) This subsection shall not be construed to require the
4 department of health or the school to provide meningococcal vaccination
5 to students.

6 (c) The department of health shall prepare the informational
7 materials and shall consult with the office of superintendent of public
8 instruction.

9 (d) This subsection does not create a private right of action.

10 (3)(a) Beginning with sixth grade entry, every public school in the
11 state shall provide parents and guardians with access to information
12 about human papillomavirus disease and its vaccine at the beginning of
13 every school year. Providing online access to the information
14 satisfies the requirements of this section unless a parent or guardian
15 specifically requests information to be provided in written form. The
16 information about human papillomavirus disease shall include:

17 (i) Its causes and symptoms, how human papillomavirus disease is
18 spread, and the places where parents and guardians may obtain
19 additional information and vaccinations for their children; and

20 (ii) Current recommendations from the United States centers for
21 disease control and prevention regarding the receipt of vaccines for
22 human papillomavirus disease and where the vaccination can be received.

23 (b) This subsection shall not be construed to require the
24 department of health or the school to provide human papillomavirus
25 vaccination to students.

26 (c) The department of health shall prepare the informational
27 materials and shall consult with the office of the superintendent of
28 public instruction.

29 (d) This subsection does not create a private right of action.

30 (4) Private schools are required by state law to notify parents
31 that information on the human papillomavirus disease prepared by the
32 department of health is available.

33 **Sec. 10.** RCW 28A.210.110 and 1991 c 3 s 291 are each amended to
34 read as follows:

35 A child's proof of immunization or certification of exemption shall
36 be presented to the chief administrator of the public or private school

1 or day care center or to his or her designee for that purpose. The
2 chief administrator shall:

3 (1) Retain such records pertaining to each child at the school or
4 day care center for at least the period the child is enrolled in the
5 school or attends such center;

6 (2) Retain a record at the school or day care center of the name,
7 address, and date of exclusion of each child excluded from school or
8 the center pursuant to RCW 28A.210.120 for not less than three years
9 following the date of a child's exclusion;

10 (3) File a written annual report with the department of health on
11 the immunization status of students or children attending the day care
12 center at a time and on forms prescribed by the department of health.
13 This subsection is suspended until July 1, 2011; and

14 (4) Allow agents of state and local health departments access to
15 the records retained in accordance with this section during business
16 hours for the purposes of inspection and copying.

17 **Sec. 11.** RCW 28A.225.005 and 1992 c 205 s 201 are each amended to
18 read as follows:

19 Each school within a school district shall inform the students and
20 the parents of the students enrolled in the school about the compulsory
21 education requirements under this chapter. The school shall
22 ~~((distribute))~~ provide access to the information at least annually.
23 Providing online access to the information satisfies the requirements
24 of this section unless a parent or guardian specifically requests
25 information to be provided in written form.

26 **Sec. 12.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each
27 amended to read as follows:

28 (1) The superintendent of public instruction shall prepare and
29 annually ~~((distribute-an))~~ provide access to information ~~((booklet))~~
30 outlining parents' and guardians' enrollment options for their
31 children. Providing online access to the information satisfies the
32 requirements of this section unless a parent or guardian specifically
33 requests information to be provided in written form.

34 ~~((Before the 1991-92 school year, the booklet shall be~~
35 ~~distributed to all school districts by the office of the superintendent~~
36 ~~of public instruction. School districts shall have a copy of the~~

1 ~~information booklet available for public inspection at each school in~~
2 ~~the district, at the district office, and in public libraries)) School~~
3 ~~districts shall provide access to the information in this section to~~
4 ~~the public. Providing online access to the information satisfies the~~
5 ~~requirements of this subsection unless a parent or guardian~~
6 ~~specifically requests the information be provided in written form.~~

7 (3) The booklet shall include:

8 (a) Information about enrollment options and program opportunities,
9 including but not limited to programs in RCW 28A.225.220, 28A.185.040,
10 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250,
11 28A.175.090, 28A.340.010 through 28A.340.070 (small high school
12 cooperative projects), and 28A.335.160.

13 (b) Information about the running start - community college or
14 vocational-technical institute choice program under RCW 28A.600.300
15 through ((~~28A.600.395~~)) 28A.600.390; and

16 (c) Information about the seventh and eighth grade choice program
17 under RCW 28A.230.090.

