

SSB 5946 - S AMD 359  
By Senator Dammeier

ADOPTED 06/13/2013

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

37 (4) School districts may use an alternative practice or strategy  
38 that is not on a state menu developed under subsection (3) of this

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

11 **PART II**

12 **REQUIRING THE LEARNING ASSISTANCE PROGRAM TO BE EVIDENCE-BASED**

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

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

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

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

28 Unless the context clearly indicates otherwise the definitions in  
29 this section apply throughout this chapter.

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

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

1        ~~((3))~~ (2) "Participating student" means a student in kindergarten  
2 through grade twelve who scores below standard for his or her grade  
3 level using multiple measures of performance, including on the  
4 statewide student assessments or other assessments and performance  
5 measurement tools administered by the school or district and who is  
6 identified ~~((in))~~ by the ~~((approved plan))~~ district to receive  
7 services.

8        ~~((4))~~ (3) "Statewide student assessments" means one or more of  
9 the ~~((several basic skills assessments administered as part of the~~  
10 ~~state's student assessment system, and assessments in the basic skills~~  
11 ~~areas))~~ assessments administered by ~~((local))~~ school districts as  
12 required under RCW 28A.655.070.

13        ~~((5))~~ (4) "Underachieving students" means students with the  
14 greatest academic deficits in basic skills as identified by ~~((the))~~  
15 statewide, school, or district assessments or other performance  
16 measurement tools.

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

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

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

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

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

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

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

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

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

36        ~~((a))~~ (i) The needs of a diverse student population;

1        ~~((b))~~ (ii) Specific literacy and mathematics content and  
2 instructional strategies; and

3        ~~((c))~~ (iii) The use of student work to guide effective  
4 instruction and appropriate assistance;

5        ~~((4))~~ (d) Consultant teachers to assist in implementing effective  
6 instructional practices by teachers serving participating students;

7        ~~((5))~~ (e) Tutoring support for participating students; and

8        ~~((6))~~ (f) Outreach activities and support for parents of  
9 participating students, including employing parent and family  
10 engagement coordinators.

11        (3) In addition to the state menu developed under section 106 of  
12 this act, the office of the superintendent of public instruction shall  
13 convene a panel of experts including the Washington state institute for  
14 public policy, to develop additional state menus of best practices and  
15 strategies for use in the learning assistance program to assist  
16 struggling students at all grade levels in English language arts and  
17 mathematics and reduce disruptive behaviors in the classroom. The  
18 office of the superintendent of public instruction shall publish the  
19 state menus by July 1, 2015, and update the state menus by each July  
20 1st thereafter.

21        (4)(a) Beginning in the 2016-17 school year, except as provided in  
22 (b) of this subsection, school districts must use a practice or  
23 strategy that is on a state menu developed under subsection (3) of this  
24 section or section 106 of this act.

25        (b) Beginning in the 2016-17 school year, school districts may use  
26 a practice or strategy that is not on a state menu developed under  
27 subsection (3) of this section for two school years initially. If the  
28 district is able to demonstrate improved outcomes for participating  
29 students over the previous two school years at a level commensurate  
30 with the best practices and strategies on the state menu, the office of  
31 the superintendent of public instruction shall approve use of the  
32 alternative practice or strategy by the district for one additional  
33 school year. Subsequent annual approval by the superintendent of  
34 public instruction to use the alternative practice or strategy is  
35 dependent on the district continuing to demonstrate increased improved  
36 outcomes for participating students.

37        (5) School districts are encouraged to implement best practices and



1 strategies from the state menus developed under this section and  
2 section 106 of this act before the use is required.

3 NEW SECTION. **Sec. 204.** A new section is added to chapter 28A.165  
4 RCW to read as follows:

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

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

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

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

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

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

24 **Sec. 205.** RCW 28A.165.055 and 2009 c 548 s 703 are each amended to  
25 read as follows:

26 (~~Each school district with an approved program is eligible for~~  
27 ~~state funds provided for the learning assistance program.~~) The funds  
28 for the learning assistance program shall be appropriated (~~for the~~  
29 ~~learning assistance program~~) in accordance with RCW 28A.150.260 and  
30 the omnibus appropriations act. The distribution formula is for school  
31 district allocation purposes only, but funds appropriated for the  
32 learning assistance program must be expended for the purposes of RCW  
33 28A.165.005 through 28A.165.065 and section 106 of this act.

34 **Sec. 206.** RCW 28A.165.065 and 2004 c 20 s 7 are each amended to  
35 read as follows:

1 To ensure that school districts are meeting the requirements of  
2 (~~(an approved program)~~) this chapter, the superintendent of public  
3 instruction shall monitor (~~(such)~~) learning assistance programs no less  
4 than once every four years. (~~(Individual student records shall be~~  
5 ~~maintained at the school district.)~~) The primary purpose of program  
6 monitoring is to evaluate the effectiveness of a district's allocation  
7 and expenditure of resources and monitor school district fidelity in  
8 implementing best practices. The office of the superintendent of  
9 public instruction may provide technical assistance to school districts  
10 to improve the effectiveness of a learning assistance program.

11 **PART III**  
12 **STUDENT DISCIPLINE**

13 NEW SECTION. Sec. 301. A new section is added to chapter 28A.600  
14 RCW to read as follows:

15 (1) The office of the superintendent of public instruction shall  
16 convene a discipline task force to develop standard definitions for  
17 causes of student disciplinary actions taken at the discretion of the  
18 school district. The task force must also develop data collection  
19 standards for disciplinary actions that are discretionary and for  
20 disciplinary actions that result in the exclusion of a student from  
21 school. The data collection standards must include data about  
22 education services provided while a student is subject to a  
23 disciplinary action, the status of petitions for readmission to the  
24 school district when a student has been excluded from school, credit  
25 retrieval during a period of exclusion, and school dropout as a result  
26 of disciplinary action.

27 (2) The discipline task force shall include representatives from  
28 the K-12 data governance group, the educational opportunity gap  
29 oversight and accountability committee, the state ethnic commissions,  
30 the governor's office of Indian affairs, the office of the education  
31 ombudsman, school districts, and other education and advocacy  
32 organizations.

33 (3) The office of the superintendent of public instruction and the  
34 K-12 data governance group shall revise the statewide student data  
35 system to incorporate the student discipline data collection standards

1 recommended by the discipline task force, and begin collecting data  
2 based on the revised standards in the 2015-16 school year.

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

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

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

24 (3) Emergency expulsions must end or be converted to another form  
25 of corrective action within ten school days from the date of the  
26 emergency removal from school. Notice and due process rights must be  
27 provided when an emergency expulsion is converted to another form of  
28 corrective action.

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

31 (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
32 interpreted to ensure that the optimum learning atmosphere of the  
33 classroom is maintained, and that the highest consideration is given to  
34 the judgment of qualified certificated educators regarding conditions  
35 necessary to maintain the optimum learning atmosphere.

