

ESSB 5946 - H AMD 581

By Representative Sullivan

ADOPTED 06/28/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I

4 **LEARNING TO READ, READING TO LEARN**

5 NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.300
6 RCW to read as follows:

7 In support of reading and early literacy, the office of the
8 superintendent of public instruction is responsible for:

9 (1) Continuing to work collaboratively with state and regional
10 partners such as the department of early learning and the educational
11 service districts to establish early literacy benchmarks and standards
12 and to implement the Washington state comprehensive literacy plan;

13 (2) Disseminating research and information to school districts
14 about evidence-based programs and practices in reading readiness
15 skills, early literacy, and reading instruction;

16 (3) Providing statewide models to support school districts that are
17 implementing response to intervention initiatives, positive behavior
18 intervention support systems, or other similar comprehensive models of
19 data-based identification and early intervention; and

20 (4) Within available funds and in partnership with the educational
21 service districts, providing technical assistance and professional
22 development opportunities for school districts.

23 NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.320
24 RCW to read as follows:

25 School districts are responsible for providing a comprehensive
26 system of instruction and services in reading and early literacy to
27 kindergarten through fourth grade students that is based on the degree

1 of student need for additional support. Reading and early literacy
2 systems provided by school districts must include:

3 (1) Annual use of screening assessments and other tools to identify
4 at-risk readers in kindergarten through fourth grade, such as the
5 Washington kindergarten inventory of developing skills, the Washington
6 state early learning and development guidelines for birth through third
7 grade, the second grade reading assessment under RCW 28A.300.310, and
8 locally used assessments and other tools; and

9 (2) Research-based family involvement and engagement strategies,
10 including strategies to help families and guardians assist in improving
11 students' reading and early literacy skills at home.

12 NEW SECTION. **Sec. 103.** A new section is added to chapter 28A.415
13 RCW to read as follows:

14 (1) High-quality professional development is essential for
15 educators to keep abreast of the important advances in research that
16 are occurring regarding instructional strategies and curriculum.
17 Professional development in early literacy is especially important to
18 support the instruction of young readers since reading proficiency is
19 a crucial element for student academic success.

20 (2) Subject to funds appropriated for this specific purpose, the
21 office of the superintendent of public instruction shall create
22 partnerships with the educational service districts and public or
23 private institutions of higher education with approved educator
24 preparation programs to develop and deliver research-based professional
25 development learning opportunities in reading instruction and early
26 literacy for teachers of kindergarten through fourth grade students.

27 NEW SECTION. **Sec. 104.** A new section is added to chapter 28A.320
28 RCW to read as follows:

29 (1) Each school district shall require that report cards for
30 students in kindergarten through fourth grade include information
31 regarding how the student is progressing on acquiring reading skills
32 and whether the student is at grade level in reading.

33 (2) If a student is not reading at or above grade level, the
34 teacher, with the support of other school personnel as appropriate,
35 must explain to the parent or guardian which interventions and

1 strategies will be used to help improve the student's reading skills
2 and must provide strategies for parents or guardians to assist with
3 improving the student's reading skills at home.

4 (3) Each school shall report to the school district the number of
5 students in grades kindergarten through four who are reading below
6 grade level and the interventions that are being provided to improve
7 the reading skills of the students, with the information disaggregated
8 by subgroups of students. The school district shall aggregate the
9 reports from the schools and provide the reports to the office of the
10 superintendent of public instruction. The office of the superintendent
11 of public instruction shall submit a statewide report annually to the
12 education committees of the legislature and the educational opportunity
13 gap oversight and accountability committee.

14 NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.655
15 RCW to read as follows:

16 (1) The definitions in this subsection apply throughout this
17 section and section 106 of this act unless the context clearly requires
18 otherwise.

19 (a) "Basic" means a score on the statewide student assessment at a
20 level two in a four-level scoring system.

21 (b) "Below basic" means a score on the statewide student assessment
22 at a level one in a four-level scoring system.

23 (c) "Not meet the state standard" means a score on the statewide
24 student assessment at either a level one or a level two in a four-level
25 scoring system.

26 (2) Beginning in the 2014-15 school year, for any student who
27 receives a score of below basic on the third grade statewide student
28 assessment in English language arts, a meeting must be scheduled before
29 the end of the school year between the student's parent or guardian,
30 teacher, and the principal of the school the student attends or the
31 principal's designee to discuss appropriate grade placement and
32 recommended intensive strategies to improve the student's reading
33 skills. For students to be placed in fourth grade, the strategies
34 discussed must include an intensive improvement strategy provided,
35 supported, or contracted by the school district that includes a summer
36 program or other option identified by the parents, teacher, principal,
37 or principal's designee as appropriately meeting the student's need to

1 prepare for fourth grade. The parents or guardians must be fully
2 informed about the strategies and the parent's or guardian's consent
3 must be obtained regarding the appropriate grade placement and the
4 intensive improvement strategy to be implemented. The school district
5 must implement the strategy selected in consultation with the student's
6 parents or guardians.

7 (3) If a student does not have a score in English language arts on
8 the third grade statewide student assessment but the district
9 determines, using district or classroom-based diagnostic assessments or
10 another standardized assessment, that the student's performance is
11 equivalent to below basic in English language arts, the policy in
12 subsection (2) of this section applies.

13 (4) Students participating in the transitional bilingual
14 instruction program are exempt from the policy in subsection (2) of
15 this section, unless the student has participated in the transitional
16 bilingual instruction program for three school years and receives a
17 score of below basic on the third grade statewide student assessment in
18 English language arts.

19 (5) Students with disabilities whose individualized education
20 program includes specially designed instruction in reading or English
21 language arts are exempt from subsections (2), (3), and (4) of this
22 section. Communication and consultation with parents or guardians of
23 such students shall occur through the individualized education program
24 process required under chapter 28A.155 RCW and associated
25 administrative rules.

26 NEW SECTION. **Sec. 106.** A new section is added to chapter 28A.655
27 RCW to read as follows:

28 (1)(a) Beginning in the 2015-16 school year, except as otherwise
29 provided in this subsection (1), for any student who received a score
30 of basic or below basic on the third grade statewide student assessment
31 in English language arts in the previous school year, the school
32 district must implement an intensive reading and literacy improvement
33 strategy from a state menu of best practices established in accordance
34 with subsection (3) of this section or an alternative strategy in
35 accordance with subsection (4) of this section.

36 (b) Reading and literacy improvement strategies for students with

1 disabilities whose individualized education program includes specially
2 designed instruction in reading or English language arts shall be as
3 provided in the individualized education program.

4 (2)(a) Also beginning in the 2015-16 school year, in any school
5 where more than forty percent of the tested students received a score
6 of basic or below basic on the third grade statewide student assessment
7 in English language arts in the previous school year, as calculated
8 under this subsection (2), the school district must implement an
9 intensive reading and literacy improvement strategy from a state menu
10 of best practices established in accordance with subsection (3) of this
11 section or an alternative strategy in accordance with subsection (4) of
12 this section for all students in grades kindergarten through four at
13 the school.

14 (b) For the purposes of this subsection (2), the office of the
15 superintendent of public instruction shall exclude the following from
16 the calculation of a school's percentage of tested students receiving
17 a score of basic or below basic on the third grade statewide student
18 assessment:

19 (i) Students enrolled in the transitional bilingual instruction
20 program unless the student has participated in the transitional
21 bilingual instruction program for three school years;

22 (ii) Students with disabilities whose individualized education
23 program specifies a different standard to measure reading performance
24 than is required for the statewide student assessment; and

25 (iii) Schools with fewer than ten students in third grade.

26 (3) The office of the superintendent of public instruction shall
27 convene a panel of experts, including the Washington state institute
28 for public policy, to develop a state menu of best practices and
29 strategies for intensive reading and literacy improvement designed to
30 assist struggling students in reaching grade level in reading by the
31 end of fourth grade. The state menu must also include best practices
32 and strategies to improve the reading and literacy of students who are
33 English language learners and for system improvements that schools and
34 school districts can implement to improve reading instruction for all
35 students. The office of the superintendent of public instruction shall
36 publish the state menu by July 1, 2014, and update the state menu by
37 each July 1st thereafter.

1 (4) School districts may use an alternative practice or strategy
2 that is not on a state menu developed under subsection (3) of this
3 section for two school years initially. If the district is able to
4 demonstrate improved outcomes for participating students over the
5 previous two school years at a level commensurate with the best
6 practices and strategies on the state menu, the office of the
7 superintendent of public instruction must approve use of the
8 alternative practice or strategy by the district for one additional
9 school year. Subsequent annual approval by the superintendent of
10 public instruction to use the alternative practice or strategy is
11 dependent on the district continuing to demonstrate an increase in
12 improved outcomes for participating students.