18 **Sec. 13.** RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each
19 amended to read as follows:

20 Each school district board of directors annually shall inform
21 parents of the district's intradistrict and interdistrict enrollment
22 options and parental involvement opportunities. Information on
23 intradistrict enrollment options and interdistrict acceptance policies
24 shall be provided to nonresidents on request. Providing online access
25 to the information satisfies the requirements of this section unless a
26 parent or guardian specifically requests information to be provided in
27 written form.

28 **Sec. 14.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to
29 read as follows:

30 (1) By the end of the ((~~2008-09~~)) 2011-12 school year, school
31 districts shall have in place in elementary schools, middle schools,
32 and high schools assessments or other strategies to assure that
33 students have an opportunity to learn the essential academic learning
34 requirements in social studies, the arts, and health and fitness.
35 Social studies includes history, geography, civics, economics, and
36 social studies skills. Beginning with the ((~~2008-09~~)) 2011-12 school

1 year, school districts shall annually submit an implementation
2 verification report to the office of the superintendent of public
3 instruction.

4 (2) Beginning with the ((2008-09)) 2011-12 school year, school
5 districts shall require students in the fourth or fifth ((~~grades~~
6 ~~[grade]~~) grade, the seventh or eighth ((~~grades~~ ~~[grade]~~) grade, and
7 the eleventh or twelfth ((~~grades~~ ~~[grade]~~) grade to each complete at
8 least one classroom-based assessment in civics. The civics assessment
9 may be selected from a list of classroom-based assessments approved by
10 the office of the superintendent of public instruction. Beginning with
11 the ((2008-09)) 2011-12 school year, school districts shall annually
12 submit implementation verification reports to the office of the
13 superintendent of public instruction documenting the use of the
14 classroom-based assessments in civics.

15 **Sec. 15.** RCW 28A.230.097 and 2008 c 170 s 202 are each amended to
16 read as follows:

17 (1) Beginning with the 2011-12 school year, each high school or
18 school district board of directors shall adopt course equivalencies for
19 career and technical high school courses offered to students in high
20 schools and skill centers. A career and technical course equivalency
21 may be for whole or partial credit. Each school district board of
22 directors shall develop a course equivalency approval procedure.

23 (2) Career and technical courses determined to be equivalent to
24 academic core courses, in full or in part, by the high school or school
25 district shall be accepted as meeting core requirements, including
26 graduation requirements, if the courses are recorded on the student's
27 transcript using the equivalent academic high school department
28 designation and title. Full or partial credit shall be recorded as
29 appropriate. The high school or school district shall also issue and
30 keep record of course completion certificates that demonstrate that the
31 career and technical courses were successfully completed as needed for
32 industry certification, college credit, or preapprenticeship, as
33 applicable. The certificate shall be either part of the student's high
34 school and beyond plan or the student's culminating project, as
35 determined by the student. The office of the superintendent of public
36 instruction shall develop and make available electronic samples of
37 certificates of course completion.

1 **Sec. 16.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6
2 are each reenacted and amended to read as follows:

3 (1) The superintendent of public instruction, in consultation with
4 the higher education coordinating board, the state board for community
5 and technical colleges, and the workforce training and education
6 coordinating board, shall develop for use by all public school
7 districts a standardized high school transcript. The superintendent
8 shall establish clear definitions for the terms "credits" and "hours"
9 so that school programs operating on the quarter, semester, or
10 trimester system can be compared.

11 (2) The standardized high school transcript shall include a
12 notation of whether the student has earned a certificate of individual
13 achievement or a certificate of academic achievement.

14 ~~((3) Transcripts are important documents to students who will
15 apply for admission to postsecondary institutions of higher education.
16 Transcripts are also important to students who will seek employment
17 upon or prior to graduation from high school. It is recognized that
18 student transcripts may be the only record available to employers in
19 their decision-making processes regarding prospective employees. The
20 superintendent of public instruction shall require school districts to
21 inform annually all high school students that prospective employers may
22 request to see transcripts and that the prospective employee's decision
23 to release transcripts can be an important part of the process of
24 applying for employment.))~~

25 **Sec. 17.** RCW 28A.230.205 and 2007 c 459 s 3 are each amended to
26 read as follows:

27 (1) To the extent funds are appropriated or are available for this
28 purpose, the superintendent of public instruction and other members of
29 the partnership created in RCW 28A.300.455 shall make available to
30 school districts the list of identified financial literacy skills and
31 knowledge, instructional materials, assessments, and other relevant
32 information.

