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HOUSE BILL 1251

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hunter and Darneille; by request of Office of Financial Management

Read first time 01/18/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to revising education provisions to implement  
2 budget reductions; amending RCW 28A.300.136, 28A.300.137, 28A.300.380,  
3 28A.300.515, 28A.630.016, 28A.655.066, and 28A.500.030; providing  
4 expiration dates; and declaring an emergency.

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

6 **Sec. 1.** RCW 28A.300.136 and 2010 c 235 s 901 are each amended to  
7 read as follows:

8 (1) To the extent funds are available, the superintendent of public  
9 instruction shall provide support for an achievement gap oversight and  
10 accountability committee ((is created to synthesize)). The committee's  
11 work may include synthesis of the findings and recommendations from the  
12 2008 achievement gap studies into an implementation plan, and ((to  
13 recommend)) development of recommended policies and strategies to the  
14 superintendent of public instruction, the professional educator  
15 standards board, and the state board of education to close the  
16 achievement gap.

17 (2) The committee shall recommend specific policies and strategies  
18 in at least the following areas:

- 1 (a) Supporting and facilitating parent and community involvement  
2 and outreach;
- 3 (b) Enhancing the cultural competency of current and future  
4 educators and the cultural relevance of curriculum and instruction;
- 5 (c) Expanding pathways and strategies to prepare and recruit  
6 diverse teachers and administrators;
- 7 (d) Recommending current programs and resources that should be  
8 redirected to narrow the gap;
- 9 (e) Identifying data elements and systems needed to monitor  
10 progress in closing the gap;
- 11 (f) Making closing the achievement gap part of the school and  
12 school district improvement process; and
- 13 (g) Exploring innovative school models that have shown success in  
14 closing the achievement gap.
- 15 (3) Taking a multidisciplinary approach, the committee may seek  
16 input and advice from other state and local agencies and organizations  
17 with expertise in health, social services, gang and violence  
18 prevention, substance abuse prevention, and other issues that  
19 disproportionately affect student achievement and student success.
- 20 (4) The achievement gap oversight and accountability committee  
21 shall be composed of the following members:
- 22 (a) The chairs and ranking minority members of the house and senate  
23 education committees, or their designees;
- 24 (b) One additional member of the house of representatives appointed  
25 by the speaker of the house and one additional member of the senate  
26 appointed by the president of the senate;
- 27 (c) A representative of the office of the education ombudsman;
- 28 (d) A representative of the center for the improvement of student  
29 learning in the office of the superintendent of public instruction;
- 30 (e) A representative of federally recognized Indian tribes whose  
31 traditional lands and territories lie within the borders of Washington  
32 state, designated by the federally recognized tribes; and
- 33 (f) Four members appointed by the governor in consultation with the  
34 state ethnic commissions, who represent the following populations:  
35 African-Americans, Hispanic Americans, Asian Americans, and Pacific  
36 Islander Americans.
- 37 (5) The governor and the tribes are encouraged to designate members  
38 who have experience working in and with schools.

1 (6) The committee may convene ad hoc working groups to obtain  
2 additional input and participation from community members. Members of  
3 ad hoc working groups shall serve without compensation and shall not be  
4 reimbursed for travel or other expenses.

5 (7) The chair or cochairs of the committee shall be selected by the  
6 members of the committee. Staff support for the committee shall be  
7 provided by the center for the improvement of student learning.  
8 Members of the committee shall serve without compensation but must be  
9 reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative  
10 members of the committee shall be reimbursed for travel expenses in  
11 accordance with RCW 44.04.120.

12 (8) The superintendent of public instruction, the state board of  
13 education, the professional educator standards board, and the quality  
14 education council shall work collaboratively with the achievement gap  
15 oversight and accountability committee to close the achievement gap.

16 **Sec. 2.** RCW 28A.300.137 and 2009 c 468 s 3 are each amended to  
17 read as follows:

18 To the extent funds are available, beginning in January 2010, the  
19 achievement gap oversight and accountability committee shall report  
20 annually to the superintendent of public instruction, the state board  
21 of education, the professional educator standards board, the governor,  
22 and the education committees of the legislature on the strategies to  
23 address the achievement gap and on the progress in improvement of  
24 education performance measures for African-American, Hispanic, American  
25 Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native  
26 students.

27 **Sec. 3.** RCW 28A.300.380 and 2010 1st sp.s. c 37 s 913 are each  
28 amended to read as follows:

29 (1) To the extent funds are available, the superintendent of public  
30 instruction shall maintain support for statewide coordination for  
31 career and technical student organizations by providing program staff  
32 support that is available to assist in meeting the needs of career and  
33 technical student organizations and their members and students. The  
34 superintendent may provide additional support to the organizations  
35 through contracting with independent coordinators.