13 **PART II**
14 **REQUIRING THE LEARNING ASSISTANCE PROGRAM TO BE EVIDENCE-BASED**

15 **Sec. 201.** RCW 28A.165.005 and 2009 c 548 s 701 are each amended to
16 read as follows:

17 (1) This chapter is designed to: ((+1)) (a) Promote the use of
18 ((assessment)) data when developing programs to assist underachieving
19 students and reduce disruptive behaviors in the classroom; and ((+2))
20 (b) guide school districts in providing the most effective and
21 efficient practices when implementing supplemental instruction and
22 services to assist underachieving students and reduce disruptive
23 behaviors in the classroom.

24 (2) School districts implementing a learning assistance program
25 shall focus first on addressing the needs of students in grades
26 kindergarten through four who are deficient in reading or reading
27 readiness skills to improve reading literacy.

28 **Sec. 202.** RCW 28A.165.015 and 2009 c 548 s 702 are each amended to
29 read as follows:

30 Unless the context clearly indicates otherwise the definitions in
31 this section apply throughout this chapter.

32 (1) ~~(("Approved program" means a program submitted to and approved~~
33 ~~by the office of the superintendent of public instruction and conducted~~
34 ~~pursuant to the plan that addresses the required elements as provided~~
35 ~~for in this chapter.~~

1 ~~(2)~~) "Basic skills areas" means reading, writing, and mathematics
2 as well as readiness associated with these skills.

3 ~~((3))~~ (2) "Participating student" means a student in kindergarten
4 through grade twelve who scores below standard for his or her grade
5 level using multiple measures of performance, including on the
6 statewide student assessments or other assessments and performance
7 measurement tools administered by the school or district and who is
8 identified ~~((in))~~ by the ~~((approved plan))~~ district to receive
9 services.

10 ~~((4))~~ (3) "Statewide student assessments" means one or more of
11 the ~~((several basic skills assessments administered as part of the~~
12 ~~state's student assessment system, and assessments in the basic skills~~
13 ~~areas))~~ assessments administered by ~~((local))~~ school districts as
14 required under RCW 28A.655.070.

15 ~~((5))~~ (4) "Underachieving students" means students with the
16 greatest academic deficits in basic skills as identified by ~~((the))~~
17 statewide, school, or district assessments or other performance
18 measurement tools.

19 **Sec. 203.** RCW 28A.165.035 and 2008 c 321 s 4 are each amended to
20 read as follows:

21 (1) Beginning in the 2015-16 school year, expenditure of funds from
22 the learning assistance program must be consistent with the provisions
23 of section 106 of this act.

24 (2) Use of best practices that have been demonstrated through
25 research to be associated with increased student achievement magnifies
26 the opportunities for student success. To the extent they are included
27 as a best practice or strategy in one of the state menus or an approved
28 alternative under this section or section 106 of this act, the
29 following are services and activities that may be supported by the
30 learning assistance program:

31 ~~((1))~~ (a) Extended learning time opportunities occurring:

32 ~~((a))~~ (i) Before or after the regular school day;

33 ~~((b))~~ (ii) On Saturday; and

34 ~~((c))~~ (iii) Beyond the regular school year;

35 ~~((2))~~ (b) Services under RCW 28A.320.190;

36 ~~((3))~~ (c) Professional development for certificated and
37 classified staff that focuses on:

1 ~~((a))~~ (i) The needs of a diverse student population;
2 ~~((b))~~ (ii) Specific literacy and mathematics content and
3 instructional strategies; and
4 ~~((c))~~ (iii) The use of student work to guide effective
5 instruction and appropriate assistance;
6 ~~((4))~~ (d) Consultant teachers to assist in implementing effective
7 instructional practices by teachers serving participating students;
8 ~~((5))~~ (e) Tutoring support for participating students; (~~and~~
9 ~~(6))~~ (f) Outreach activities and support for parents of
10 participating students, including employing parent and family
11 engagement coordinators; and
12 (g) Up to five percent of a district's learning assistance program
13 allocation may be used for development of partnerships with community-
14 based organizations, educational service districts, and other local
15 agencies to deliver academic and nonacademic supports to participating
16 students who are significantly at risk of not being successful in
17 school to reduce barriers to learning, increase student engagement, and
18 enhance students' readiness to learn. The office of the superintendent
19 of public instruction must approve any community-based organization or
20 local agency before learning assistance funds may be expended.
21 (3) In addition to the state menu developed under section 106 of
22 this act, the office of the superintendent of public instruction shall
23 convene a panel of experts, including the Washington state institute
24 for public policy, to develop additional state menus of best practices
25 and strategies for use in the learning assistance program to assist
26 struggling students at all grade levels in English language arts and
27 mathematics and reduce disruptive behaviors in the classroom. The
28 office of the superintendent of public instruction shall publish the
29 state menus by July 1, 2015, and update the state menus by each July
30 1st thereafter.
31 (4)(a) Beginning in the 2016-17 school year, except as provided in
32 (b) of this subsection, school districts must use a practice or
33 strategy that is on a state menu developed under subsection (3) of this
34 section or section 106 of this act.
35 (b) Beginning in the 2016-17 school year, school districts may use
36 a practice or strategy that is not on a state menu developed under
37 subsection (3) of this section for two school years initially. If the
38 district is able to demonstrate improved outcomes for participating

1 students over the previous two school years at a level commensurate
2 with the best practices and strategies on the state menu, the office of
3 the superintendent of public instruction shall approve use of the
4 alternative practice or strategy by the district for one additional
5 school year. Subsequent annual approval by the superintendent of
6 public instruction to use the alternative practice or strategy is
7 dependent on the district continuing to demonstrate increased improved
8 outcomes for participating students.

9 (c) Beginning in the 2016-17 school year, school districts may
10 enter cooperative agreements with state agencies, local governments, or
11 school districts for administrative or operational costs needed to
12 provide services in accordance with the state menus developed under
13 this section and section 106 of this act.

14 (5) School districts are encouraged to implement best practices and
15 strategies from the state menus developed under this section and
16 section 106 of this act before the use is required.

17 NEW SECTION. Sec. 204. A new section is added to chapter 28A.165
18 RCW to read as follows:

19 (1) Beginning with the 2014-15 school year, school districts shall
20 record in the statewide individual student data system annual entrance
21 and exit performance data for each student participating in the
22 learning assistance program according to specifications established by
23 the office of the superintendent of public instruction.

24 (2) By August 1, 2014, and each August 1st thereafter, school
25 districts shall report to the office of the superintendent of public
26 instruction, using a common format prepared by the office:

27 (a) The amount of academic growth gained by students participating
28 in the learning assistance program;

29 (b) The number of students who gain at least one year of academic
30 growth; and

31 (c) The specific practices, activities, and programs used by each
32 school building that received learning assistance program funding.

33 (3) The office of the superintendent of public instruction shall
34 compile the school district data and report annual and longitudinal
35 gains for the specific practices, activities, and programs used by the
36 school districts to show which are the most effective. The data must
37 be disaggregated by student subgroups.

1 school district when a student has been excluded from school, credit
2 retrieval during a period of exclusion, and school dropout as a result
3 of disciplinary action.

4 (2) The discipline task force shall include representatives from
5 the K-12 data governance group, the educational opportunity gap
6 oversight and accountability committee, the state ethnic commissions,
7 the governor's office of Indian affairs, the office of the education
8 ombudsman, school districts, and other education and advocacy
9 organizations.

10 (3) The office of the superintendent of public instruction and the
11 K-12 data governance group shall revise the statewide student data
12 system to incorporate the student discipline data collection standards
13 recommended by the discipline task force, and begin collecting data
14 based on the revised standards in the 2015-16 school year.

15 **Sec. 302.** RCW 28A.600.015 and 2006 c 263 s 701 are each amended to
16 read as follows:

17 (1) The superintendent of public instruction shall adopt and
18 distribute to all school districts lawful and reasonable rules
19 prescribing the substantive and procedural due process guarantees of
20 pupils in the common schools. Such rules shall authorize a school
21 district to use informal due process procedures in connection with the
22 short-term suspension of students to the extent constitutionally
23 permissible: PROVIDED, That the superintendent of public instruction
24 deems the interest of students to be adequately protected. When a
25 student suspension or expulsion is appealed, the rules shall authorize
26 a school district to impose the suspension or expulsion temporarily
27 after an initial hearing for no more than ten consecutive school days
28 or until the appeal is decided, whichever is earlier. Any days that
29 the student is temporarily suspended or expelled before the appeal is
30 decided shall be applied to the term of the student suspension or
31 expulsion and shall not limit or extend the term of the student
32 suspension or expulsion. An expulsion or suspension of a student may
33 not be for an indefinite period of time.