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

13 (3) In order to preserve a beneficial learning environment for all  
14 students and to maintain good order and discipline in each classroom,  
15 every school district board of directors shall provide that written  
16 procedures are developed for administering discipline at each school  
17 within the district. Such procedures shall be developed with the  
18 participation of parents and the community, and shall provide that the  
19 teacher, principal or designee, and other authorities designated by the  
20 board of directors, make every reasonable attempt to involve the parent  
21 or guardian and the student in the resolution of student discipline  
22 problems. Such procedures shall provide that students may be excluded  
23 from their individual classes or activities for periods of time in  
24 excess of that provided in subsection (2) of this section if such  
25 students have repeatedly disrupted the learning of other students. The  
26 procedures must be consistent with the rules of the superintendent of  
27 public instruction and must provide for early involvement of parents in  
28 attempts to improve the student's behavior.

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

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

36 ((+a)) (i) Engages in two or more violations within a three-year  
37 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,  
38 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

1        ~~((b))~~ (ii) Engages in one or more of the offenses listed in RCW  
2 13.04.155.

3        (b) The principal shall communicate the disciplinary action taken  
4 by the principal to the school personnel who referred the student to  
5 the principal for disciplinary action.

6        (6) Any corrective action involving a suspension or expulsion from  
7 school for more than ten days must have an end date of not more than  
8 one calendar year from the time of corrective action. Districts shall  
9 make reasonable efforts to assist students and parents in returning to  
10 an educational setting prior to and no later than the end date of the  
11 corrective action. Where warranted based on public health or safety,  
12 a school may petition the superintendent of the school district or the  
13 superintendent's designee, pursuant to policies and procedures adopted  
14 by the school district board of directors outlining the limited  
15 circumstances in which a school may petition to exceed the one calendar  
16 year limitation, including safeguards to ensure that the school  
17 district has made every effort to plan for the student's return to  
18 school.

19        (7) Nothing in this section prevents a public school district,  
20 educational service district, the Washington state center for childhood  
21 deafness and hearing loss, or the state school for the blind if it has  
22 suspended or expelled a student from the student's regular school  
23 setting from providing educational services to the student in an  
24 alternative setting or modifying the suspension or expulsion on a case-  
25 by-case basis.

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

28        The state of Washington excludes tens of thousands of students from  
29 school each year due to out-of-school suspensions and expulsions. Out-  
30 of-school suspensions and expulsions contribute to poor academic  
31 achievement, lower graduation rates, and higher dropout rates. It is  
32 the intent of the legislature to minimize the use of out-of-school  
33 suspension and expulsion and its impact on student achievement by  
34 reducing the number of days that students are excluded from school due  
35 to disciplinary action. Student behavior should not result in the loss  
36 of educational opportunity in the public school system.

1 School districts are encouraged to find alternatives to suspension  
2 including reducing the length of a student's suspension conditioned by  
3 the commencement of counseling or other treatment services. Consistent  
4 with current law, the conditioning of a student's suspension does not  
5 obligate the school district to pay for the counseling or other  
6 treatment services except for those stipulated and agreed to by the  
7 district at the inception of the suspension.

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

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

21 (2) A student committing an offense under chapter 9A.36, 9A.40,  
22 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,  
23 shall not be assigned to that teacher's classroom for the duration of  
24 the student's attendance at that school or any other school where the  
25 teacher is assigned.

26 (3) A student who commits an offense under chapter 9A.36, 9A.40,  
27 9A.46, or 9A.48 RCW, when directed toward another student, may be  
28 removed from the classroom of the victim for the duration of the  
29 student's attendance at that school or any other school where the  
30 victim is enrolled. A student who commits an offense under one of the  
31 chapters enumerated in this section against a student or another school  
32 employee, may be expelled or suspended.

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

36 (5) All school districts must collect data on disciplinary actions  
37 taken in each school and must record these actions using the statewide

1 student data system, based on the data collection standards established  
2 by the office of the superintendent of public instruction and the K-12  
3 data governance group. The information shall be made available to the  
4 public (~~upon request. This collection of~~), but public release of the  
5 data shall not include personally identifiable information including,  
6 but not limited to, a student's social security number, name, or  
7 address.

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

10 (1)(a) The superintendent of public instruction shall adopt rules  
11 establishing a standard definition of student absence from school. In  
12 adopting the definition, the superintendent shall review current  
13 practices in Washington school districts, definitions used in other  
14 states, and any national standards or definitions used by the national  
15 center for education statistics or other national groups. The  
16 superintendent shall also consult with the building bridges work group  
17 established under RCW 28A.175.075.

18 (b) Using the definition of student absence adopted under this  
19 section, the superintendent shall establish an indicator for measuring  
20 student attendance in high schools for purposes of the PASS program  
21 under RCW 28A.175.130.

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

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

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

32 (ii) Disaggregated and cross-tabulated as established under RCW  
33 28A.300.042.

34 (c) School districts must collect and submit student attendance  
35 data and student discipline data for high school students through the  
36 comprehensive education and data research system for purposes of the

1 PASS program under RCW 28A.175.130 beginning in the 2012-13 school  
2 year.

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

5 (1) All student data-related reports required of the superintendent  
6 of public instruction in this title must be disaggregated by at least  
7 the following subgroups of students: White, Black, Hispanic, American  
8 Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low  
9 income, transitional bilingual, migrant, special education, and  
10 students covered by section 504 of the federal rehabilitation act of  
11 1973, as amended (29 U.S.C. Sec. 794).

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

16 (a) Gender;

17 (b) Foster care;

18 (c) Homeless, if known;

19 (d) School district;

20 (e) School;

21 (f) Grade level;

22 (g) Behavior infraction code, including:

23 (i) Bullying;

24 (ii) Tobacco;

25 (iii) Alcohol;

26 (iv) Illicit drug;

27 (v) Fighting without major injury;

28 (vi) Violence without major injury;

29 (vii) Violence with major injury;

30 (viii) Possession of a weapon; and

31 (ix) Other behavior resulting from a short-term or long-term  
32 suspension, expulsion, or interim alternative education setting  
33 intervention;

34 (h) Intervention applied, including:

35 (i) Short-term suspension;

36 (ii) Long-term suspension;

37 (iii) Emergency expulsion;



1 (iv) Expulsion;

2 (v) Interim alternative education settings;

3 (vi) No intervention applied; and

4 (vii) Other intervention applied that is not described in this  
5 subsection (2)(h);

6 (i) Number of days a student is suspended or expelled, to be  
7 counted in half or full days; and

8 (j) Any other categories added at a future date by the data  
9 governance group.

10 (3) All student data-related reports required of the superintendent  
11 of public instruction regarding student suspensions and expulsions as  
12 required in RCW 28A.300.046 are subject to cross-tabulation at a  
13 minimum by the following:

14 (a) School and district;

15 (b) Race, low income, special education, transitional bilingual,  
16 migrant, foster care, homeless, students covered by section 504 of the  
17 federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794),  
18 and categories to be added in the future;

19 (c) Behavior infraction code; and

20 (d) Intervention applied.

21 NEW SECTION. Sec. 308. A new section is added to chapter 28A.600  
22 RCW to read as follows:

23 (1) School districts should make efforts to have suspended or  
24 expelled students return to an educational setting as soon as possible.  
25 School districts should convene a meeting with the student and the  
26 student's parents or guardians within twenty days of the student's  
27 long-term suspension or expulsion, but no later than five days before  
28 the student's enrollment, to discuss a plan to reengage the student in  
29 a school program.