1 (2) Career and technical student organizations eligible for  
2 technical assistance and other support services under this section are  
3 organizations recognized as career and technical student organizations  
4 by:

5 (a) The United States department of education; or

6 (b) The superintendent of public instruction, if such recognition  
7 is recommended by the Washington association for career and technical  
8 education.

9 (3) Career and technical student organizations eligible for  
10 technical assistance and other support services under this section  
11 include, but are not limited to: The national FFA organization;  
12 family, career, and community leaders of America; skillsUSA;  
13 distributive education clubs of America; future business leaders of  
14 America; and the technology student association.

15 **Sec. 4.** RCW 28A.300.515 and 2007 c 396 s 15 are each amended to  
16 read as follows:

17 To the extent funds are available, the superintendent of public  
18 instruction shall provide support for statewide coordination for math,  
19 science, and technology, including employing a statewide director for  
20 math, science, and technology. The duties of the director shall  
21 include, but not be limited to:

22 (1) Within funds specifically appropriated therefor, obtain a  
23 statewide license, or otherwise obtain and disseminate, an interactive,  
24 project-based high school and middle school technology curriculum that  
25 includes a comprehensive professional development component for  
26 teachers and, if possible, counselors, and also includes a systematic  
27 program evaluation. The curriculum must be distributed to all school  
28 districts, or as many as feasible, by the 2007-08 school year;

29 (2) Within funds specifically appropriated therefor, supporting a  
30 public-private partnership to assist school districts with implementing  
31 an ongoing, inquiry-based science program that is based on a research-  
32 based model of systemic reform and aligned with the Washington state  
33 science grade level expectations;

34 (3) Within funds specifically appropriated therefor, supporting a  
35 public-private partnership to provide enriching opportunities in  
36 mathematics, engineering, and science for underrepresented students in

1 grades kindergarten through twelve using exemplary materials and  
2 instructional approaches;

3 (4) In an effort to increase precollege and prework interest in  
4 math, science, and technology fields, in collaboration with the  
5 community and technical colleges, the four-year institutions of higher  
6 education, and the workforce training and education coordinating board,  
7 conducting outreach efforts to attract middle and high school students  
8 to careers in math, science, and technology and to educate students  
9 about the coursework that is necessary to be adequately prepared to  
10 succeed in these fields;

11 (5) Coordinating youth opportunities in math, science, and  
12 technology, including facilitating student participation in school  
13 clubs, state-level fairs, national competitions, and encouraging  
14 partnerships between students and university faculty or industry to  
15 facilitate such student participation;

16 (6) Developing and maintaining public-private partnerships to  
17 generate business and industry assistance to accomplish the following:

18 (a) Increasing student engagement and career awareness, including  
19 increasing student participation in the youth opportunities in  
20 subsection (5) of this section;

21 (b) Creation and promotion of student scholarships, internships,  
22 and apprenticeships;

23 (c) Provision of relevant teacher experience and training,  
24 including on-the-job professional development opportunities;

25 (d) Upgrading kindergarten through twelfth grade school equipment  
26 and facilities to support high quality math, science, and technology  
27 programs;

28 (7) Assembling a cadre of inspiring speakers employed or  
29 experienced in the relevant fields to speak to kindergarten through  
30 twelfth grade students to demonstrate the breadth of the opportunities  
31 in the relevant fields as well as share the types of coursework that  
32 (~~is~~~~are~~) are necessary for someone to be successful in the relevant  
33 field;

34 (8) Providing technical assistance to schools and school districts,  
35 including working with counselors in support of the math, science, and  
36 technology programs; and

37 (9) Reporting annually to the legislature about the actions taken  
38 to provide statewide coordination for math, science, and technology.

1           **Sec. 5.** RCW 28A.630.016 and 2007 c 522 s 959 are each amended to  
2 read as follows:

3           (1)(a) Research has shown that early, intensive interventions can  
4 significantly improve reading, written language, and mathematics skills  
5 for children who are struggling academically. This early research-  
6 based assistance has been successful in reducing the number of children  
7 who require specialized programs. Research further suggests that the  
8 disabilities of many students with mild and moderate disabilities are  
9 correctable through strategic early intervention and the students do  
10 not necessitate special education eligibility. However, by being  
11 effective in reducing the number of students eligible for these  
12 programs, school district funding is reduced.