34 (2) Short-term suspension procedures may be used for suspensions of
35 students up to and including, ten consecutive school days.

36 (3) Emergency expulsions must end or be converted to another form
37 of corrective action within ten school days from the date of the

1 emergency removal from school. Notice and due process rights must be
2 provided when an emergency expulsion is converted to another form of
3 corrective action.

4 **Sec. 303.** RCW 28A.600.020 and 2006 c 263 s 706 are each amended to
5 read as follows:

6 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
7 interpreted to ensure that the optimum learning atmosphere of the
8 classroom is maintained, and that the highest consideration is given to
9 the judgment of qualified certificated educators regarding conditions
10 necessary to maintain the optimum learning atmosphere.

11 (2) Any student who creates a disruption of the educational process
12 in violation of the building disciplinary standards while under a
13 teacher's immediate supervision may be excluded by the teacher from his
14 or her individual classroom and instructional or activity area for all
15 or any portion of the balance of the school day, or up to the following
16 two days, or until the principal or designee and teacher have
17 conferred, whichever occurs first. Except in emergency circumstances,
18 the teacher first must attempt one or more alternative forms of
19 corrective action. In no event without the consent of the teacher may
20 an excluded student return to the class during the balance of that
21 class or activity period or up to the following two days, or until the
22 principal or his or her designee and the teacher have conferred.

23 (3) In order to preserve a beneficial learning environment for all
24 students and to maintain good order and discipline in each classroom,
25 every school district board of directors shall provide that written
26 procedures are developed for administering discipline at each school
27 within the district. Such procedures shall be developed with the
28 participation of parents and the community, and shall provide that the
29 teacher, principal or designee, and other authorities designated by the
30 board of directors, make every reasonable attempt to involve the parent
31 or guardian and the student in the resolution of student discipline
32 problems. Such procedures shall provide that students may be excluded
33 from their individual classes or activities for periods of time in
34 excess of that provided in subsection (2) of this section if such
35 students have repeatedly disrupted the learning of other students. The
36 procedures must be consistent with the rules of the superintendent of

1 public instruction and must provide for early involvement of parents in
2 attempts to improve the student's behavior.

3 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
4 all staff work cooperatively toward consistent enforcement of proper
5 student behavior throughout each school as well as within each
6 classroom.

7 (5)(a) A principal shall consider imposing long-term suspension or
8 expulsion as a sanction when deciding the appropriate disciplinary
9 action for a student who, after July 27, 1997:

10 ((+a)) (i) Engages in two or more violations within a three-year
11 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,
12 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

13 ((+b)) (ii) Engages in one or more of the offenses listed in RCW
14 13.04.155.

15 (b) The principal shall communicate the disciplinary action taken
16 by the principal to the school personnel who referred the student to
17 the principal for disciplinary action.

18 (6) Any corrective action involving a suspension or expulsion from
19 school for more than ten days must have an end date of not more than
20 one calendar year from the time of corrective action. Districts shall
21 make reasonable efforts to assist students and parents in returning to
22 an educational setting prior to and no later than the end date of the
23 corrective action. Where warranted based on public health or safety,
24 a school may petition the superintendent of the school district,
25 pursuant to policies and procedures adopted by the office of the
26 superintendent of public instruction, for authorization to exceed the
27 one calendar year limitation provided in this subsection. The
28 superintendent of public instruction shall adopt rules outlining the
29 limited circumstances in which a school may petition to exceed the one
30 calendar year limitation, including safeguards to ensure that the
31 school district has made every effort to plan for the student's return
32 to school. School districts shall report to the office of the
33 superintendent of public instruction the number of petitions made to
34 the school board and the number of petitions granted on an annual
35 basis.

36 (7) Nothing in this section prevents a public school district,
37 educational service district, the Washington state center for childhood
38 deafness and hearing loss, or the state school for the blind if it has

1 suspended or expelled a student from the student's regular school
2 setting from providing educational services to the student in an
3 alternative setting or modifying the suspension or expulsion on a case-
4 by-case basis.

5 **Sec. 304.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
6 read as follows:

7 The state of Washington excludes tens of thousands of students from
8 school each year due to out-of-school suspensions and expulsions. Out-
9 of-school suspensions and expulsions contribute to poor academic
10 achievement, lower graduation rates, and higher dropout rates. It is
11 the intent of the legislature to minimize the use of out-of-school
12 suspension and expulsion and its impact on student achievement by
13 reducing the number of days that students are excluded from school due
14 to disciplinary action. Student behavior should not result in the loss
15 of educational opportunity in the public school system.

16 School districts are encouraged to find alternatives to suspension
17 including reducing the length of a student's suspension conditioned by
18 the commencement of counseling or other treatment services. Consistent
19 with current law, the conditioning of a student's suspension does not
20 obligate the school district to pay for the counseling or other
21 treatment services except for those stipulated and agreed to by the
22 district at the inception of the suspension.

23 **Sec. 305.** RCW 28A.600.460 and 1997 c 266 s 9 are each amended to
24 read as follows:

25 (1) School district boards of directors shall adopt policies that
26 restore discipline to the classroom. Such policies must provide for at
27 least the following: Allowing each teacher to take disciplinary action
28 to correct a student who disrupts normal classroom activities, abuses
29 or insults a teacher as prohibited by RCW 28A.635.010, willfully
30 disobeys a teacher, uses abusive or foul language directed at a school
31 district employee, school volunteer, or another student, violates
32 school rules, or who interferes with an orderly education process.
33 Disciplinary action may include but is not limited to: Oral or written
34 reprimands; written notification to parents of disruptive behavior, a
35 copy of which must be provided to the principal.

1 (2) A student committing an offense under chapter 9A.36, 9A.40,
2 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,
3 shall not be assigned to that teacher's classroom for the duration of
4 the student's attendance at that school or any other school where the
5 teacher is assigned.

6 (3) A student who commits an offense under chapter 9A.36, 9A.40,
7 9A.46, or 9A.48 RCW, when directed toward another student, may be
8 removed from the classroom of the victim for the duration of the
9 student's attendance at that school or any other school where the
10 victim is enrolled. A student who commits an offense under one of the
11 chapters enumerated in this section against a student or another school
12 employee, may be expelled or suspended.

13 (4) Nothing in this section is intended to limit the authority of
14 a school under existing law and rules to expel or suspend a student for
15 misconduct or criminal behavior.

16 (5) All school districts must collect data on disciplinary actions
17 taken in each school and must record these actions using the statewide
18 student data system, based on the data collection standards established
19 by the office of the superintendent of public instruction and the K-12
20 data governance group. The information shall be made available to the
21 public (~~upon request. This collection of~~), but public release of the
22 data shall not include personally identifiable information including,
23 but not limited to, a student's social security number, name, or
24 address.

25 **Sec. 306.** RCW 28A.300.046 and 2011 c 288 s 10 are each amended to
26 read as follows:

27 (1)(a) The superintendent of public instruction shall adopt rules
28 establishing a standard definition of student absence from school. In
29 adopting the definition, the superintendent shall review current
30 practices in Washington school districts, definitions used in other
31 states, and any national standards or definitions used by the national
32 center for education statistics or other national groups. The
33 superintendent shall also consult with the building bridges work group
34 established under RCW 28A.175.075.

35 (b) Using the definition of student absence adopted under this
36 section, the superintendent shall establish an indicator for measuring

1 student attendance in high schools for purposes of the PASS program
2 under RCW 28A.175.130.

3 (2)(a) The K-12 data governance group under RCW 28A.300.507 shall
4 establish the parameters and an implementation schedule for statewide
5 collection through the comprehensive education and data research system
6 of: (i) Student attendance data using the definitions of student
7 absence adopted under this section; and (ii) student discipline data
8 with a focus on suspensions and expulsions from school.

9 (b) ~~((At a minimum,))~~ Student suspension and expulsion data
10 collected for the purposes of this subsection (2) must be:

11 (i) Made publicly available and easily accessible on the
12 superintendent of public instruction's web site; and

13 (ii) Disaggregated and cross-tabulated as established under RCW
14 28A.300.042.

15 (c) School districts must collect and submit student attendance
16 data and student discipline data for high school students through the
17 comprehensive education and data research system for purposes of the
18 PASS program under RCW 28A.175.130 beginning in the 2012-13 school
19 year.

20 **Sec. 307.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to
21 read as follows:

22 (1) All student data-related reports required of the superintendent
23 of public instruction in this title must be disaggregated by at least
24 the following subgroups of students: White, Black, Hispanic, American
25 Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low
26 income, transitional bilingual, migrant, special education, and
27 students covered by section 504 of the federal rehabilitation act of
28 1973, as amended (29 U.S.C. Sec. 794).