30 (2) In developing a reengagement plan, school districts should  
31 consider shortening the length of time that the student is suspended or  
32 expelled, other forms of corrective action, and supportive  
33 interventions that aid in the student's academic success and keep the  
34 student engaged and on track to graduate. School districts must create  
35 a reengagement plan tailored to the student's individual circumstances,  
36 including consideration of the incident that led to the student's long-

1 term suspension or expulsion. The plan should aid the student in  
2 taking the necessary steps to remedy the situation that led to the  
3 student's suspension or expulsion.

4 (3) Any reengagement meetings conducted by the school district  
5 involving the suspended or expelled student and his or her parents or  
6 guardians are not intended to replace a petition for readmission.

7 NEW SECTION. **Sec. 309.** Nothing in chapter . . ., Laws of 2013 2nd  
8 sp. sess. (this act) prevents a public school district, law enforcement  
9 agencies, or law enforcement personnel from enforcing laws protecting  
10 health and human safety.

11 **PART IV**  
12 **EDUCATOR SUPPORT PROGRAM**

13 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.415  
14 RCW to read as follows:

15 (1) The educator support program is established to provide  
16 professional development and mentor support for beginning educators and  
17 educators on probation under RCW 28A.405.100, to be composed of the  
18 beginning educator support team for beginning educators and continuous  
19 improvement coaching for educators on probation, as provided in this  
20 section.

21 (2)(a) Subject to funds appropriated for this specific purpose, the  
22 office of the superintendent of public instruction shall allocate funds  
23 for the beginning educator support team on a competitive basis to  
24 individual school districts or consortia of districts. School  
25 districts are encouraged to include educational service districts in  
26 creating regional consortia. In allocating funds, the office of the  
27 superintendent of public instruction shall give priority to school  
28 districts with low-performing schools identified under RCW 28A.657.020  
29 as being challenged schools in need of improvement. A portion of the  
30 appropriated funds may be used for program coordination and provision  
31 of statewide or regional professional development through the office of  
32 the superintendent of public instruction.

33 (b) A beginning educator support team must include the following  
34 components:

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

3 (ii) Assignment of a trained and qualified mentor for the first  
4 three years for beginning educators, with intensive support in the  
5 first year and decreasing support over the following years depending on  
6 the needs of the beginning educator;

7 (iii) Professional development for beginning educators that is  
8 designed to meet their unique needs for supplemental training and skill  
9 development;

10 (iv) Professional development for mentors;

11 (v) Release time for mentors and their designated educators to work  
12 together, as well as time for educators to observe accomplished peers;  
13 and

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

18 (3) Subject to funds separately appropriated for this specific  
19 purpose, the beginning educator support team components under  
20 subsection (2) of this section may be provided for continuous  
21 improvement coaching to support educators on probation under RCW  
22 28A.405.100.

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

25 It shall be the responsibility of each educational service district  
26 board to establish a center for the improvement of teaching. The  
27 center shall administer, coordinate, and act as fiscal agent for such  
28 programs related to the recruitment and training of certificated and  
29 classified K-12 education personnel as may be delegated to the center  
30 by the superintendent of public instruction under RCW 28A.310.470. To  
31 assist in these activities, each educational service district board  
32 shall establish an improvement of teaching coordinating council to  
33 include, at a minimum, representatives as specified in RCW 28A.415.040.  
34 An existing in-service training task force, established pursuant to RCW  
35 28A.415.040, may serve as the improvement of teaching coordinating  
36 council. The educational service district board shall ensure

1 coordination of programs established pursuant to RCW 28A.415.030,  
2 28A.410.060, and (~~28A.415.250~~) section 401 of this act.

3 The educational service district board may arrange each year for  
4 the holding of one or more teachers' institutes and/or workshops for  
5 professional staff preparation and in-service training in such manner  
6 and at such time as the board believes will be of benefit to the  
7 teachers and other professional staff of school districts within the  
8 educational service district and shall comply with rules of the  
9 professional educator standards board pursuant to RCW 28A.410.060 or  
10 the superintendent of public instruction (~~pursuant to RCW~~  
11 ~~28A.415.250~~). The board may provide such additional means of teacher  
12 and other professional staff preparation and in-service training as it  
13 may deem necessary or appropriate and there shall be a proper charge  
14 against the educational service district general expense fund when  
15 approved by the educational service district board.

16 Educational service district boards of contiguous educational  
17 service districts, by mutual arrangements, may hold joint institutes  
18 and/or workshops, the expenses to be shared in proportion to the  
19 numbers of certificated personnel as shown by the last annual reports  
20 of the educational service districts holding such joint institutes or  
21 workshops.

22 In local school districts employing more than one hundred teachers  
23 and other professional staff, the school district superintendent may  
24 hold a teachers' institute of one or more days in such district, said  
25 institute when so held by the school district superintendent to be in  
26 all respects governed by the provisions of this title and rules  
27 relating to teachers' institutes held by educational service district  
28 superintendents.

## 29 PART V

### 30 PROFESSIONAL DEVELOPMENT

31 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.320  
32 RCW to read as follows:

33 (1)(a) The legislature finds that the school district board of  
34 directors sets the vision and provides direction and oversight for the  
35 school district. The legislature further finds that the school  
36 district superintendent is key to the day-to-day administration of the

1 school district. The legislature intends to provide additional  
2 professional development opportunities for school district directors  
3 and superintendents to focus on research-based governance strategies to  
4 improve student achievement.

5 (b) The Washington state school directors' association shall  
6 develop and annually implement a professional development program for  
7 first-time school directors and school district superintendents and for  
8 on-going development of school directors and superintendents. The  
9 program must focus on research-based governance strategies to improve  
10 student achievement.

11 (2)(a) The legislature recognizes that there have been many recent  
12 changes in state educational policies that affect students, educators,  
13 school employees, and school district personnel, including the adoption  
14 of the common core standards and the new evaluation system. The  
15 legislature further recognizes that those important changes are  
16 intended to improve the performance of the educational system and  
17 student achievement. The legislature understands that the importance  
18 of providing adequate training and professional development for the  
19 changes in policy to have the successful outcomes that are intended.  
20 The legislature further intends the training to be responsive to the  
21 needs of local school districts.

22 (b) For the 2013-14 and 2014-15 school years, for any adjustments  
23 made to compensation provided by the school district beyond an  
24 adjustment for inflation must be in the form of targeted professional  
25 development, as determined to be appropriate by the school district.  
26 For the purpose of this section, "inflation" shall be determined in  
27 each year using the Seattle consumer price index for the most recently  
28 completed calendar year. The targeted professional development  
29 provided to instructional staff, as determined by the school district,  
30 is to assist the individual to improve student achievement, which may  
31 include but must not be limited to professional development regarding  
32 the common core state standards and the teacher and principal  
33 evaluations. The targeted professional development provided to  
34 noninstructional staff, as determined by the school district, is to  
35 improve skills necessary for the individual's assignment. This  
36 subsection (2)(b) does not affect or impair any collective bargaining  
37 agreements in effect on June 17, 2013, between an employer and

1 educational employees or employee organization under chapter 41.59 RCW.  
2 Any collective bargaining agreement entered into or renewed after June  
3 17, 2013, shall be consistent with this subsection.