33 (2) Each school district is encouraged to provide its students with
34 an opportunity to master the financial literacy skills and knowledge
35 developed under RCW 28A.300.460.

36 (3) For the purposes of RCW 28A.300.455, 28A.300.460, and this

1 section, it is not necessary to evaluate and apply the office of the
2 superintendent of public instruction essential academic learning
3 requirements or to develop grade level expectations.

4 (4) This section is suspended until July 1, 2011.

5 **Sec. 18.** RCW 28A.300.040 and 2006 c 263 s 104 are each amended to
6 read as follows:

7 In addition to any other powers and duties as provided by law, the
8 powers and duties of the superintendent of public instruction shall be:

9 (1) To have supervision over all matters pertaining to the public
10 schools of the state;

11 (2) To report to the governor and the legislature such information
12 and data as may be required for the management and improvement of the
13 schools;

14 (3) To prepare and have printed such forms, registers, courses of
15 study, rules for the government of the common schools, and such other
16 material and books as may be necessary for the discharge of the duties
17 of teachers and officials charged with the administration of the laws
18 relating to the common schools, and to distribute the same to
19 educational service district superintendents;

20 (4) To travel, without neglecting his or her other official duties
21 as superintendent of public instruction, for the purpose of attending
22 educational meetings or conventions, of visiting schools, and of
23 consulting educational service district superintendents or other school
24 officials;

25 (5) To prepare and from time to time to revise a manual of the
26 Washington state common school code, copies of which shall be provided
27 in such numbers as determined by the superintendent of public
28 instruction at no cost to those public agencies within the common
29 school system and which shall be sold at approximate actual cost of
30 publication and distribution per volume to all other public and
31 nonpublic agencies or individuals, said manual to contain Titles 28A
32 and 28C RCW, rules related to the common schools, and such other matter
33 as the state superintendent or the state board of education shall
34 determine. Proceeds of the sale of such code shall be transmitted to
35 the public printer who shall credit the state superintendent's account
36 within the state printing plant revolving fund by a like amount. This
37 subsection is suspended until July 1, 2011;

1 (6) To file all papers, reports and public documents transmitted to
2 the superintendent by the school officials of the several counties or
3 districts of the state, each year separately. Copies of all papers
4 filed in the superintendent's office, and the superintendent's official
5 acts, may, or upon request, shall be certified by the superintendent
6 and attested by the superintendent's official seal, and when so
7 certified shall be evidence of the papers or acts so certified to;

8 (7) To require annually, on or before the 15th day of August, of
9 the president, manager, or principal of every educational institution
10 in this state, a report as required by the superintendent of public
11 instruction; and it is the duty of every president, manager, or
12 principal, to complete and return such forms within such time as the
13 superintendent of public instruction shall direct;

14 (8) To keep in the superintendent's office a record of all teachers
15 receiving certificates to teach in the common schools of this state;

16 (9) To issue certificates as provided by law;

17 (10) To keep in the superintendent's office at the capital of the
18 state, all books and papers pertaining to the business of the
19 superintendent's office, and to keep and preserve in the
20 superintendent's office a complete record of statistics, as well as a
21 record of the meetings of the state board of education;

22 (11) With the assistance of the office of the attorney general, to
23 decide all points of law which may be submitted to the superintendent
24 in writing by any educational service district superintendent, or that
25 may be submitted to the superintendent by any other person, upon appeal
26 from the decision of any educational service district superintendent;
27 and the superintendent shall publish his or her rulings and decisions
28 from time to time for the information of school officials and teachers;
29 and the superintendent's decision shall be final unless set aside by a
30 court of competent jurisdiction;

31 (12) To administer oaths and affirmations in the discharge of the
32 superintendent's official duties;

33 (13) To deliver to his or her successor, at the expiration of the
34 superintendent's term of office, all records, books, maps, documents
35 and papers of whatever kind belonging to the superintendent's office or
36 which may have been received by the superintendent's for the use of the
37 superintendent's office;

1 (14) To administer family services and programs to promote the
2 state's policy as provided in RCW 74.14A.025;

3 (15) To promote the adoption of school-based curricula and policies
4 that provide quality, daily physical education for all students, and to
5 encourage policies that provide all students with opportunities for
6 physical activity outside of formal physical education classes;

7 (16) To perform such other duties as may be required by law.