29 (2) All student data-related reports required of the superintendent
30 of public instruction regarding student suspensions and expulsions as
31 required in RCW 28A.300.046 are subject to disaggregation by subgroups
32 including:

33 (a) Gender;

34 (b) Foster care;

35 (c) Homeless, if known;

36 (d) School district;

37 (e) School;

1 (f) Grade level;
2 (g) Behavior infraction code, including:
3 (i) Bullying;
4 (ii) Tobacco;
5 (iii) Alcohol;
6 (iv) Illicit drug;
7 (v) Fighting without major injury;
8 (vi) Violence without major injury;
9 (vii) Violence with major injury;
10 (viii) Possession of a weapon; and
11 (ix) Other behavior resulting from a short-term or long-term
12 suspension, expulsion, or interim alternative education setting
13 intervention;
14 (h) Intervention applied, including:
15 (i) Short-term suspension;
16 (ii) Long-term suspension;
17 (iii) Emergency expulsion;
18 (iv) Expulsion;
19 (v) Interim alternative education settings;
20 (vi) No intervention applied; and
21 (vii) Other intervention applied that is not described in this
22 subsection (2)(h);
23 (i) Number of days a student is suspended or expelled, to be
24 counted in half or full days; and
25 (j) Any other categories added at a future date by the data
26 governance group.
27 (3) All student data-related reports required of the superintendent
28 of public instruction regarding student suspensions and expulsions as
29 required in RCW 28A.300.046 are subject to cross-tabulation at a
30 minimum by the following:
31 (a) School and district;
32 (b) Race, low income, special education, transitional bilingual,
33 migrant, foster care, homeless, students covered by section 504 of the
34 federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),
35 and categories to be added in the future;
36 (c) Behavior infraction code; and
37 (d) Intervention applied.

1 improvement coaching for educators on probation, as provided in this
2 section.

3 (2)(a) Subject to funds appropriated for this specific purpose, the
4 office of the superintendent of public instruction shall allocate funds
5 for the beginning educator support team on a competitive basis to
6 individual school districts or consortia of districts. School
7 districts are encouraged to include educational service districts in
8 creating regional consortia. In allocating funds, the office of the
9 superintendent of public instruction shall give priority to school
10 districts with low-performing schools identified under RCW 28A.657.020
11 as being challenged schools in need of improvement. A portion of the
12 appropriated funds may be used for program coordination and provision
13 of statewide or regional professional development through the office of
14 the superintendent of public instruction.

15 (b) A beginning educator support team must include the following
16 components:

17 (i) A paid orientation or individualized assistance before the
18 start of the school year for beginning educators;

19 (ii) Assignment of a trained and qualified mentor for the first
20 three years for beginning educators, with intensive support in the
21 first year and decreasing support over the following years depending on
22 the needs of the beginning educator;

23 (iii) Professional development for beginning educators that is
24 designed to meet their unique needs for supplemental training and skill
25 development;

26 (iv) Professional development for mentors;

27 (v) Release time for mentors and their designated educators to work
28 together, as well as time for educators to observe accomplished peers;
29 and

30 (vi) A program evaluation using a standard evaluation tool provided
31 from the office of the superintendent of public instruction that
32 measures increased knowledge, skills, and positive impact on student
33 learning for program participants.

34 (3) Subject to funds separately appropriated for this specific
35 purpose, the beginning educator support team components under
36 subsection (2) of this section may be provided for continuous
37 improvement coaching to support educators on probation under RCW
38 28A.405.100.

1 **Sec. 402.** RCW 28A.415.010 and 2006 c 263 s 807 are each amended to
2 read as follows:

3 It shall be the responsibility of each educational service district
4 board to establish a center for the improvement of teaching. The
5 center shall administer, coordinate, and act as fiscal agent for such
6 programs related to the recruitment and training of certificated and
7 classified K-12 education personnel as may be delegated to the center
8 by the superintendent of public instruction under RCW 28A.310.470. To
9 assist in these activities, each educational service district board
10 shall establish an improvement of teaching coordinating council to
11 include, at a minimum, representatives as specified in RCW 28A.415.040.
12 An existing in-service training task force, established pursuant to RCW
13 28A.415.040, may serve as the improvement of teaching coordinating
14 council. The educational service district board shall ensure
15 coordination of programs established pursuant to RCW 28A.415.030,
16 28A.410.060, and (~~28A.415.250~~) section 401 of this act.

17 The educational service district board may arrange each year for
18 the holding of one or more teachers' institutes and/or workshops for
19 professional staff preparation and in-service training in such manner
20 and at such time as the board believes will be of benefit to the
21 teachers and other professional staff of school districts within the
22 educational service district and shall comply with rules of the
23 professional educator standards board pursuant to RCW 28A.410.060 or
24 the superintendent of public instruction (~~pursuant to RCW~~
25 ~~28A.415.250~~). The board may provide such additional means of teacher
26 and other professional staff preparation and in-service training as it
27 may deem necessary or appropriate and there shall be a proper charge
28 against the educational service district general expense fund when
29 approved by the educational service district board.

30 Educational service district boards of contiguous educational
31 service districts, by mutual arrangements, may hold joint institutes
32 and/or workshops, the expenses to be shared in proportion to the
33 numbers of certificated personnel as shown by the last annual reports
34 of the educational service districts holding such joint institutes or
35 workshops.

36 In local school districts employing more than one hundred teachers
37 and other professional staff, the school district superintendent may
38 hold a teachers' institute of one or more days in such district, said

1 institute when so held by the school district superintendent to be in
2 all respects governed by the provisions of this title and rules
3 relating to teachers' institutes held by educational service district
4 superintendents.

5 **PART V**

6 **ALTERNATIVE LEARNING EXPERIENCES**

7 **Sec. 501.** 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read
8 as follows:

9 (1) Under Article IX of the Washington state Constitution, all
10 children are entitled to an opportunity to receive a basic education.
11 Although the state must assure that students in public schools have
12 opportunities to participate in the instructional program of basic
13 education, there is no obligation for either the state or school
14 districts to provide that instruction using a particular delivery
15 method or through a particular program.

16 (2) The legislature finds ample evidence of the need to examine and
17 reconsider policies under which alternative learning that occurs
18 outside the classroom using an individual student learning plan may be
19 considered equivalent to full-time attendance in school, including for
20 funding purposes. Previous legislative studies have raised questions
21 about financial practices and accountability in alternative learning
22 experience ((~~programs~~)) courses. Since 2005, there has been
23 significant enrollment growth in alternative learning experience online
24 ((~~programs~~)) courses, with evidence of unexpected financial impact when
25 large numbers of nonresident students enroll in ((~~programs~~)) courses.
26 Based on this evidence, there is a rational basis on which to conclude
27 that there are different costs associated with providing ((~~a program~~))
28 courses not primarily based on full-time, daily contact between
29 teachers and students and not primarily occurring on-site in a
30 classroom.

31 (3) For these reasons, the legislature intends to allow for
32 continuing review and revision of the way in which state funding
33 allocations are used to support alternative learning experience
34 ((~~programs~~)) courses.

1 **Sec. 502.** RCW 28A.150.325 and 2011 1st sp.s. c 34 s 2 are each
2 amended to read as follows:

3 (1) ~~((For purposes of this chapter,))~~ The definitions in this
4 subsection apply throughout this chapter unless the context clearly
5 requires otherwise.

6 (a) "Alternative learning experience ((program)) course" means a
7 course ((or set of courses)), or for grades kindergarten through eight
8 grade-level coursework, that is a delivery method for the program of
9 basic education and is:

10 ~~((a))~~ (i) Provided in whole or in part independently from a
11 regular classroom setting or schedule, but may include some components
12 of direct instruction;

13 ~~((b))~~ (ii) Supervised, monitored, assessed, evaluated, and
14 documented by a certificated teacher employed by the school district or
15 under contract as permitted by applicable rules; and

16 ~~((c))~~ (iii) Provided in accordance with a written student
17 learning plan that is implemented pursuant to the school district's
18 policy and rules adopted by the superintendent of public instruction
19 for alternative learning experiences.

20 (b) "In-person" means face-to-face instructional contact in a
21 physical classroom environment.

22 (c) "Instructional contact time" means instructional time with a
23 certificated teacher. Instructional contact time must be for the
24 purposes of actual instruction, review of assignments, testing,
25 evaluation of student progress, or other learning activities or
26 requirements identified in the student's written student learning plan.
27 Instructional contact time must be related to an alternative learning
28 experience course identified in the student's written student learning
29 plan. Instructional contact time may occur in a group setting between
30 the teacher and multiple students and may be delivered either in-person
31 or remotely using technology.

32 (d) "Online course" means an alternative learning experience course
33 that has the same meaning as provided in RCW 28A.250.010.