4 (c) The office of the superintendent of public instruction must  
5 conduct an analysis of K-12 professional development. The purpose of  
6 the analysis is to improve the baseline understanding of policymakers  
7 regarding the level of public school resources currently expended to  
8 support professional development, the sources of funds, and the type  
9 and content of professional development purchased. The office of the  
10 superintendent of public instruction shall report the analysis to the  
11 education committees of the senate and house of representatives by  
12 December 31, 2013. As an extension of the study and to facilitate  
13 ongoing understanding of resources expended to support professional  
14 development, beginning in the 2013-14 school year, each school district  
15 shall annually report to the superintendent of public instruction the  
16 amounts and purposes of locally bargained compensation provided by the  
17 school district, including the type and content of the professional  
18 development purchased and the personnel positions that receive the  
19 professional development. For the purposes of reporting, "professional  
20 development" includes both traditional forms such as seminars,  
21 conferences, courses, or training sessions and nontraditional, job-  
22 embedded forms such as dedicated time for instructional teams to  
23 examine student data, coaching and mentoring, and professional learning  
24 communities. The office of the superintendent of public instruction  
25 shall annually report the information to the legislature and the  
26 governor. The superintendent of public instruction may adopt rules to  
27 implement the ongoing reporting by the school districts.

28 **PART VI**

29 **ALTERNATIVE LEARNING EXPERIENCES**

30 **Sec. 601.** 2011 1st sp.s. c 34 s 1 (uncodified) is amended to read  
31 as follows:

32 (1) Under Article IX of the Washington state Constitution, all  
33 children are entitled to an opportunity to receive a basic education.  
34 Although the state must assure that students in public schools have  
35 opportunities to participate in the instructional program of basic

1 education, there is no obligation for either the state or school  
2 districts to provide that instruction using a particular delivery  
3 method or through a particular program.

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

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

23 **Sec. 602.** RCW 28A.150.325 and 2011 1st sp.s. c 34 s 2 are each  
24 amended to read as follows:

25 (1) ((~~For purposes of this chapter,~~)) The definitions in this  
26 subsection apply throughout this chapter unless the context clearly  
27 requires otherwise.

28 (a) "Alternative learning experience ((~~program~~)) course" means a  
29 course ((~~or set of courses~~)), or for grades kindergarten through eight  
30 grade-level coursework, that is a delivery method for the program of  
31 basic education and is:

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

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

1        ~~((e))~~ (iii) Provided in accordance with a written student  
2 learning plan that is implemented pursuant to the school district's  
3 policy and rules adopted by the superintendent of public instruction  
4 for alternative learning experiences.

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

7        (c) "Instructional contact time" means instructional time with a  
8 certificated teacher. Instructional contact time must be for the  
9 purposes of actual instruction, review of assignments, testing,  
10 evaluation of student progress, or other learning activities or  
11 requirements identified in the student's written student learning plan.  
12 Instructional contact time must be related to an alternative learning  
13 experience course identified in the student's written student learning  
14 plan. Instructional contact time may occur in a group setting between  
15 the teacher and multiple students and may be delivered either in-person  
16 or remotely using technology.

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

19        (e) "Remote course" means an alternative learning experience course  
20 that is not an online course where the student has in-person  
21 instructional contact time for less than twenty percent of the total  
22 weekly time for the course. No minimum in-person instructional contact  
23 time is required.

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

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

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

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

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

36        ~~(c) Contract based learning programs))~~ School districts may claim  
37 state funding under section 603 of this act, to the extent otherwise  
38 allowed by state law including the provisions of RCW 28A.250.060, for



1 students enrolled in remote, site-based, or online alternative learning  
2 experience courses. High school courses must meet district or state  
3 graduation requirements and be offered for high school credit.

4 (3) School districts that offer alternative learning experience  
5 (~~(programs)~~) courses may not provide any compensation, reimbursement,  
6 gift, reward, or gratuity to any parents, guardians, or students for  
7 participation in the courses. School district employees are prohibited  
8 from receiving any compensation or payment as an incentive to increase  
9 student enrollment of out-of-district students in (~~(an)~~) alternative  
10 learning experience (~~(program)~~) courses. This prohibition includes,  
11 but is not limited to, providing funds to parents, guardians, or  
12 students for the purchase of educational materials, supplies,  
13 experiences, services, or technological equipment. A district may  
14 purchase educational materials, equipment, or other nonconsumable  
15 supplies for students' use in alternative learning experience  
16 (~~(programs)~~) courses if the purchase is consistent with the district's  
17 approved curriculum, conforms to applicable laws and rules, and is made  
18 in the same manner as such purchases are made for students in the  
19 district's regular instructional program. Items so purchased remain  
20 the property of the school district upon program completion. School  
21 districts may not purchase or contract for instructional or  
22 cocurricular experiences and services that are included in an  
23 alternative learning experience written student learning plan,  
24 including but not limited to lessons, trips, and other activities,  
25 unless substantially similar experiences and services are available to  
26 students enrolled in the district's regular instructional program.  
27 School districts that purchase or contract for such experiences and  
28 services for students enrolled in an alternative learning experience  
29 (~~(program)~~) course must submit an annual report to the office of the  
30 superintendent of public instruction detailing the costs and purposes  
31 of the expenditures. These requirements extend to contracted providers  
32 of alternative learning experience (~~(programs)~~) courses, and each  
33 district shall be responsible for monitoring the compliance of its  
34 providers with these requirements. However, nothing in this  
35 (~~(section)~~) subsection shall prohibit school districts from contracting  
36 with school district employees to provide services or experiences to  
37 students, or from contracting with online providers approved by the

1 office of the superintendent of public instruction pursuant to chapter  
2 28A.250 RCW.

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

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

9 (a) Report annually to the superintendent of public instruction  
10 regarding the course types and offerings, and number of students  
11 participating in each;

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

14 (c) Beginning in the 2013-14 school year and continuing through the  
15 2016-17 school year, pay costs associated with a biennial measure of  
16 student outcomes and financial audit of the district's alternative  
17 learning experience courses by the office of the state auditor.

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

22 (6) School districts must assess the educational progress of  
23 enrolled students at least annually, using, for full-time students, the  
24 state assessment for the student's grade level and using any other  
25 annual assessments required by the school district. Part-time students  
26 must also be assessed at least annually. However, part-time students  
27 who are either receiving home-based instruction under chapter 28A.200  
28 RCW or who are enrolled in an approved private school under chapter  
29 28A.195 RCW are not required to participate in the assessments required  
30 under chapter 28A.655 RCW. The rules must address how students who  
31 reside outside the geographic service area of the school district are  
32 to be assessed.

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

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

1       (b) Rules adopted for weekly direct personal contact requirements  
2 and monthly progress evaluation must be flexible and reflect the needs  
3 of the student and the student's individual learning plan rather than  
4 specifying an amount of time. In addition, the rules must reduce  
5 documentation requirements, particularly for students making  
6 satisfactory progress, based on the unique aspects of the alternative  
7 learning experience course types defined in this section and taking  
8 into consideration the technical and system capabilities associated  
9 with the different course types.

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

14       NEW SECTION. Sec. 603. The superintendent of public instruction  
15 shall separately calculate and allocate moneys appropriated under RCW  
16 28A.150.260 to school districts for each full-time equivalent student  
17 enrolled in an alternative learning experience course. The calculation  
18 shall be based on the estimated statewide annual average allocation per  
19 full-time equivalent student in grades nine through twelve in general  
20 education, excluding small high school enhancements, and including  
21 applicable rules and provisions of the omnibus appropriations act.