8 **Sec. 19.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to
9 read as follows:

10 (1) Beginning with the ((2000-01)) 2011-12 school year, the
11 superintendent of public instruction shall notify senior high schools
12 and any other public school that includes ninth grade of the names and
13 contact information of public and private entities offering programs
14 leading to college credit, including information about online advanced
15 placement classes, if the superintendent has knowledge of such entities
16 and if the cost of reporting these entities is minimal.

17 (2) Beginning with the ((2000-01)) 2011-12 school year, each senior
18 high school and any other public school that includes ninth grade shall
19 publish annually and deliver to each parent with children enrolled in
20 ninth through twelfth grades, information concerning the entrance
21 requirements and the availability of programs in the local area that
22 lead to college credit, including classes such as advanced placement,
23 running start, tech-prep, skill centers, college in the high school,
24 and international baccalaureate programs. The information may be
25 included with other information the school regularly mails to parents.
26 In addition, each senior high school and any other public school that
27 includes ninth grade shall enclose information of the names and contact
28 information of other public or private entities offering such programs,
29 including online advanced placement programs, to its ninth through
30 twelfth grade students if the school has knowledge of such entities.

31 **Sec. 20.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
32 read as follows:

33 The superintendent of public instruction shall collect and
34 disseminate to school districts information on child abuse and neglect
35 prevention curriculum and shall adopt rules dealing with the prevention
36 of child abuse for purposes of curriculum use in the common schools.

1 The superintendent of public instruction and the departments of social
2 and health services and community, trade, and economic development
3 shall share relevant information. Providing online access to the
4 information satisfies the requirements of this section unless a parent
5 or guardian specifically requests information to be provided in written
6 form.

7 **Sec. 21.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall provide an
10 annual aggregate report to the legislature on the educational
11 experiences and progress of students in children's administration out-
12 of-home care. This data should be disaggregated in the smallest units
13 allowable by law that do not identify an individual student, in order
14 to learn which school districts are experiencing the greatest success
15 and challenges in achieving quality educational outcomes with students
16 in children's administration out-of-home care.

17 (2) This section is suspended until July 1, 2011.

18 **Sec. 22.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to
19 read as follows:

20 School districts must, at the first opportunity but in all cases
21 within forty-eight hours of receiving a report alleging sexual
22 misconduct by a school employee, notify the parents of a student
23 alleged to be the victim, target, or recipient of the misconduct.
24 School districts (~~shall~~) may provide parents with information
25 regarding their rights under the public records act, chapter 42.56 RCW,
26 to request the public records regarding school employee discipline.
27 This information shall be provided to (~~all~~) parents (~~on an annual~~
28 ~~basis~~) upon their request.

29 **Sec. 23.** RCW 28A.320.165 and 2001 c 333 s 4 are each amended to
30 read as follows:

31 Schools as defined in RCW 17.21.415 shall provide notice of
32 pesticide use to parents or guardians of students and employees
33 pursuant to chapter 17.21 RCW, upon the request of the parent or
34 guardian.

1 **Sec. 24.** RCW 28A.320.180 and 2007 c 396 s 11 are each amended to
2 read as follows:

3 (1) Subject to funding appropriated for this purpose and beginning
4 in the fall of 2009, school districts shall provide all high school
5 students enrolled in the district the option of taking the mathematics
6 college readiness test developed under RCW 28B.10.679 once at no cost
7 to the students. Districts shall encourage, but not require, students
8 to take the test in their junior or senior year of high school.

9 (2) Subject to funding appropriated for this purpose, the office of
10 the superintendent of public instruction shall reimburse each district
11 for the costs incurred by the district in providing students the
12 opportunity to take the mathematics placement test.

13 (3) This section is suspended until July 1, 2011.