34 (e) "Remote course" means an alternative learning experience course
35 that is not an online course where the student has in-person
36 instructional contact time for less than twenty percent of the total
37 weekly time for the course. No minimum in-person instructional contact
38 time is required.

1 (f) "Site-based course" means an alternative learning experience
2 course where the student has in-person instructional contact time for
3 at least twenty percent of the total weekly time for the course.

4 (g) "Total weekly time" means the estimated average hours per
5 school week the student will engage in learning activities to meet the
6 requirements of the written student learning plan.

7 ~~(2) ((The broad categories of alternative learning experience~~
8 ~~programs include, but are not limited to:~~

9 ~~(a) Online programs as defined in RCW 28A.150.262;~~

10 ~~(b) Parent partnership programs that include significant~~
11 ~~participation and partnership by parents and families in the design and~~
12 ~~implementation of a student's learning experience; and~~

13 ~~(c) Contract based learning programs))~~ School districts may claim
14 state funding under section 503 of this act, to the extent otherwise
15 allowed by state law including the provisions of RCW 28A.250.060, for
16 students enrolled in remote, site-based, or online alternative learning
17 experience courses. High school courses must meet district or state
18 graduation requirements and be offered for high school credit.

19 (3) School districts that offer alternative learning experience
20 ~~((programs))~~ courses may not provide any compensation, reimbursement,
21 gift, reward, or gratuity to any parents, guardians, or students for
22 participation in the courses. School district employees are prohibited
23 from receiving any compensation or payment as an incentive to increase
24 student enrollment of out-of-district students in ~~((an))~~ alternative
25 learning experience ~~((program))~~ courses. This prohibition includes,
26 but is not limited to, providing funds to parents, guardians, or
27 students for the purchase of educational materials, supplies,
28 experiences, services, or technological equipment. A district may
29 purchase educational materials, equipment, or other nonconsumable
30 supplies for students' use in alternative learning experience
31 ~~((programs))~~ courses if the purchase is consistent with the district's
32 approved curriculum, conforms to applicable laws and rules, and is made
33 in the same manner as such purchases are made for students in the
34 district's regular instructional program. Items so purchased remain
35 the property of the school district upon program completion. School
36 districts may not purchase or contract for instructional or
37 cocurricular experiences and services that are included in an
38 alternative learning experience written student learning plan,

1 including but not limited to lessons, trips, and other activities,
2 unless substantially similar experiences and services are available to
3 students enrolled in the district's regular instructional program.
4 School districts that purchase or contract for such experiences and
5 services for students enrolled in an alternative learning experience
6 (~~(program)~~) course must submit an annual report to the office of the
7 superintendent of public instruction detailing the costs and purposes
8 of the expenditures. These requirements extend to contracted providers
9 of alternative learning experience (~~(programs)~~) courses, and each
10 district shall be responsible for monitoring the compliance of its
11 providers with these requirements. However, nothing in this
12 (~~(section)~~) subsection shall prohibit school districts from contracting
13 with school district employees to provide services or experiences to
14 students, or from contracting with online providers approved by the
15 office of the superintendent of public instruction pursuant to chapter
16 28A.250 RCW.

17 (4) (~~(Part-time enrollment in alternative learning experiences is~~
18 ~~subject to the provisions of RCW 28A.150.350.~~

19 (5) ~~The superintendent of public instruction shall adopt rules~~
20 ~~defining minimum requirements and accountability for alternative~~
21 ~~learning experience programs)) Each school district offering or
22 contracting to offer alternative learning experience courses must:~~

23 (a) Report annually to the superintendent of public instruction
24 regarding the course types and offerings, and number of students
25 participating in each;

26 (b) Document the district of residence for each student enrolled in
27 an alternative learning experience course; and

28 (c) Beginning in the 2013-14 school year and continuing through the
29 2016-17 school year, pay costs associated with a biennial measure of
30 student outcomes and financial audit of the district's alternative
31 learning experience courses by the office of the state auditor.

32 (5) A school district offering or contracting to offer an
33 alternative learning experience course to a nonresident student must
34 inform the resident school district if the student drops out of the
35 course or is otherwise no longer enrolled.

36 (6) School districts must assess the educational progress of
37 enrolled students at least annually, using, for full-time students, the
38 state assessment for the student's grade level and using any other

1 annual assessments required by the school district. Part-time students
2 must also be assessed at least annually. However, part-time students
3 who are either receiving home-based instruction under chapter 28A.200
4 RCW or who are enrolled in an approved private school under chapter
5 28A.195 RCW are not required to participate in the assessments required
6 under chapter 28A.655 RCW. The rules must address how students who
7 reside outside the geographic service area of the school district are
8 to be assessed.

9 (7) Beginning with the 2013-14 school year, school districts must
10 designate alternative learning experience courses as such when
11 reporting course information to the office of the superintendent of
12 public instruction under RCW 28A.300.500.

13 (8)(a) The superintendent of public instruction shall adopt rules
14 necessary to implement this section.

15 (b) Rules adopted for weekly direct personal contact requirements
16 and monthly progress evaluation must be flexible and reflect the needs
17 of the student and the student's individual learning plan rather than
18 specifying an amount of time. In addition, the rules must reduce
19 documentation requirements, particularly for students making
20 satisfactory progress, based on the unique aspects of the alternative
21 learning experience course types defined in this section and taking
22 into consideration the technical and system capabilities associated
23 with the different course types.

24 (c) The rules must establish procedures that address how the
25 counting of students must be coordinated by resident and nonresident
26 districts for state funding so that no student is counted for more than
27 one full-time equivalent in the aggregate.

28 NEW SECTION. Sec. 503. The superintendent of public instruction
29 shall separately calculate and allocate moneys appropriated under RCW
30 28A.150.260 to school districts for each full-time equivalent student
31 enrolled in an alternative learning experience course. The calculation
32 shall be based on the estimated statewide annual average allocation per
33 full-time equivalent student in grades nine through twelve in general
34 education, excluding small high school enhancements, and including
35 applicable rules and provisions of the omnibus appropriations act.

1 **Sec. 504.** RCW 28A.250.010 and 2011 1st sp.s. c 34 s 5 are each
2 amended to read as follows:

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

5 (1)(a) "Multidistrict online provider" means:

6 (i) A private or nonprofit organization that enters into a contract
7 with a school district to provide online courses or programs to K-12
8 students from more than one school district;

9 (ii) A private or nonprofit organization that enters into contracts
10 with multiple school districts to provide online courses or programs to
11 K-12 students from those districts; or

12 (iii) Except as provided in (b) of this subsection, a school
13 district that provides online courses or programs to students who
14 reside outside the geographic boundaries of the school district.

15 (b) "Multidistrict online provider" does not include a school
16 district online learning program in which fewer than ten percent of the
17 students enrolled in the program are from other districts under the
18 interdistrict student transfer provisions of RCW 28A.225.225.
19 "Multidistrict online provider" also does not include regional online
20 learning programs that are jointly developed and implemented by two or
21 more school districts or an educational service district through an
22 interdistrict cooperative program agreement that addresses, at minimum,
23 how the districts share student full-time equivalency for state basic
24 education funding purposes and how categorical education programs,
25 including special education, are provided to eligible students.

26 (2)(a) "Online course" means a course or grade-level coursework
27 where:

28 (i) More than half of the course content is delivered
29 electronically using the internet or other computer-based methods;
30 (~~and~~)

31 (ii) More than half of the teaching is conducted from a remote
32 location through an online course learning management system or other
33 online or electronic tools;

34 (iii) A certificated teacher has the primary responsibility for the
35 student's instructional interaction. Instructional interaction between
36 the teacher and the student includes, but is not limited to, direct
37 instruction, review of assignments, assessment, testing, progress
38 monitoring, and educational facilitation; and

1 (iv) Students have access to the teacher synchronously,
2 asynchronously, or both.

3 (b) "Online school program" means a school program that((+

4 ~~(i) Offers courses or grade-level coursework that is delivered~~
5 ~~primarily electronically using the internet or other computer-based~~
6 ~~methods;~~

7 ~~(ii) Offers courses or grade-level coursework that is taught by a~~
8 ~~teacher primarily from a remote location using online or other~~
9 ~~electronic tools. Students enrolled in an online program may have~~
10 ~~access to the teacher synchronously, asynchronously, or both;~~

11 ~~(iii))~~ offers a sequential set of online courses or grade-level
12 coursework that may be taken in a single school term or throughout the
13 school year in a manner that could provide a full-time basic education
14 program if so desired by the student. Students may enroll in the
15 program as part-time or full-time students((+and

16 ~~(iv) Has an online component of the program with online lessons and~~
17 ~~tools for student and data management)).~~

18 (c) An online course or online school program may be delivered to
19 students at school as part of the regularly scheduled school day. An
20 online course or online school program also may be delivered to
21 students, in whole or in part, independently from a regular classroom
22 schedule, but such courses or programs must comply with RCW
23 ((28A.150.262)) 28A.150.325 (as recodified by this act) and associated
24 rules adopted by the superintendent of public instruction to qualify
25 for state basic education funding.