22       **Sec. 604.** RCW 28A.250.010 and 2011 1st sp.s. c 34 s 5 are each  
23 amended to read as follows:

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

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

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

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

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

1 (b) "Multidistrict online provider" does not include a school  
2 district online learning program in which fewer than ten percent of the  
3 students enrolled in the program are from other districts under the  
4 interdistrict student transfer provisions of RCW 28A.225.225.  
5 "Multidistrict online provider" also does not include regional online  
6 learning programs that are jointly developed and implemented by two or  
7 more school districts or an educational service district through an  
8 interdistrict cooperative program agreement that addresses, at minimum,  
9 how the districts share student full-time equivalency for state basic  
10 education funding purposes and how categorical education programs,  
11 including special education, are provided to eligible students.

12 (2)(a) "Online course" means a course or grade-level coursework  
13 where:

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

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

20 (iii) A certificated teacher has the primary responsibility for the  
21 student's instructional interaction. Instructional interaction between  
22 the teacher and the student includes, but is not limited to, direct  
23 instruction, review of assignments, assessment, testing, progress  
24 monitoring, and educational facilitation; and

25 (iv) Students have access to the teacher synchronously,  
26 asynchronously, or both.

27 (b) "Online school program" means a school program that(~~(+~~

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

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

35 ~~(iii))~~ offers a sequential set of online courses or grade-level  
36 coursework that may be taken in a single school term or throughout the  
37 school year in a manner that could provide a full-time basic education

1 program if so desired by the student. Students may enroll in the  
2 program as part-time or full-time students(~~(; and~~

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

5 (c) An online course or online school program may be delivered to  
6 students at school as part of the regularly scheduled school day. An  
7 online course or online school program also may be delivered to  
8 students, in whole or in part, independently from a regular classroom  
9 schedule, but such courses or programs must comply with RCW  
10 ((~~28A.150.262~~) 28A.150.325 (as recodified by this act) and associated  
11 rules adopted by the superintendent of public instruction to qualify  
12 for state basic education funding.

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

16 **Sec. 605.** RCW 28A.250.020 and 2011 1st sp.s. c 34 s 6 are each  
17 amended to read as follows:

18 (1) The superintendent of public instruction, in collaboration with  
19 the state board of education, shall develop and implement approval  
20 criteria and a process for approving online providers; a process for  
21 monitoring and if necessary rescinding the approval of courses or  
22 programs offered by an online provider; and an appeals process. The  
23 criteria and processes for multidistrict online providers shall be  
24 adopted by rule by December 1, 2009.

25 (2) When developing the approval criteria, the superintendent of  
26 public instruction shall require that providers offering online courses  
27 or programs have accreditation, or are candidates for accreditation,  
28 through the Northwest accreditation commission or another national,  
29 regional, or state accreditation program listed by the office of the  
30 superintendent of public instruction (~~((after consultation with the~~  
31 ~~Washington coalition for online learning))~~). In addition to other  
32 criteria, the approval criteria shall include the degree of alignment  
33 with state academic standards and require that all teachers be  
34 certificated in accordance with Washington state law. When reviewing  
35 online providers that offer high school courses, the superintendent of  
36 public instruction shall assure that the courses offered by the

1 provider are eligible for high school credit. However, final decisions  
2 regarding whether credit meets the school district's graduation  
3 requirements shall remain the responsibility of the school districts.

4 (3) Initial approval of online providers by the superintendent of  
5 public instruction shall be for four years. The superintendent of  
6 public instruction shall develop a process for the renewal of approvals  
7 and for rescinding approvals based on noncompliance with approval  
8 requirements. Any multidistrict online provider that was approved by  
9 the digital learning commons or accredited by the Northwest association  
10 of accredited schools before July 26, 2009, and that meets the teacher  
11 certification requirements of subsection (2) of this section, is exempt  
12 from the initial approval process under this section until August 31,  
13 2012, but must comply with the process for renewal of approvals and  
14 must comply with approval requirements.

15 (4) The superintendent of public instruction shall make the first  
16 round of decisions regarding approval of multidistrict online providers  
17 by April 1, 2010. The first round of decisions regarding approval of  
18 online providers that are not multidistrict online providers shall be  
19 made by April 1, 2013. Thereafter, the superintendent of public  
20 instruction shall make annual approval decisions no later than November  
21 1st of each year.

22 (5) The superintendent of public instruction shall establish an  
23 online learning advisory committee within existing resources that shall  
24 provide advice to the superintendent regarding the approval criteria,  
25 major components of the web site, the model school district policy,  
26 model agreements, and other related matters. The committee shall  
27 include a representative of each of the following groups: Private and  
28 public online providers, parents of online students, accreditation  
29 organizations, educational service districts, school principals,  
30 teachers, school administrators, school board members, institutions of  
31 higher education, and other individuals as determined by the  
32 superintendent. Members of the advisory committee shall be selected by  
33 the superintendent based on nominations from statewide organizations,  
34 shall serve three-year terms, and may be reappointed. The  
35 superintendent shall select the chair of the committee.

36 **Sec. 606.** RCW 28A.250.050 and 2011 1st sp.s. c 34 s 11 are each  
37 amended to read as follows:

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

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

21 (3) School districts shall provide students with information  
22 regarding online courses that are available through the school  
23 district. The information shall include the types of information  
24 described in subsection (1) of this section.

25 (4) When developing local or regional online learning programs,  
26 school districts shall incorporate into the program design the approval  
27 criteria developed by the superintendent of public instruction under  
28 RCW 28A.250.020.

29 **Sec. 607.** RCW 28A.250.060 and 2011 1st sp.s. c 34 s 8 are each  
30 amended to read as follows:

31 (1) Beginning with the 2011-12 school year, school districts may  
32 claim state funding under (~~RCW 28A.150.260~~) section 603 of this act,  
33 to the extent otherwise allowed by state law, for students enrolled in  
34 online courses or programs only if the online courses or programs are:

35 (a) Offered by a multidistrict online provider approved under RCW  
36 28A.250.020 by the superintendent of public instruction;

1 (b) Offered by a school district online learning program if the  
2 program serves students who reside within the geographic boundaries of  
3 the school district, including school district programs in which fewer  
4 than ten percent of the program's students reside outside the school  
5 district's geographic boundaries; or

6 (c) Offered by a regional online learning program where courses are  
7 jointly developed and offered by two or more school districts or an  
8 educational service district through an interdistrict cooperative  
9 program agreement.

10 (2) Beginning with the 2013-14 school year, school districts may  
11 claim state funding under (~~RCW 28A.150.260~~) section 603 of this act,  
12 to the extent otherwise allowed by state law, for students enrolled in  
13 online courses or programs only if the online courses or programs are  
14 offered by an online provider approved under RCW 28A.250.020 by the  
15 superintendent of public instruction.

16 (3) Criteria shall be established by the superintendent of public  
17 instruction to allow online courses that have not been approved by the  
18 superintendent of public instruction to be eligible for state funding  
19 if the course is in a subject matter in which no courses have been  
20 approved and, if it is a high school course, the course meets  
21 Washington high school graduation requirements.