14 **Sec. 25.** RCW 28A.600.160 and 1998 c 225 s 2 are each amended to
15 read as follows:

16 Any middle school, junior high school, or high school using
17 educational pathways shall ensure that all participating students will
18 continue to have access to the courses and instruction necessary to
19 meet admission requirements at baccalaureate institutions. Students
20 shall be allowed to enter the educational pathway of their choice.
21 Before accepting a student into an educational pathway, the school
22 shall inform the student's parent of the pathway chosen, the
23 opportunities available to the student through the pathway, and the
24 career objectives the student will have exposure to while pursuing the
25 pathway. Providing online access to the information satisfies the
26 requirements of this section unless a parent or guardian specifically
27 request information to be provided in written form. Parents and
28 students dissatisfied with the opportunities available through the
29 selected educational pathway shall be provided with the opportunity to
30 transfer the student to any other pathway provided in the school.
31 Schools may not develop educational pathways that retain students in
32 high school beyond the date they are eligible to graduate, and may not
33 require students who transfer between pathways to complete pathway
34 requirements beyond the date the student is eligible to graduate.
35 Educational pathways may include, but are not limited to, programs such
36 as work-based learning, school-to-work transition, tech prep,

1 vocational-technical education, running start, and preparation for
2 technical college, community college, or university education.

3 **Sec. 26.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to
4 read as follows:

5 (1) The high school assessment system shall include but need not be
6 limited to the Washington assessment of student learning, opportunities
7 for a student to retake the content areas of the assessment in which
8 the student was not successful, and if approved by the legislature
9 pursuant to subsection (10) of this section, one or more objective
10 alternative assessments for a student to demonstrate achievement of
11 state academic standards. The objective alternative assessments for
12 each content area shall be comparable in rigor to the skills and
13 knowledge that the student must demonstrate on the Washington
14 assessment of student learning for each content area.

15 (2) Subject to the conditions in this section, a certificate of
16 academic achievement shall be obtained by most students at about the
17 age of sixteen, and is evidence that the students have successfully met
18 the state standard in the content areas included in the certificate.
19 With the exception of students satisfying the provisions of RCW
20 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
21 for graduation from a public high school but is not the only
22 requirement for graduation.

23 (3) Beginning with the graduating class of 2008, with the exception
24 of students satisfying the provisions of RCW 28A.155.045, a student who
25 meets the state standards on the reading, writing, and mathematics
26 content areas of the high school Washington assessment of student
27 learning shall earn a certificate of academic achievement. If a
28 student does not successfully meet the state standards in one or more
29 content areas required for the certificate of academic achievement,
30 then the student may retake the assessment in the content area up to
31 four times at no cost to the student. If the student successfully
32 meets the state standards on a retake of the assessment then the
33 student shall earn a certificate of academic achievement. Once
34 objective alternative assessments are authorized pursuant to subsection
35 (10) of this section, a student may use the objective alternative
36 assessments to demonstrate that the student successfully meets the
37 state standards for that content area if the student has taken the

1 Washington assessment of student learning at least once. If the
2 student successfully meets the state standards on the objective
3 alternative assessments then the student shall earn a certificate of
4 academic achievement.

5 (4) Beginning no later than with the graduating class of 2013, a
6 student must meet the state standards in science in addition to the
7 other content areas required under subsection (3) of this section on
8 the Washington assessment of student learning or the objective
9 alternative assessments in order to earn a certificate of academic
10 achievement. The state board of education may adopt a rule that
11 implements the requirements of this subsection (4) beginning with a
12 graduating class before the graduating class of 2013, if the state
13 board of education adopts the rule by September 1st of the freshman
14 school year of the graduating class to which the requirements of this
15 subsection (4) apply. The state board of education's authority under
16 this subsection (4) does not alter the requirement that any change in
17 performance standards for the tenth grade assessment must comply with
18 RCW 28A.305.130.

19 (5) The state board of education may not require the acquisition of
20 the certificate of academic achievement for students in home-based
21 instruction under chapter 28A.200 RCW, for students enrolled in private
22 schools under chapter 28A.195 RCW, or for students satisfying the
23 provisions of RCW 28A.155.045.

24 (6) A student may retain and use the highest result from each
25 successfully completed content area of the high school assessment.

26 (7) School districts must make available to students the following
27 options:

28 (a) To retake the Washington assessment of student learning up to
29 four times in the content areas in which the student did not meet the
30 state standards if the student is enrolled in a public school; or

31 (b) To retake the Washington assessment of student learning up to
32 four times in the content areas in which the student did not meet the
33 state standards if the student is enrolled in a high school completion
34 program at a community or technical college. The superintendent of
35 public instruction and the state board for community and technical
36 colleges shall jointly identify means by which students in these
37 programs can be assessed.

1 (8) Students who achieve the standard in a content area of the high
2 school assessment but who wish to improve their results shall pay for
3 retaking the assessment, using a uniform cost determined by the
4 superintendent of public instruction.