26 (3) "Online provider" means any provider of an online course or
27 program, including multidistrict online providers, all school district
28 online learning programs, and all regional online learning programs.

29 **Sec. 505.** RCW 28A.250.020 and 2011 1st sp.s. c 34 s 6 are each
30 amended to read as follows:

31 (1) The superintendent of public instruction, in collaboration with
32 the state board of education, shall develop and implement approval
33 criteria and a process for approving online providers; a process for
34 monitoring and if necessary rescinding the approval of courses or
35 programs offered by an online provider; and an appeals process. The
36 criteria and processes for multidistrict online providers shall be
37 adopted by rule by December 1, 2009.

1 (2) When developing the approval criteria, the superintendent of
2 public instruction shall require that providers offering online courses
3 or programs have accreditation, or are candidates for accreditation,
4 through the Northwest accreditation commission or another national,
5 regional, or state accreditation program listed by the office of the
6 superintendent of public instruction (~~((after consultation with the~~
7 ~~Washington coalition for online learning))~~). In addition to other
8 criteria, the approval criteria shall include the degree of alignment
9 with state academic standards and require that all teachers be
10 certificated in accordance with Washington state law. When reviewing
11 online providers that offer high school courses, the superintendent of
12 public instruction shall assure that the courses offered by the
13 provider are eligible for high school credit. However, final decisions
14 regarding whether credit meets the school district's graduation
15 requirements shall remain the responsibility of the school districts.

16 (3) Initial approval of online providers by the superintendent of
17 public instruction shall be for four years. The superintendent of
18 public instruction shall develop a process for the renewal of approvals
19 and for rescinding approvals based on noncompliance with approval
20 requirements. Any multidistrict online provider that was approved by
21 the digital learning commons or accredited by the Northwest association
22 of accredited schools before July 26, 2009, and that meets the teacher
23 certification requirements of subsection (2) of this section, is exempt
24 from the initial approval process under this section until August 31,
25 2012, but must comply with the process for renewal of approvals and
26 must comply with approval requirements.

27 (4) The superintendent of public instruction shall make the first
28 round of decisions regarding approval of multidistrict online providers
29 by April 1, 2010. The first round of decisions regarding approval of
30 online providers that are not multidistrict online providers shall be
31 made by April 1, 2013. Thereafter, the superintendent of public
32 instruction shall make annual approval decisions no later than November
33 1st of each year.

34 (5) The superintendent of public instruction shall establish an
35 online learning advisory committee within existing resources that shall
36 provide advice to the superintendent regarding the approval criteria,
37 major components of the web site, the model school district policy,
38 model agreements, and other related matters. The committee shall

1 include a representative of each of the following groups: Private and
2 public online providers, parents of online students, accreditation
3 organizations, educational service districts, school principals,
4 teachers, school administrators, school board members, institutions of
5 higher education, and other individuals as determined by the
6 superintendent. Members of the advisory committee shall be selected by
7 the superintendent based on nominations from statewide organizations,
8 shall serve three-year terms, and may be reappointed. The
9 superintendent shall select the chair of the committee.

10 **Sec. 506.** RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each
11 amended to read as follows:

12 (1) By August 31, 2010, all school district boards of directors
13 shall develop policies and procedures regarding student access to
14 online courses and online learning programs. The policies and
15 procedures shall include but not be limited to: Student eligibility
16 criteria; the types of online courses available to students through the
17 school district; the methods districts will use to support student
18 success, which may include a local advisor; when the school district
19 will and will not pay course fees and other costs; the granting of high
20 school credit; and a process for students and parents or guardians to
21 formally acknowledge any course taken for which no credit is given.
22 The policies and procedures shall take effect beginning with the 2010-
23 11 school year. School districts shall submit their policies to the
24 superintendent of public instruction by September 15, 2010. By
25 December 1, 2010, the superintendent of public instruction shall
26 summarize the school district policies regarding student access to
27 online courses and submit a report to the legislature.

28 (2) School districts must award credit and grades for online high
29 school courses successfully completed by a student that meet the school
30 district's graduation requirements and are provided by an approved
31 online provider.

32 (3) School districts shall provide students with information
33 regarding online courses that are available through the school
34 district. The information shall include the types of information
35 described in subsection (1) of this section.

36 (4) When developing local or regional online learning programs,

1 school districts shall incorporate into the program design the approval
2 criteria developed by the superintendent of public instruction under
3 RCW 28A.250.020.

4 **Sec. 507.** RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each
5 amended to read as follows:

6 (1) Beginning with the 2011-12 school year, school districts may
7 claim state funding under (~~(RCW 28A.150.260)~~) section 503 of this act,
8 to the extent otherwise allowed by state law, for students enrolled in
9 online courses or programs only if the online courses or programs are:

10 (a) Offered by a multidistrict online provider approved under RCW
11 28A.250.020 by the superintendent of public instruction;

12 (b) Offered by a school district online learning program if the
13 program serves students who reside within the geographic boundaries of
14 the school district, including school district programs in which fewer
15 than ten percent of the program's students reside outside the school
16 district's geographic boundaries; or

17 (c) Offered by a regional online learning program where courses are
18 jointly developed and offered by two or more school districts or an
19 educational service district through an interdistrict cooperative
20 program agreement.

21 (2) Beginning with the 2013-14 school year, school districts may
22 claim state funding under (~~(RCW 28A.150.260)~~) section 503 of this act,
23 to the extent otherwise allowed by state law, for students enrolled in
24 online courses or programs only if the online courses or programs are
25 offered by an online provider approved under RCW 28A.250.020 by the
26 superintendent of public instruction.

27 (3) Criteria shall be established by the superintendent of public
28 instruction to allow online courses that have not been approved by the
29 superintendent of public instruction to be eligible for state funding
30 if the course is in a subject matter in which no courses have been
31 approved and, if it is a high school course, the course meets
32 Washington high school graduation requirements.

33 **Sec. 508.** RCW 28A.250.070 and 2009 c 542 s 8 are each amended to
34 read as follows:

35 Nothing in this chapter is intended to diminish the rights of
36 students to attend a nonresident school district in accordance with RCW

1 28A.225.220 through 28A.225.230 for the purposes of enrolling in online
2 courses or online school programs. The office of online learning under
3 RCW 28A.250.030 shall develop a standard form, which must be used by
4 all school districts, for releasing a student to a nonresident school
5 district for the purposes of enrolling in an online course or online
6 school program.

7 NEW SECTION. Sec. 509. A new section is added to chapter 28A.250
8 RCW to read as follows:

9 An online school program may request a waiver from the office of
10 the superintendent of public instruction to administer one or more
11 sections of the statewide student assessment for grades three through
12 eight for some or all students enrolled in the program on alternate
13 days or on an alternate schedule, as long as the administration is
14 within the testing period established by the office. The office may
15 deny a request for a waiver if the online school program's proposal
16 does not maintain adequate test security or would reduce the
17 reliability of the assessment results by providing an inequitable
18 advantage for some students.

19 **Sec. 510.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2
20 are each reenacted and amended to read as follows:

21 (1) Any board of directors may make agreements with adults choosing
22 to attend school, and may charge the adults reasonable tuition.

23 (2) A district is strongly encouraged to honor the request of a
24 parent or guardian for his or her child to attend a school in another
25 district or the request of a parent or guardian for his or her child to
26 transfer as a student receiving home-based instruction.

27 (3) A district shall release a student to a nonresident district
28 that agrees to accept the student if:

29 (a) A financial, educational, safety, or health condition affecting
30 the student would likely be reasonably improved as a result of the
31 transfer; or

32 (b) Attendance at the school in the nonresident district is more
33 accessible to the parent's place of work or to the location of child
34 care; or

35 (c) There is a special hardship or detrimental condition; or

1 (d) The purpose of the transfer is for the student to enroll in an
2 online course or online school program offered by an online provider
3 approved under RCW 28A.250.020.

4 (4) A district may deny the request of a resident student to
5 transfer to a nonresident district if the release of the student would
6 adversely affect the district's existing desegregation plan.

7 (5) For the purpose of helping a district assess the quality of its
8 education program, a resident school district may request an optional
9 exit interview or questionnaire with the parents or guardians of a
10 child transferring to another district. No parent or guardian may be
11 forced to attend such an interview or complete the questionnaire.