22 **Sec. 608.** RCW 28A.250.070 and 2009 c 542 s 8 are each amended to  
23 read as follows:

24 Nothing in this chapter is intended to diminish the rights of  
25 students to attend a nonresident school district in accordance with RCW  
26 28A.225.220 through 28A.225.230 for the purposes of enrolling in online  
27 courses or online school programs. The office of online learning under  
28 RCW 28A.250.030 shall develop a standard form, which must be used by  
29 all school districts, for releasing a student to a nonresident school  
30 district for the purposes of enrolling in an online course or online  
31 school program.

32 NEW SECTION. **Sec. 609.** A new section is added to chapter 28A.250  
33 RCW to read as follows:

34 An online school program may request a waiver from the office of  
35 the superintendent of public instruction to administer one or more  
36 sections of the statewide student assessment for grades three through



1 eight for some or all students enrolled in the program on alternate  
2 days or on an alternate schedule, as long as the administration is  
3 within the testing period established by the office. The office may  
4 deny a request for a waiver if the online school program's proposal  
5 does not maintain adequate test security or would reduce the  
6 reliability of the assessment results by providing an inequitable  
7 advantage for some students.

8 **Sec. 610.** RCW 28A.225.220 and 1995 c 335 s 602 and 1995 c 52 s 2  
9 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

36 (6) Beginning with the 1993-94 school year, school districts may  
37 not charge transfer fees or tuition for nonresident students enrolled

1 under subsection (3) of this section and RCW 28A.225.225.  
2 Reimbursement of a high school district for cost of educating high  
3 school pupils of a nonhigh school district shall not be deemed a  
4 transfer fee as affecting the apportionment of current state school  
5 funds.

6 **Sec. 611.** RCW 28A.225.225 and 2013 c 192 s 2 are each amended to  
7 read as follows:

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

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

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

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

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

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

22 (b) The student has been expelled or suspended from a public school  
23 for more than ten consecutive days. Any policy allowing for  
24 readmission of expelled or suspended students under this subsection  
25 (2)(b) must apply uniformly to both resident and nonresident  
26 applicants; (~~or~~)

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

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

36 (3) A nonhigh district that is participating in an innovation

1 academy cooperative may not accept an application from a high school  
2 student that conflicts with RCW 28A.340.080.

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

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

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

16 (c) Accepting of the nonresident student would conflict with RCW  
17 28A.340.080; or

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

23 For purposes of subsections (2)(a) and (4)(b) of this section,  
24 "gang" means a group which: (i) Consists of three or more persons;  
25 (ii) has identifiable leadership; and (iii) on an ongoing basis,  
26 regularly conspires and acts in concert mainly for criminal purposes.

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

31 **Sec. 612.** RCW 28A.150.100 and 2011 1st sp.s. c 34 s 10 are each  
32 amended to read as follows:

33 (1) For the purposes of this section and RCW 28A.150.410 and  
34 28A.400.200, "basic education certificated instructional staff" means  
35 all full-time equivalent classroom teachers, teacher librarians,  
36 guidance counselors, certificated student health services staff, and  
37 other certificated instructional staff in the following programs as

1 defined for statewide school district accounting purposes: Basic  
2 education, secondary vocational education, general instructional  
3 support, and general supportive services.

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

11 **Sec. 613.** RCW 28A.525.162 and 2012 c 244 s 2 are each amended to  
12 read as follows:

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

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

21 (a) The superintendent of public instruction may waive the local  
22 requirement for state funding assistance for districts which have  
23 provided funds for school building construction purposes through the  
24 authorization of bonds or through the authorization of excess tax  
25 levies or both in an amount equivalent to two and one-half percent of  
26 the value of its taxable property, as defined in RCW 39.36.015.

27 (b) No such local funds shall be required as a condition to the  
28 allotment of funds from the state for the purpose of making major or  
29 minor structural changes to existing school facilities in order to  
30 bring such facilities into compliance with the barrier free access  
31 requirements of section 504 of the federal rehabilitation act of 1973  
32 (29 U.S.C. Sec. 706) and rules implementing the act.

33 (3) For the purpose of computing the state funding assistance  
34 percentage under RCW 28A.525.166 when a school district is granted  
35 authority to enter into contracts, adjusted valuation per pupil shall  
36 be calculated using headcount student enrollments from the most recent

1 October enrollment reports submitted by districts to the superintendent  
2 of public instruction, adjusted as follows:

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

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

10 (ii) The enrollment of nonhigh school districts shall be increased  
11 by the number of students residing within the district who are enrolled  
12 in a serving high school district so designated by the nonhigh school  
13 district under RCW 28A.540.110, including only students who are  
14 enrolled in grade levels not offered by the nonhigh school district;  
15 and

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

18 (b) In the case of construction or modernization of high school  
19 facilities in districts serving students from nonhigh school districts,  
20 the adjusted valuation per pupil shall be computed using the combined  
21 adjusted valuations and enrollments of each district, each weighted by  
22 the percentage of the district's resident high school students served  
23 by the high school district;

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

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

30 (4) In lieu of the exclusion in subsection (3)(d) of this section,  
31 a district may submit an alternative calculation for excluding students  
32 enrolled in alternative learning experience (~~(programs)~~) courses. The  
33 alternative calculation must show the student headcount use of district  
34 classroom facilities on a regular basis for a regular duration by out-  
35 of-district alternative learning experience (~~(program)~~) students  
36 subtracted by the headcount of in-district alternative learning  
37 experience (~~(program)~~) students not using district classroom facilities  
38 on a regular basis for a reasonable duration. The alternative

1 calculation must be submitted in a form approved by the office of the  
2 superintendent of public instruction. The office of the superintendent  
3 of public instruction must develop rules to define "regular basis" and  
4 "reasonable duration."

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

10 (6) For the purposes of this section, "preschool students with  
11 disabilities" means children of preschool age who have developmental  
12 disabilities who are entitled to services under RCW 28A.155.010 through  
13 28A.155.100 and are not included in the kindergarten enrollment count  
14 of the district.

15 **Sec. 614.** RCW 28A.525.166 and 2012 c 244 s 3 are each amended to  
16 read as follows:

17 Allocations to school districts of state funds provided by RCW  
18 28A.525.162 through 28A.525.180 shall be made by the superintendent of  
19 public instruction and the amount of state funding assistance to a  
20 school district in financing a school plant project shall be determined  
21 in the following manner:

22 (1) The boards of directors of the districts shall determine the  
23 total cost of the proposed project, which cost may include the cost of  
24 acquiring and preparing the site, the cost of constructing the building  
25 or of acquiring a building and preparing the same for school use, the  
26 cost of necessary equipment, taxes chargeable to the project, necessary  
27 architects' fees, and a reasonable amount for contingencies and for  
28 other necessary incidental expenses: PROVIDED, That the total cost of  
29 the project shall be subject to review and approval by the  
30 superintendent.