5 (9) Opportunities to retake the assessment at least twice a year
6 shall be available to each school district.

7 (10)(a) The office of the superintendent of public instruction
8 shall develop options for implementing objective alternative
9 assessments, which may include an appeals process for students' scores,
10 for students to demonstrate achievement of the state academic
11 standards. The objective alternative assessments shall be comparable
12 in rigor to the skills and knowledge that the student must demonstrate
13 on the Washington assessment of student learning and be objective in
14 its determination of student achievement of the state standards.
15 Before any objective alternative assessments in addition to those
16 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
17 student to demonstrate that the student has met the state standards in
18 a content area required to obtain a certificate, the legislature shall
19 formally approve the use of any objective alternative assessments
20 through the omnibus appropriations act or by statute or concurrent
21 resolution.

22 (b)(i) A student's score on the mathematics, reading or English, or
23 writing portion of the (~~(scholastic assessment test (-))~~)SAT((+)) or the
24 (~~(American college test (-))~~)ACT((+)) may be used as an objective
25 alternative assessment under this section for demonstrating that a
26 student has met or exceeded the state standards for the certificate of
27 academic achievement. The state board of education shall identify the
28 scores students must achieve on the relevant portion of the SAT or ACT
29 to meet or exceed the state standard in the relevant content area on
30 the Washington assessment of student learning. The state board of
31 education shall identify the first scores by December 1, 2007. After
32 the first scores are established, the state board may increase but not
33 decrease the scores required for students to meet or exceed the state
34 standards.

35 (ii) Until August 31, 2008, a student's score on the mathematics
36 portion of the (~~(preliminary scholastic assessment test (-))~~)PSAT((+))
37 may be used as an objective alternative assessment under this section
38 for demonstrating that a student has met or exceeded the state standard

1 for the certificate of academic achievement. The state board of
2 education shall identify the score students must achieve on the
3 mathematics portion of the PSAT to meet or exceed the state standard in
4 that content area on the Washington assessment of student learning.

5 (iii) A student who scores at least a three on the grading scale of
6 one to five for selected AP examinations may use the score as an
7 objective alternative assessment under this section for demonstrating
8 that a student has met or exceeded state standards for the certificate
9 of academic achievement. A score of three on the AP examinations in
10 calculus or statistics may be used as an alternative assessment for the
11 mathematics portion of the Washington assessment of student learning.
12 A score of three on the AP examinations in English language and
13 composition may be used as an alternative assessment for the writing
14 portion of the Washington assessment of student learning. A score of
15 three on the AP examinations in English literature and composition,
16 macroeconomics, microeconomics, psychology, United States history,
17 world history, United States government and politics, or comparative
18 government and politics may be used as an alternative assessment for
19 the reading portion of the Washington assessment of student learning.

20 (11) By December 15, 2004, the house of representatives and senate
21 education committees shall obtain information and conclusions from
22 recognized, independent, national assessment experts regarding the
23 validity and reliability of the high school Washington assessment of
24 student learning for making individual student high school graduation
25 determinations.

26 ~~((12) To help assure continued progress in academic achievement as
27 a foundation for high school graduation and to assure that students are
28 on track for high school graduation, each school district shall prepare
29 plans for and notify students and their parents or legal guardians as
30 provided in this subsection (12).~~

31 ~~(a) Student learning plans are required for eighth through twelfth
32 grade students who were not successful on any or all of the content
33 areas of the Washington assessment for student learning during the
34 previous school year or who may not be on track to graduate due to
35 credit deficiencies or absences. The parent or legal guardian shall be
36 notified about the information in the student learning plan, preferably
37 through a parent conference and at least annually. To the extent
38 feasible, schools serving English language learner students and their~~

1 ~~parents shall translate the plan into the primary language of the~~
2 ~~family. The plan shall include the following information as~~
3 ~~applicable:~~

4 ~~(i) The student's results on the Washington assessment of student~~
5 ~~learning;~~

6 ~~(ii) If the student is in the transitional bilingual program, the~~
7 ~~score on his or her Washington language proficiency test II;~~

8 ~~(iii) Any credit deficiencies;~~

9 ~~(iv) The student's attendance rates over the previous two years;~~

10 ~~(v) The student's progress toward meeting state and local~~
11 ~~graduation requirements;~~