12 (6) Beginning with the 1993-94 school year, school districts may
13 not charge transfer fees or tuition for nonresident students enrolled
14 under subsection (3) of this section and RCW 28A.225.225.
15 Reimbursement of a high school district for cost of educating high
16 school pupils of a nonhigh school district shall not be deemed a
17 transfer fee as affecting the apportionment of current state school
18 funds.

19 **Sec. 511.** RCW 28A.225.225 and 2013 c 192 s 2 are each amended to
20 read as follows:

21 (1) Except for students who reside out-of-state and students under
22 RCW 28A.225.217, a district shall accept applications from nonresident
23 students who are the children of full-time certificated and classified
24 school employees, and those children shall be permitted to enroll:

25 (a) At the school to which the employee is assigned;

26 (b) At a school forming the district's K through 12 continuum which
27 includes the school to which the employee is assigned; or

28 (c) At a school in the district that provides early intervention
29 services pursuant to RCW 28A.155.065 or preschool services pursuant to
30 RCW 28A.155.070, if the student is eligible for such services.

31 (2) A district may reject applications under this section if:

32 (a) The student's disciplinary records indicate a history of
33 convictions for offenses or crimes, violent or disruptive behavior, or
34 gang membership;

35 (b) The student has been expelled or suspended from a public school
36 for more than ten consecutive days. Any policy allowing for

1 readmission of expelled or suspended students under this subsection
2 (2)(b) must apply uniformly to both resident and nonresident
3 applicants; ((or))

4 (c) Enrollment of a child under this section would displace a child
5 who is a resident of the district, except that if a child is admitted
6 under subsection (1) of this section, that child shall be permitted to
7 remain enrolled at that school, or in that district's kindergarten
8 through twelfth grade continuum, until he or she has completed his or
9 her schooling; or

10 (d) The student has repeatedly failed to comply with requirements
11 for participation in an online school program, such as participating in
12 weekly direct contact with the teacher or monthly progress evaluations.

13 (3) A nonhigh district that is participating in an innovation
14 academy cooperative may not accept an application from a high school
15 student that conflicts with RCW 28A.340.080.

16 (4) Except as provided in subsection (1) of this section, all
17 districts accepting applications from nonresident students or from
18 students receiving home-based instruction for admission to the
19 district's schools shall consider equally all applications received.
20 Each school district shall adopt a policy establishing rational, fair,
21 and equitable standards for acceptance and rejection of applications by
22 June 30, 1990. The policy may include rejection of a nonresident
23 student if:

24 (a) Acceptance of a nonresident student would result in the
25 district experiencing a financial hardship;

26 (b) The student's disciplinary records indicate a history of
27 convictions for offenses or crimes, violent or disruptive behavior, or
28 gang membership;

29 (c) Accepting of the nonresident student would conflict with RCW
30 28A.340.080; or

31 (d) The student has been expelled or suspended from a public school
32 for more than ten consecutive days. Any policy allowing for
33 readmission of expelled or suspended students under this subsection
34 (4)(d) must apply uniformly to both resident and nonresident
35 applicants.

36 For purposes of subsections (2)(a) and (4)(b) of this section,
37 "gang" means a group which: (i) Consists of three or more persons;

1 (ii) has identifiable leadership; and (iii) on an ongoing basis,
2 regularly conspires and acts in concert mainly for criminal purposes.

3 (5) The district shall provide to applicants written notification
4 of the approval or denial of the application in a timely manner. If
5 the application is rejected, the notification shall include the reason
6 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

7 **Sec. 512.** RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each
8 amended to read as follows:

9 (1) For the purposes of this section and RCW 28A.150.410 and
10 28A.400.200, "basic education certificated instructional staff" means
11 all full-time equivalent classroom teachers, teacher librarians,
12 guidance counselors, certificated student health services staff, and
13 other certificated instructional staff in the following programs as
14 defined for statewide school district accounting purposes: Basic
15 education, secondary vocational education, general instructional
16 support, and general supportive services.

17 (2) Each school district shall maintain a ratio of at least forty-
18 six basic education certificated instructional staff to one thousand
19 annual average full-time equivalent students. This requirement does
20 not apply to that portion of a district's annual average full-time
21 equivalent enrollment that is enrolled in alternative learning
22 experience (~~(programs)~~) courses as defined in RCW 28A.150.325 (as
23 recodified by this act).

24 **Sec. 513.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to
25 read as follows:

26 (1) Funds appropriated to the superintendent of public instruction
27 from the common school construction fund shall be allotted by the
28 superintendent of public instruction in accordance with this chapter.

29 (2) No allotment shall be made to a school district until such
30 district has provided local funds equal to or greater than the
31 difference between the total approved project cost and the amount of
32 state funding assistance to the district for financing the project
33 computed pursuant to RCW 28A.525.166, with the following exceptions:

34 (a) The superintendent of public instruction may waive the local
35 requirement for state funding assistance for districts which have
36 provided funds for school building construction purposes through the

1 authorization of bonds or through the authorization of excess tax
2 levies or both in an amount equivalent to two and one-half percent of
3 the value of its taxable property, as defined in RCW 39.36.015.

4 (b) No such local funds shall be required as a condition to the
5 allotment of funds from the state for the purpose of making major or
6 minor structural changes to existing school facilities in order to
7 bring such facilities into compliance with the barrier free access
8 requirements of section 504 of the federal rehabilitation act of 1973
9 (29 U.S.C. Sec. 706) and rules implementing the act.

10 (3) For the purpose of computing the state funding assistance
11 percentage under RCW 28A.525.166 when a school district is granted
12 authority to enter into contracts, adjusted valuation per pupil shall
13 be calculated using headcount student enrollments from the most recent
14 October enrollment reports submitted by districts to the superintendent
15 of public instruction, adjusted as follows:

16 (a) In the case of projects for which local bonds were approved
17 after May 11, 1989:

18 (i) For districts which have been designated as serving high school
19 districts under RCW 28A.540.110, students residing in the nonhigh
20 district so designating shall be excluded from the enrollment count if
21 the student is enrolled in any grade level not offered by the nonhigh
22 district;

23 (ii) The enrollment of nonhigh school districts shall be increased
24 by the number of students residing within the district who are enrolled
25 in a serving high school district so designated by the nonhigh school
26 district under RCW 28A.540.110, including only students who are
27 enrolled in grade levels not offered by the nonhigh school district;
28 and

29 (iii) The number of preschool students with disabilities included
30 in the enrollment count shall be multiplied by one-half;

31 (b) In the case of construction or modernization of high school
32 facilities in districts serving students from nonhigh school districts,
33 the adjusted valuation per pupil shall be computed using the combined
34 adjusted valuations and enrollments of each district, each weighted by
35 the percentage of the district's resident high school students served
36 by the high school district;

37 (c) The number of kindergarten students included in the enrollment
38 count shall be counted as one headcount student; and

1 (d) The number of students residing outside the school district who
2 are enrolled in alternative learning experience (~~(programs)~~) courses
3 under RCW 28A.150.325 (as recodified by this act) shall be excluded
4 from the total.

5 (4) In lieu of the exclusion in subsection (3)(d) of this section,
6 a district may submit an alternative calculation for excluding students
7 enrolled in alternative learning experience (~~(programs)~~) courses. The
8 alternative calculation must show the student headcount use of district
9 classroom facilities on a regular basis for a regular duration by out-
10 of-district alternative learning experience (~~(program)~~) students
11 subtracted by the headcount of in-district alternative learning
12 experience (~~(program)~~) students not using district classroom facilities
13 on a regular basis for a reasonable duration. The alternative
14 calculation must be submitted in a form approved by the office of the
15 superintendent of public instruction. The office of the superintendent
16 of public instruction must develop rules to define "regular basis" and
17 "reasonable duration."

18 (5) The superintendent of public instruction, considering policy
19 recommendations from the school facilities citizen advisory panel,
20 shall prescribe such rules as are necessary to equate insofar as
21 possible the efforts made by school districts to provide capital funds
22 by the means aforesaid.

23 (6) For the purposes of this section, "preschool students with
24 disabilities" means children of preschool age who have developmental
25 disabilities who are entitled to services under RCW 28A.155.010 through
26 28A.155.100 and are not included in the kindergarten enrollment count
27 of the district.

28 **Sec. 514.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to
29 read as follows:

30 Allocations to school districts of state funds provided by RCW
31 28A.525.162 through 28A.525.180 shall be made by the superintendent of
32 public instruction and the amount of state funding assistance to a
33 school district in financing a school plant project shall be determined
34 in the following manner:

35 (1) The boards of directors of the districts shall determine the
36 total cost of the proposed project, which cost may include the cost of
37 acquiring and preparing the site, the cost of constructing the building

1 or of acquiring a building and preparing the same for school use, the
 2 cost of necessary equipment, taxes chargeable to the project, necessary
 3 architects' fees, and a reasonable amount for contingencies and for
 4 other necessary incidental expenses: PROVIDED, That the total cost of
 5 the project shall be subject to review and approval by the
 6 superintendent.