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

33 The ratio of the school district's adjusted valuation per pupil  
34 divided by the ratio of the total state adjusted valuation per pupil  
35 shall be subtracted from three, and then the result of the foregoing  
36 shall be divided by three plus (the ratio of the school district's

1 adjusted valuation per pupil divided by the ratio of the total state  
 2 adjusted valuation per pupil).

$$\begin{array}{r}
 \text{3} \qquad \qquad \qquad \text{District adjusted} \qquad \text{Total state} \\
 \text{4} \qquad \qquad \qquad \text{3-valuation} \qquad \div \text{ adjusted valuation} \\
 \text{5} \qquad \text{Computed} \qquad \text{per pupil} \qquad \text{per pupil} \qquad \text{State} \\
 \text{6} \qquad \text{State} = \frac{\text{District adjusted}}{\text{3+valuation}} = \text{\% Funding} \\
 \text{7} \qquad \text{Ratio} \qquad \text{District adjusted} \qquad \text{Total state} \qquad \text{Assistance} \\
 \text{8} \qquad \qquad \qquad \text{3+valuation} \qquad \div \text{ adjusted valuation} \\
 \text{9} \qquad \qquad \qquad \text{per pupil} \qquad \text{per pupil}
 \end{array}$$

10 PROVIDED, That in the event the state funding assistance percentage to  
 11 any school district based on the above formula is less than twenty  
 12 percent and such school district is otherwise eligible for state  
 13 funding assistance under RCW 28A.525.162 through 28A.525.180, the  
 14 superintendent may establish for such district a state funding  
 15 assistance percentage not in excess of twenty percent of the approved  
 16 cost of the project, if the superintendent finds that such additional  
 17 assistance is necessary to provide minimum facilities for housing the  
 18 pupils of the district.

19 (3) In addition to the computed state funding assistance percentage  
 20 developed in subsection (2) of this section, a school district shall be  
 21 entitled to additional percentage points determined by the average  
 22 percentage of growth for the past three years. One percent shall be  
 23 added to the computed state funding assistance percentage for each  
 24 percent of growth, with a maximum of twenty percent.

25 (4) In computing the state funding assistance percentage in  
 26 subsection (2) of this section and adjusting the percentage under  
 27 subsection (3) of this section, students residing outside the school  
 28 district who are enrolled in alternative learning experience  
 29 (~~(programs)~~) courses under RCW 28A.150.325 (as recodified by this act)  
 30 shall be excluded from the count of total pupils. In lieu of the  
 31 exclusion in this subsection, a district may submit an alternative  
 32 calculation for excluding students enrolled in alternative learning  
 33 experience (~~(programs)~~) courses. The alternative calculation must show  
 34 the student headcount use of district classroom facilities on a regular  
 35 basis for a reasonable duration by out-of-district alternative learning  
 36 experience (~~(program)~~) students subtracted by the headcount of in-  
 37 district alternative learning experience (~~(program)~~) students not using  
 38 district classroom facilities on a regular basis for a reasonable

1 duration. The alternative calculation must be submitted in a form  
2 approved by the office of the superintendent of public instruction.  
3 The office of the superintendent of public instruction must develop  
4 rules to define "regular basis" and "reasonable duration."

5 (5) The approved cost of the project determined in the manner  
6 prescribed in this section multiplied by the state funding assistance  
7 percentage derived as provided for in this section shall be the amount  
8 of state funding assistance to the district for the financing of the  
9 project: PROVIDED, That need therefor has been established to the  
10 satisfaction of the superintendent: PROVIDED, FURTHER, That additional  
11 state funding assistance may be allowed if it is found by the  
12 superintendent, considering policy recommendations from the school  
13 facilities citizen advisory panel that such assistance is necessary in  
14 order to meet (a) a school housing emergency resulting from the  
15 destruction of a school building by fire, the condemnation of a school  
16 building by properly constituted authorities, a sudden excessive and  
17 clearly foreseeable future increase in school population, or other  
18 conditions similarly emergent in nature; or (b) a special school  
19 housing burden resulting from projects of statewide significance or  
20 imposed by virtue of the admission of nonresident students into  
21 educational programs established, maintained and operated in conformity  
22 with the requirements of law; or (c) a deficiency in the capital funds  
23 of the district resulting from financing, subsequent to April 1, 1969,  
24 and without benefit of the state funding assistance provided by prior  
25 state assistance programs, the construction of a needed school building  
26 project or projects approved in conformity with the requirements of  
27 such programs, after having first applied for and been denied state  
28 funding assistance because of the inadequacy of state funds available  
29 for the purpose, or (d) a condition created by the fact that an  
30 excessive number of students live in state owned housing, or (e) a need  
31 for the construction of a school building to provide for improved  
32 school district organization or racial balance, or (f) conditions  
33 similar to those defined under (a), (b), (c), (d), and (e) of this  
34 subsection, creating a like emergency.

35 NEW SECTION. **Sec. 615.** (1) The office of financial management  
36 shall conduct a study, in consultation with, at minimum, one  
37 representative each from school districts that administer remote, site-



1 based, and online alternative learning experience courses; the office  
2 of the superintendent of public instruction; the Washington state  
3 institute for public policy; individuals with expertise in outcome-  
4 based public school funding models; a Washington state nonprofit  
5 organization with expertise in alternative learning education; and the  
6 legislative evaluation and accountability program committee.

7 (2) The purpose of the study is to create a proposal for  
8 efficiently and sustainably funding alternative learning experience  
9 courses and to recommend steps to increase the focus on educational  
10 outcomes. The study may recommend the funding method established in  
11 section 603 of this act or another method of funding. The study shall  
12 review alternative learning funding models used in other states and  
13 consider the advantages and disadvantages of applying state policies,  
14 including funding policies, differentially depending on the type of  
15 alternative learning experience course. The study should also include  
16 but not be limited to, recommendations for establishing baseline data  
17 regarding alternative learning experience student proficiency and  
18 achievement in relation to students in a comparable demographic,  
19 identifying outcome targets and methods to measure progress toward  
20 targets, identifying methods to ensure ongoing evaluation of outcomes  
21 that account for the student demographics being served, and improving  
22 alternative learning experience accountability.

23 (3) The office of financial management shall report its findings  
24 from the study to the quality education council by November 1, 2013.  
25 The quality education council shall review the findings and make  
26 recommendations to the education and fiscal committees of the  
27 legislature by December 15, 2013.

28 NEW SECTION. **Sec. 616.** RCW 28A.150.262 (Defining full-time  
29 equivalent student--Students receiving instruction through alternative  
30 learning experience online programs--Requirements) and 2011 1st sp.s.  
31 c 34 s 3, 2009 c 542 s 9, & 2005 c 356 s 2 are each repealed.

32 NEW SECTION. **Sec. 617.** (1) RCW 28A.150.325 is recodified as a  
33 section in chapter 28A.--- RCW (the new chapter created in section 618  
34 of this act).

35 (2) 2011 1st sp.s. c 34 s 1 is codified as a section in chapter  
36 28A.--- RCW (the new chapter created in section 618 of this act).

1           NEW SECTION.    **Sec. 618.**    Sections 601 and 603 of this act  
2 constitute a new chapter in Title 28A RCW.

3   **PART VII**  
4   **MISCELLANEOUS**

5           NEW SECTION.    **Sec. 701.**    The following acts or parts of acts are  
6 each repealed:

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

9           (2) RCW 28A.165.045 (Plan approval process) and 2009 c 556 s 2 &  
10 2004 c 20 s 5;

11           (3) RCW 28A.415.250 (Teacher assistance program--Provision for  
12 mentor teachers) and 2009 c 539 s 5, 1993 c 336 s 401, 1991 c 116 s 19,  
13 1990 c 33 s 403, 1987 c 507 s 1, & 1985 c 399 s 1; and

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

16           NEW SECTION.    **Sec. 702.**    Section 603 of this act is necessary for  
17 the immediate preservation of the public peace, health, or safety, or  
18 support of the state government and its existing public institutions,  
19 and takes effect immediately.