12 ~~(vi) The courses, competencies, and other steps needed to be taken~~
13 ~~by the student to meet state academic standards and stay on track for~~
14 ~~graduation;~~

15 ~~(vii) Remediation strategies and alternative education options~~
16 ~~available to students, including informing students of the option to~~
17 ~~continue to receive instructional services after grade twelve or until~~
18 ~~the age of twenty-one;~~

19 ~~(viii) The alternative assessment options available to students~~
20 ~~under this section and RCW 28A.655.065;~~

21 ~~(ix) School district programs, high school courses, and career and~~
22 ~~technical education options available for students to meet graduation~~
23 ~~requirements; and~~

24 ~~(x) Available programs offered through skill centers or community~~
25 ~~and technical colleges.~~

26 ~~(b) All fifth grade students who were not successful in one or more~~
27 ~~of the content areas of the fourth grade Washington assessment of~~
28 ~~student learning shall have a student learning plan.~~

29 ~~(i) The parent or guardian of the student shall be notified,~~
30 ~~preferably through a parent conference, of the student's results on the~~
31 ~~Washington assessment of student learning, actions the school intends~~
32 ~~to take to improve the student's skills in any content area in which~~
33 ~~the student was unsuccessful, and provide strategies to help them~~
34 ~~improve their student's skills.~~

35 ~~(ii) Progress made on the student plan shall be reported to the~~
36 ~~student's parents or guardian at least annually and adjustments to the~~
37 ~~plan made as necessary.))~~

1 **Sec. 27.** RCW 28A.655.075 and 2007 c 396 s 16 are each amended to
2 read as follows:

3 (1) Within funds specifically appropriated therefor, by December 1,
4 2008, the superintendent of public instruction shall develop essential
5 academic learning requirements and grade level expectations for
6 educational technology literacy and technology fluency that identify
7 the knowledge and skills that all public school students need to know
8 and be able to do in the areas of technology and technology literacy.
9 The development process shall include a review of current standards
10 that have been developed or are used by other states and national and
11 international technology associations. To the maximum extent possible,
12 the superintendent shall integrate goal four and the knowledge and
13 skill areas in the other goals in the technology essential academic
14 learning requirements.

15 (a) As used in this section, "technology literacy" means the
16 ability to responsibly, creatively, and effectively use appropriate
17 technology to communicate; access, collect, manage, integrate, and
18 evaluate information; solve problems and create solutions; build and
19 share knowledge; and improve and enhance learning in all subject areas
20 and experiences.

21 (b) Technology fluency builds upon technology literacy and is
22 demonstrated when students: Apply technology to real-world
23 experiences; adapt to changing technologies; modify current and create
24 new technologies; and personalize technology to meet personal needs,
25 interests, and learning styles.

26 (2)(a) Within funds specifically appropriated therefor, the
27 superintendent shall obtain or develop education technology assessments
28 that may be administered in the elementary, middle, and high school
29 grades to assess the essential academic learning requirements for
30 technology. The assessments shall be designed to be classroom or
31 project-based so that they can be embedded in classroom instruction and
32 be administered and scored by school staff throughout the regular
33 school year using consistent scoring criteria and procedures. By the
34 2010-11 school year, these assessments shall be made available to
35 school districts for the districts' voluntary use. If a school
36 district uses the assessments created under this section, then the
37 school district shall notify the superintendent of public instruction

1 of the use. The superintendent shall report annually to the
2 legislature on the number of school districts that use the assessments
3 each school year.

4 (b) Beginning December 1, 2010, and annually thereafter, the
5 superintendent of public instruction shall provide a report to the
6 relevant legislative committees regarding the use of the assessments.

7 (3) This section is suspended until July 1, 2011.

8 **Sec. 28.** RCW 17.21.415 and 2001 c 333 s 3 are each amended to read
9 as follows:

10 (1) As used in this section, "school" means a licensed day care
11 center or a public kindergarten or a public elementary or secondary
12 school.

13 (2) A school shall provide written notification (~~(annually or upon~~
14 ~~enrollment)~~), upon request, to parents or guardians of students and
15 employees describing the school's pest control policies and methods,
16 including the posting and notification requirements of this section.

17 (3) A school shall establish a notification system that, as a
18 minimum, notifies interested parents or guardians of students and
19 employees at least forty-eight hours before a pesticide application to
20 a school facility. The notification system shall include posting of
21 the notification in a prominent place in the main office of the school.