13           (b) The purpose of the program in this section is to continue  
14 support to the existing pilot districts and to encourage other school  
15 districts to participate as pilot districts to improve the  
16 implementation of high quality general education research-based core  
17 instructional programs to meet the needs of students struggling  
18 academically, while reducing the number of students inappropriately  
19 referred and placed in special education under the specific learning  
20 disability eligibility category because of ineffective instructional  
21 practices. This will allow special education programs to concentrate  
22 specially designed instruction on students who truly require special  
23 education services. The goal of this assistance is to effectively  
24 address reading, written language, and mathematics difficulties  
25 resulting in a substantially greater proportion of students meeting the  
26 progressively increasing performance standards for both the aggregate  
27 and disaggregated subgroups under federal law.

28           (c) The participating pilot districts implementing the special  
29 services pilot program have met the goals of the pilot program  
30 resulting in (i) a substantial number of underachieving students  
31 meeting the progressively increasing reading performance standards and  
32 (ii) a reduction in the number of children who require special  
33 education.

34           (2) Seven school districts may participate in the special services  
35 pilot program, including two school districts already participating and  
36 five additional school districts. The special services pilot program  
37 shall begin in the 2007-08 school year and conclude in the 2010-11  
38 school year.

1 (3) School districts participating in the pilot program shall  
2 receive state special education funding in accordance with state  
3 special education funding formulas and a separate pilot program  
4 appropriation from sources other than special education funds. The  
5 separate appropriation shall be: (a) The school district's estimated  
6 state special education funding for the current year based on the  
7 school district's average percentage of students age three through  
8 twenty-one who were eligible for special education services for the  
9 school year before participation as a pilot program as reported to the  
10 office of the superintendent of public instruction; minus (b) the  
11 school district's actual state special education funding based on the  
12 district's current percentage of students age three through twenty-one  
13 eligible for special education services as reported to (~~the office~~  
14 ~~of~~) the office of the superintendent of public instruction.

15 The superintendent shall adjust the factors in (a) of this  
16 subsection for one or more participating school districts, where  
17 legislative changes to the special education funding formula impact the  
18 funding mechanism of this program.

19 (4) Participation in the pilot program shall not increase or  
20 decrease a district's ability to access the safety net for high-cost  
21 students by virtue of the district's participation in the program.  
22 Districts participating in the pilot program shall have access to the  
23 special education safety net using a modified application approach for  
24 the office of the superintendent of public instruction demonstration of  
25 financial need. The superintendent shall create a modified application  
26 to include all special education revenues received by the district, all  
27 pilot program funding, expenditures for students with individual  
28 education programs, and expenditures for students generating pilot  
29 program revenue. Districts participating in the pilot program that  
30 seek safety net funding shall convincingly demonstrate to the safety  
31 net committee that any change in demonstrated need is not attributable  
32 to their participation in this pilot program.

33 (5) School districts participating in the program must agree to:  
34 (a) Implement the program as part of the school district's general  
35 education curriculum for all students;  
36 (b) Use a multitiered service delivery system to provide scientific  
37 research-based instructional interventions addressing individual

1 student needs in the areas of reading, written language, or  
2 mathematics;

3 (c) Develop and implement an assessment system to conduct universal  
4 screening, progress monitoring, targeted assessments, and outcome  
5 assessments to identify the reading, written language, or mathematics  
6 needs of each student and to monitor student progress;

7 (d) Incorporate student-specific data obtained through the pilot  
8 program when conducting an evaluation to determine if the student has  
9 a disability;

10 (e) Assure that parents are informed of: The amount and nature of  
11 student performance data that is collected and the general education  
12 services that are provided; the strategies for increasing the student's  
13 rate of learning; the parents' right to make a referral for special  
14 education evaluation if they suspect the student has a disability; and  
15 the parents' right to have input into designed interventions;

16 (f) Assure that parents are provided assessments of achievement at  
17 reasonable intervals addressing student progress during instruction;

18 (g) Actively engage parents as partners in the learning process;

19 (h) Comply with state special education requirements; and

20 (i) Participate and provide staff expertise in the design and  
21 implementation of an evaluation of the program as determined by the  
22 superintendent of public instruction. Districts shall annually review  
23 and report progress, including objective measures or indicators that  
24 show the progress towards achieving the purpose and goal of the  
25 program, to the office of the superintendent of public instruction.

26 (6) By December 15, 2010, the superintendent of public instruction  
27 shall submit a report to the governor and appropriate committees of the  
28 legislature that summarizes the effectiveness of the pilot program in  
29 this section. The report shall also include a recommendation as to  
30 whether or not the pilot program should be continued, expanded, or  
31 otherwise modified.

32 (7) This section expires (~~June 30~~) March 1, 2011.