20           NEW SECTION.    **Sec. 703.**    If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected."

**SSB 5946** - S AMD  
By Senator Dammeier

**ADOPTED 06/13/2013**

24           On page 1, line 1 of the title, after "outcomes;" strike the  
25 remainder of the title and insert "amending RCW 28A.165.005,  
26 28A.165.015, 28A.165.035, 28A.165.055, 28A.165.065, 28A.600.015,

1 28A.600.020, 28A.600.410, 28A.600.460, 28A.300.046, 28A.300.042,  
2 28A.415.010, 28A.150.325, 28A.250.010, 28A.250.020, 28A.250.050,  
3 28A.250.060, 28A.250.070, 28A.225.225, 28A.150.100, 28A.525.162, and  
4 28A.525.166; amending 2011 1st sp.s. c 34 s 1 (uncodified); reenacting  
5 and amending RCW 28A.225.220; adding a new section to chapter 28A.300  
6 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to  
7 chapter 28A.415 RCW; adding new sections to chapter 28A.655 RCW; adding  
8 a new section to chapter 28A.165 RCW; adding new sections to chapter  
9 28A.600 RCW; adding a new section to chapter 28A.250 RCW; adding a new  
10 chapter to Title 28A RCW; creating new sections; recodifying RCW  
11 28A.150.325; repealing RCW 28A.150.262, 28A.165.025, 28A.165.045,  
12 28A.415.250, and 28A.415.260; and declaring an emergency."

EFFECT: Maintains underlying substitute bill, except:

WSSDA and not OSPI will provide the annual targeted professional development to the school district boards of directors and superintendents.

Clarifies that the other targeted professional development shall be to assist instructional staff and to improve student achievement and may address the common core state standards and the teacher/principal evaluations; and to assist noninstructional staff to improve skills necessary for the individual's assignment.

Requires a study by OSPI of K-12 professional development regarding the level of public school resources currently expended to support professional development, the sources of funds, and the type and content of professional development purchased. OSPI must report the analysis to the education committees of the senate and house of representatives by December 31, 2013. As an extension of the study and to facilitate ongoing understanding of resources expended to support professional development, beginning in the 2013-14 school year, each school district must annually report to OSPI the amounts and purposes of locally bargained compensation provided by the school district, including the type and content of the professional development purchased and the personnel positions that receive the professional development. For the purposes of reporting, "professional development" includes both traditional forms such as seminars, conferences, courses, or training sessions and nontraditional, job-embedded forms such as dedicated time for instructional teams to examine student data, coaching and mentoring, and professional learning communities. The office of the superintendent of public instruction shall annually report the information to the legislature and the governor. The superintendent of public instruction may adopt rules to implement the ongoing reporting by the school districts.

Adds Part VI addressing Alternative Learning Experiences that does the following:

References to alternative learning experience (ALE) "programs" have been replaced with references to ALE "courses" throughout the RCWs. The definition for ALE courses is expanded, clarifying that grade-level coursework for grades K-8 is included.

A definition of "in-person" is added, meaning face-to-face instructional contact in a physical classroom. "Instructional contact time" is defined as instructional time with a certificated teacher, and may occur in a group setting and delivered in-person or remotely using technology. ALE courses are reclassified into three categories: (1) "Online" courses, which have the same meaning as elsewhere in statute; (2) "remote" courses that are not online courses, but where the student has in-person instructional contact time for less than 20 percent of the total weekly time of the course; and (3) "site-based" courses where the student has in-person instructional contact time at least 20 percent of the total weekly time for the course. Districts offering or contracting to offer ALE courses must: (1) Report their course types and offerings annually to the Superintendent of Public Instruction; (2) document the district of residence for each enrolled alternative learning experience student; and (3) beginning in the 2013-14 school year, pay costs associated with a biennial measure of student outcomes and financial audit of the district's ALE courses by the Office of the State Auditor. School districts offering an ALE course to a nonresident student must inform the student's resident school district if the student drops out of the course.

School districts must assess the educational progress of enrolled students annually, using the state assessment for the student's grade level and other annual assessments. Part-time students who are receiving home-based instruction or enrolled in a private school are not required to participate in the annual assessments. The Office of the Superintendent of Public Instruction (OSPI) must adopt rules for weekly direct personal contact requirements and monthly progress evaluation, with attention given to reducing documentation requirements. Additionally, OSPI must adopt rules establishing procedures to address how the counting of students must be coordinated by resident and nonresident districts for state funding so that no student is counted more than once.

ALE Online Courses.

The definition of "online" courses is expanded to encompass grade-level coursework. When enrolled in an online course, a student's primary instructional interaction must be with a certificated teacher. Students may have access to the teacher synchronously, asynchronously, or both. School districts are required to award grades for online courses resulting in high school credit.

School boards of directors shall release students to a nonresident district if the purpose of the transfer is for the student to enroll in an online course or online school program. However, a district may refuse an application to transfer if the nonresident student has repeatedly failed to comply with requirements for participating in online school programs, such as maintaining minimum weekly contact time.

OSPI is authorized to develop online course approval criteria allowing providers which are candidates for accreditation to apply to provide programs in Washington. OSPI's Office of Online Learning is directed to develop a standard form to be used by all school districts for releasing a student to a nonresident school district for the purposes of enrolling in an online course or online school program.

Online school programs may request a waiver from OSPI to administer one or more sections of the statewide assessment for grades 3-8 on alternate days, as long as the administration is within the OSPI-designated testing period. OSPI may deny a waiver if the proposal does not maintain adequate test security or would reduce the reliability of the assessment results by providing an inequitable advantage for some students.

ALE Funding.

School districts may claim funding for each full-time equivalent student enrolled in an ALE course, at a rate based on the estimated statewide annual average basic education allocation per full-time equivalent student in grades 9-12.

The Office of Financial Management (OFM) is directed to undertake a study of ALE courses for the purpose of creating a proposal to efficiently and sustainably fund such courses and to recommend steps to increase the focus on educational outcomes. The study shall review alternative learning funding models used in other states and consider the advantages and disadvantages of applying state policies, including funding policies, differentially depending on the type of alternative learning experience course. The study should also include but not be limited to, recommendations for establishing baseline data regarding alternative learning experience student proficiency and achievement in relation to students in a comparable demographic, identifying outcome targets and methods to measure progress toward targets, identifying methods to ensure ongoing evaluation of outcomes that account for the student demographics being served, and improving alternative learning experience accountability. OFM must consult with: One representative each from districts offering remote, site-based, and online ALE courses; OSPI; the Washington State Institute for Public Policy; individuals with expertise in outcome-based public school funding models; a Washington state nonprofit with expertise in ALE education; and the Legislative Evaluation and Accountability Program committee. OFM shall report their findings to the Quality Education Council by November 1, 2013. The Council shall review the findings and make recommendations to the education and fiscal committees of the Legislature by December 15, 2013.

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