22 (4) All notifications to parents, guardians, and employees shall
23 include the heading "Notice: Pesticide Application" and, at a minimum,
24 shall state:

25 (a) The product name of the pesticide to be applied;

26 (b) The intended date and time of application;

27 (c) The location to which the pesticide is to be applied;

28 (d) The pest to be controlled; and

29 (e) The name and phone number of a contact person at the school.

30 (5) A school facility application must be made within forty-eight
31 hours following the intended date and time stated in the notification
32 or the notification process shall be repeated.

33 (6) A school shall, at the time of application, post notification
34 signs for all pesticide applications made to school facilities unless
35 the application is otherwise required to be posted by a certified
36 applicator under the provisions of RCW 17.21.410(1)(d).

1 (a) Notification signs for applications made to school grounds by
2 school employees shall be placed at the location of the application and
3 at each primary point of entry to the school grounds. The signs shall
4 be a minimum of four inches by five inches and shall include the words:
5 "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY
6 YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as
7 the footer. The footer shall provide the name and telephone number of
8 a contact person at the school.

9 (b) Notification signs for applications made to school facilities
10 other than school grounds shall be posted at the location of the
11 application. The signs shall be a minimum of eight and one-half by
12 eleven inches and shall include the heading "Notice: Pesticide
13 Application" and, at a minimum, shall state:

14 (i) The product name of the pesticide applied;

15 (ii) The date and time of application;

16 (iii) The location to which the pesticide was applied;

17 (iv) The pest to be controlled; and

18 (v) The name and phone number of a contact person at the school.

19 (c) Notification signs shall be printed in colors contrasting to
20 the background.

21 (d) Notification signs shall remain in place for at least
22 twenty-four hours from the time the application is completed. In the
23 event the pesticide label requires a restricted entry interval greater
24 than twenty-four hours, the notification sign shall remain in place
25 consistent with the restricted entry interval time as required by the
26 label.

27 (7) A school facility application does not include the application
28 of antimicrobial pesticides or the placement of insect or rodent baits
29 that are not accessible to children.

30 (8) The prenotification requirements of this section do not apply
31 if the school facility application is made when the school is not
32 occupied by students for at least two consecutive days after the
33 application.

34 (9) The prenotification requirements of this section do not apply
35 to any emergency school facility application for control of any pest
36 that poses an immediate human health or safety threat, such as an
37 application to control stinging insects. When an emergency school
38 facility application is made, notification consistent with the school's

1 notification system shall occur as soon as possible after the
2 application. The notification shall include information consistent
3 with subsection (6)(b) of this section.

4 (10) A school shall make the records of all pesticide applications
5 to school facilities required under this chapter, including an annual
6 summary of the records, readily accessible to interested persons.

7 (11) A school is not liable for the removal of signs by
8 unauthorized persons. A school that complies with this section may not
9 be held liable for personal property damage or bodily injury resulting
10 from signs that are placed as required.

11 NEW SECTION. **Sec. 29.** The following acts or parts of acts, as now
12 existing or hereafter amended, are each repealed:

13 (1) RCW 28A.210.130 (Immunization program--Superintendent of public
14 instruction to provide information) and 1990 c 33 s 197 & 1985 c 49 s
15 4;

16 (2) RCW 28A.220.050 (Information on proper use of left-hand lane)
17 and 1986 c 93 s 4;

18 (3) RCW 28A.220.080 (Information on motorcycle awareness) and 2007
19 c 97 s 4 & 2004 c 126 s 1;

20 (4) RCW 28A.220.085 (Information on driving safely among bicyclists
21 and pedestrians) and 2008 c 125 s 4;

22 (5) RCW 28A.230.092 (Washington state history and government--
23 Course content) and 2008 c 190 s 2;

24 (6) RCW 28A.230.185 (Family preservation education program) and
25 2005 c 491 s 2;

26 (7) RCW 28A.300.412 (Washington civil liberties public education
27 program--Report) and 2000 c 210 s 6; and

28 (8) RCW 28A.600.320 (High school students' options--Information on
29 enrollment) and 2008 c 95 s 3, 1994 c 205 s 3, & 1990 1st ex.s. c 9 s
30 403.

31 NEW SECTION. **Sec. 30.** Sections 6, 7, 10, 17, 18, 21, 24, and 27
32 of this act expire July 1, 2011.

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