33 **Sec. 6.** RCW 28A.655.066 and 2009 c 310 s 3 are each amended to  
34 read as follows:

35 (1)(a) In consultation with the state board of education, the  
36 superintendent of public instruction shall develop statewide end-of-  
37 course assessments for high school mathematics that measure student



1 achievement of the state mathematics standards. The superintendent  
2 shall take steps to ensure that the language of the assessments is  
3 responsive to a diverse student population. The assessments shall be  
4 implemented statewide in the 2010-11 school year.

5 (b) The superintendent shall develop end-of-course assessments for  
6 the first year of high school mathematics that include the standards  
7 common to algebra I and integrated mathematics I and for the second  
8 year of high school mathematics that include the standards common to  
9 geometry and integrated mathematics II. The assessments under this  
10 subsection (1)(b) shall be used to demonstrate that a student meets the  
11 state standard on the mathematics content area of the high school  
12 Washington assessment of student learning for purposes of RCW  
13 28A.655.061.

14 (c) The superintendent of public instruction shall also develop  
15 subtests for the end-of-course assessments that measure standards for  
16 the first two years of high school mathematics that are unique to  
17 algebra I, integrated mathematics I, geometry, and integrated  
18 mathematics II. The results of the subtests shall be reported at the  
19 student, teacher, school, and district level.

20 (2) For the graduating class of 2013 and for the purposes of the  
21 certificate of academic achievement under RCW 28A.655.061, a student  
22 may use:

23 (a) Results from the end-of-course assessment for the first year of  
24 high school mathematics or the results from the end-of-course  
25 assessment for the second year of high school mathematics; or

26 (b) Results from a retake assessment.

27 (3) For the graduating (~~classes of 2013 and~~) class of 2014 and  
28 for purposes of the certificate of academic achievement under RCW  
29 28A.655.061, a student may use:

30 (a) Results from the end-of-course assessment for the first year of  
31 high school mathematics plus the results from the end-of-course  
32 assessment for the second year of high school mathematics; or

33 (b) Results from (~~the comprehensive mathematics assessment to~~  
34 demonstrate that a student meets the state standard on the mathematics  
35 content area of the high school Washington assessment of student  
36 learning)) one or both retake assessments as needed to demonstrate  
37 achievement of the state mathematics standards for both first and  
38 second years of high school mathematics.

1       (~~(3)~~) (4) Beginning with the graduating class of 2015 and for  
2 purposes of the certificate of academic achievement under RCW  
3 28A.655.061, the mathematics content area of the Washington assessment  
4 of student learning shall be assessed using the end-of-course  
5 assessment for the first year of high school mathematics plus the end-  
6 of-course assessment for the second year of high school mathematics.  
7 All of the objective alternative assessments available to students  
8 under RCW 28A.655.061 and 28A.655.065 shall be available to any student  
9 who has taken the sequence of end-of-course assessments once but does  
10 not meet the state mathematics standard on the sequence of end-of-  
11 course assessments.

12       (~~(4)~~) (5) The superintendent of public instruction shall report  
13 at least annually or more often if necessary to keep the education  
14 committees of the legislature informed on each step of the development  
15 and implementation process under this section.

16       **Sec. 7.** RCW 28A.500.030 and 2010 c 237 s 6 are each amended to  
17 read as follows:

18       Allocation of state matching funds to eligible districts for local  
19 effort assistance shall be determined as follows:

20       (1) Funds raised by the district through maintenance and operation  
21 levies shall be matched with state funds using the following ratio of  
22 state funds to levy funds:

23       (a) The difference between the district's fourteen percent levy  
24 rate and the statewide average fourteen percent levy rate; to

25       (b) The statewide average fourteen percent levy rate.

26       (2) The maximum amount of state matching funds for districts  
27 eligible for local effort assistance shall be the district's fourteen  
28 percent levy amount, multiplied by the following percentage:

29       (a) The difference between the district's fourteen percent levy  
30 rate and the statewide average fourteen percent levy rate; divided by

31       (b) The district's fourteen percent levy rate.

32       (3)(a) Except as provided in (b) and (c) of this subsection,  
33 beginning with calendar year 2007, allocations and maximum eligibility  
34 under this chapter shall be fully funded at one hundred percent and  
35 shall not be reduced.

36       (b) From January 1, 2011, to June 30, 2011, allocations and maximum  
37 eligibility under this chapter shall be multiplied by 0.8928.

1        (c) From July 1, 2011, to December 31, 2011, allocations and  
2 maximum eligibility under this chapter shall be multiplied by 0.93713.

3        NEW SECTION.    **Sec. 8.**    Section 7 of this act expires January 1,  
4 2018.

5        NEW SECTION.    **Sec. 9.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately.

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