7 (2) The state funding assistance percentage for a school district
 8 shall be computed by the following formula:

9 The ratio of the school district's adjusted valuation per pupil
 10 divided by the ratio of the total state adjusted valuation per pupil
 11 shall be subtracted from three, and then the result of the foregoing
 12 shall be divided by three plus (the ratio of the school district's
 13 adjusted valuation per pupil divided by the ratio of the total state
 14 adjusted valuation per pupil).

		District adjusted	Total state	
		3-valuation	÷ adjusted valuation	
	Computed	per pupil	per pupil	State
	State =	-----		= - % Funding
	Ratio	District adjusted	Total state	Assistance
		3+valuation	÷ adjusted valuation	
		per pupil	per pupil	

22 PROVIDED, That in the event the state funding assistance percentage to
 23 any school district based on the above formula is less than twenty
 24 percent and such school district is otherwise eligible for state
 25 funding assistance under RCW 28A.525.162 through 28A.525.180, the
 26 superintendent may establish for such district a state funding
 27 assistance percentage not in excess of twenty percent of the approved
 28 cost of the project, if the superintendent finds that such additional
 29 assistance is necessary to provide minimum facilities for housing the
 30 pupils of the district.

31 (3) In addition to the computed state funding assistance percentage
 32 developed in subsection (2) of this section, a school district shall be
 33 entitled to additional percentage points determined by the average
 34 percentage of growth for the past three years. One percent shall be
 35 added to the computed state funding assistance percentage for each
 36 percent of growth, with a maximum of twenty percent.

37 (4) In computing the state funding assistance percentage in
 38 subsection (2) of this section and adjusting the percentage under

1 subsection (3) of this section, students residing outside the school
2 district who are enrolled in alternative learning experience
3 (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act)
4 shall be excluded from the count of total pupils. In lieu of the
5 exclusion in this subsection, a district may submit an alternative
6 calculation for excluding students enrolled in alternative learning
7 experience (~~(programs)~~) courses. The alternative calculation must show
8 the student headcount use of district classroom facilities on a regular
9 basis for a reasonable duration by out-of-district alternative learning
10 experience (~~(program)~~) students subtracted by the headcount of in-
11 district alternative learning experience (~~(program)~~) students not using
12 district classroom facilities on a regular basis for a reasonable
13 duration. The alternative calculation must be submitted in a form
14 approved by the office of the superintendent of public instruction.
15 The office of the superintendent of public instruction must develop
16 rules to define "regular basis" and "reasonable duration."

17 (5) The approved cost of the project determined in the manner
18 prescribed in this section multiplied by the state funding assistance
19 percentage derived as provided for in this section shall be the amount
20 of state funding assistance to the district for the financing of the
21 project: PROVIDED, That need therefor has been established to the
22 satisfaction of the superintendent: PROVIDED, FURTHER, That additional
23 state funding assistance may be allowed if it is found by the
24 superintendent, considering policy recommendations from the school
25 facilities citizen advisory panel that such assistance is necessary in
26 order to meet (a) a school housing emergency resulting from the
27 destruction of a school building by fire, the condemnation of a school
28 building by properly constituted authorities, a sudden excessive and
29 clearly foreseeable future increase in school population, or other
30 conditions similarly emergent in nature; or (b) a special school
31 housing burden resulting from projects of statewide significance or
32 imposed by virtue of the admission of nonresident students into
33 educational programs established, maintained and operated in conformity
34 with the requirements of law; or (c) a deficiency in the capital funds
35 of the district resulting from financing, subsequent to April 1, 1969,
36 and without benefit of the state funding assistance provided by prior
37 state assistance programs, the construction of a needed school building
38 project or projects approved in conformity with the requirements of

1 such programs, after having first applied for and been denied state
2 funding assistance because of the inadequacy of state funds available
3 for the purpose, or (d) a condition created by the fact that an
4 excessive number of students live in state owned housing, or (e) a need
5 for the construction of a school building to provide for improved
6 school district organization or racial balance, or (f) conditions
7 similar to those defined under (a), (b), (c), (d), and (e) of this
8 subsection, creating a like emergency.

9 NEW SECTION. **Sec. 515.** (1) The office of financial management
10 shall conduct a study, in consultation with, at minimum, one
11 representative each from school districts that administer remote, site-
12 based, and online alternative learning experience courses; the office
13 of the superintendent of public instruction; the Washington state
14 institute for public policy; individuals with expertise in outcome-
15 based public school funding models; a Washington state nonprofit
16 organization with expertise in alternative learning education; and the
17 legislative evaluation and accountability program committee.

18 (2) The purpose of the study is to create a proposal for
19 efficiently and sustainably funding alternative learning experience
20 courses and to recommend steps to increase the focus on educational
21 outcomes. The study may recommend the funding method established in
22 section 503 of this act or another method of funding. The study shall
23 review alternative learning funding models used in other states and
24 consider the advantages and disadvantages of applying state policies,
25 including funding policies, differentially depending on the type of
26 alternative learning experience course. The study should also include
27 but not be limited to, recommendations for establishing baseline data
28 regarding alternative learning experience student proficiency and
29 achievement in relation to students in a comparable demographic,
30 identifying outcome targets and methods to measure progress toward
31 targets, identifying methods to ensure ongoing evaluation of outcomes
32 that account for the student demographics being served, and improving
33 alternative learning experience accountability.

34 (3) The office of financial management shall report its findings
35 from the study to the quality education council by November 1, 2013.
36 The quality education council shall review the findings and make

1 recommendations to the education and fiscal committees of the
2 legislature by December 15, 2013.

3 NEW SECTION. **Sec. 516.** RCW 28A.150.262 (Defining full-time
4 equivalent student--Students receiving instruction through alternative
5 learning experience online programs--Requirements) and 2011 1st sp.s.
6 c 34 s 3, 2009 c 542 s 9, & 2005 c 356 s 2 are each repealed.

7 NEW SECTION. **Sec. 517.** (1) RCW 28A.150.325 is recodified as a
8 section in chapter 28A.--- RCW (the new chapter created in section 518
9 of this act).

10 (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter
11 28A.--- RCW (the new chapter created in section 518 of this act).

12 NEW SECTION. **Sec. 518.** Sections 501 and 503 of this act
13 constitute a new chapter in Title 28A RCW.

14 **PART VI**
15 **MISCELLANEOUS**

16 NEW SECTION. **Sec. 601.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 28A.165.025 (School district program plan) and 2009 c 556
19 s 1 & 2004 c 20 s 3;

20 (2) RCW 28A.165.045 (Plan approval process) and 2009 c 556 s 2 &
21 2004 c 20 s 5;

22 (3) RCW 28A.415.250 (Teacher assistance program--Provision for
23 mentor teachers) and 2009 c 539 s 5, 1993 c 336 s 401, 1991 c 116 s 19,
24 1990 c 33 s 403, 1987 c 507 s 1, & 1985 c 399 s 1; and

25 (4) RCW 28A.415.260 (Pilot program using full-time mentor teachers)
26 and 1998 c 245 s 12 & 1993 c 336 s 402.

27 NEW SECTION. **Sec. 602.** Section 503 of this act is necessary for
28 the immediate preservation of the public peace, health, or safety, or
29 support of the state government and its existing public institutions,
30 and takes effect immediately.

1 NEW SECTION. **Sec. 603.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

5 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

Part I: Adds the Washington State Institute for Public Policy to the panel of experts to develop a menu of best practices for reading instruction.

Part II: Allows up to 5 percent of LAP funds to be used to support development of partnerships with community-based organizations, ESDs, and other local agencies to deliver academic and nonacademic supports to participating students to enhance their readiness to learn. Beginning in 2016-17, allows districts to enter cooperative agreements for administrative or operational costs to provide services in accordance with the state menus of best practices for LAP. Requires the OSPI to approve any organization or entity before funds are expended.

Part III: Permits schools to implement a student suspension or expulsion from school for more than one calendar year by petitioning the school district superintendent based on policies adopted by the OSPI, rather than adopted by the district board of directors. Requires the OSPI, rather than school districts, to adopt rules outlining the limited circumstances to exceed the one-year limitation. Requires annual reports of the number of petitions filed and granted.

Removes provisions related to professional development, including professional development for school directors and superintendents to be provided by WSSDA; the requirement that any adjustments to locally provided compensation must be in the form of professional development; and an analysis by OSPI and reporting by school districts on the uses of locally bargained compensation for professional development.

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