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**SUBSTITUTE HOUSE BILL 1692**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Education (originally sponsored by Representatives Sullivan, Pettigrew, Maxwell, Lytton, and Pollet)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to implementing career and college ready graduation  
2 requirements; amending RCW 28A.150.220, 28A.150.260, 28A.150.390,  
3 28A.180.030, 28A.180.040, 28A.230.090, 28A.165.015, 28A.165.055, and  
4 28A.165.065; adding a new section to chapter 28A.165 RCW; creating a  
5 new section; repealing RCW 28A.165.025 and 28A.165.045; and providing  
6 an effective date.

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

8 NEW SECTION. **Sec. 1.** (1) The revised definition of the program of  
9 basic education adopted in 2009 includes the expectation that students  
10 will have the opportunity to complete twenty-four credits for high  
11 school graduation. The state board of education has the statutory  
12 authority to establish specific course requirements for graduation, and  
13 in November 2010 the board adopted a career and college ready  
14 graduation proposal based on several years of examination and review.  
15 The board may not implement certain aspects of the proposal without  
16 formal legislative authorization and funding. The revised definition  
17 of basic education also requires an increase in minimum instructional  
18 hours for secondary school students, with the implementation date to be  
19 determined by the legislature.

1 (2) After further review, including considering the recommendations  
2 of the quality education council and the joint task force on education  
3 finance, the legislature finds that increasing instructional hours for  
4 secondary students is a necessary but not sufficient expansion of the  
5 education program to provide all students the opportunity to complete  
6 career and college ready graduation requirements. The legislature  
7 finds that students who are struggling in school, including English  
8 language learners, may need opportunities for additional supplemental  
9 instruction to take advantage of career and college ready graduation  
10 requirements. Even after they are determined to be proficient in the  
11 English language, English language learners may require opportunities  
12 for additional support to catch up to their English-speaking peers in  
13 other academic subjects such as mathematics or science. Students at  
14 all grade levels would benefit from opportunities for additional family  
15 support and counseling as they progress toward career and college  
16 readiness. Providing additional targeted learning opportunities,  
17 family support, and counseling are also essential for closing the  
18 educational opportunity gap. The legislature has already stated that  
19 it is a goal of basic education to give all students, not merely some  
20 students, the opportunity to achieve personal and academic success.

21 (3) Therefore, the legislature intends to formally authorize, and  
22 provide sufficient resources for, implementation of the opportunity for  
23 students to complete twenty-four credits for graduation through a  
24 comprehensive approach that includes increased instructional hours,  
25 expansion of the learning assistance program and transitional bilingual  
26 instructional programs, and resources to support additional family  
27 engagement and counseling.

28 **Sec. 2.** RCW 28A.150.220 and 2011 1st sp.s. c 27 s 1 are each  
29 amended to read as follows:

30 (1) In order for students to have the opportunity to develop the  
31 basic education knowledge and skills under RCW 28A.150.210, school  
32 districts must provide instruction of sufficient quantity and quality  
33 and give students the opportunity to complete graduation requirements  
34 that are intended to prepare them for postsecondary education, gainful  
35 employment, and citizenship. The program established under this  
36 section shall be the minimum instructional program of basic education  
37 offered by school districts.

1 (2) Each school district shall make available to students the  
2 following minimum instructional offering each school year:

3 (a) For students enrolled in grades one through twelve, at least a  
4 district-wide annual average of one thousand hours, which shall be  
5 increased district-wide to at least one thousand eighty instructional  
6 hours for students enrolled in each of grades seven through twelve and  
7 at least one thousand instructional hours for students in each of  
8 grades one through six (~~(according to an implementation schedule~~  
9 ~~adopted by the legislature, but not before)~~) beginning with the 2014-15  
10 school year; and

11 (b) For students enrolled in kindergarten, at least four hundred  
12 fifty instructional hours, which shall be increased to at least one  
13 thousand instructional hours according to the implementation schedule  
14 under RCW 28A.150.315.

15 (3) The instructional program of basic education provided by each  
16 school district shall include:

17 (a) Instruction in the essential academic learning requirements  
18 under RCW 28A.655.070;

19 (b) Instruction that provides students the opportunity to complete  
20 twenty-four credits for high school graduation, (~~(subject to a phased-~~  
21 ~~in implementation of the twenty-four credits as established by the~~  
22 ~~legislature)~~) beginning with students entering the ninth grade or  
23 beginning the equivalent of a four-year high school program on or after  
24 July 1, 2015. Course distribution requirements may be established by  
25 the state board of education under RCW 28A.230.090;

26 (c) If the essential academic learning requirements include a  
27 requirement of languages other than English, the requirement may be met  
28 by students receiving instruction in one or more American Indian  
29 languages;

30 (d) Supplemental instruction and services for underachieving  
31 students through the learning assistance program under RCW 28A.165.005  
32 through 28A.165.065;

33 (e) Supplemental instruction and services for eligible and enrolled  
34 students whose primary language is other than English through the  
35 transitional bilingual instruction program under RCW 28A.180.010  
36 through 28A.180.080;

37 (f) The opportunity for an appropriate education at public expense

1 as defined by RCW 28A.155.020 for all eligible students with  
2 disabilities as defined in RCW 28A.155.020; and

3 (g) Programs for highly capable students under RCW 28A.185.010  
4 through 28A.185.030.

5 (4) Nothing contained in this section shall be construed to require  
6 individual students to attend school for any particular number of hours  
7 per day or to take any particular courses.

8 (5) Each school district's kindergarten through twelfth grade basic  
9 educational program shall be accessible to all students who are five  
10 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
11 years of age and shall consist of a minimum of one hundred eighty  
12 school days per school year in such grades as are conducted by a school  
13 district, and one hundred eighty half-days of instruction, or  
14 equivalent, in kindergarten, to be increased to a minimum of one  
15 hundred eighty school days per school year according to the  
16 implementation schedule under RCW 28A.150.315. However, effective May  
17 1, 1979, a school district may schedule the last five school days of  
18 the one hundred and eighty day school year for noninstructional  
19 purposes in the case of students who are graduating from high school,  
20 including, but not limited to, the observance of graduation and early  
21 release from school upon the request of a student, and all such  
22 students may be claimed as a full-time equivalent student to the extent  
23 they could otherwise have been so claimed for the purposes of RCW  
24 28A.150.250 and 28A.150.260.

25 (6) Nothing in this section precludes a school district from  
26 enriching the instructional program of basic education, such as  
27 offering additional instruction or providing additional services,  
28 programs, or activities that the school district determines to be  
29 appropriate for the education of the school district's students.

30 (7) The state board of education shall adopt rules to implement and  
31 ensure compliance with the program requirements imposed by this  
32 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental  
33 program approval requirements as the state board may establish.

34 **Sec. 3.** RCW 28A.150.260 and 2011 1st sp.s. c 27 s 2 are each  
35 amended to read as follows:

36 The purpose of this section is to provide for the allocation of  
37 state funding that the legislature deems necessary to support school

1 districts in offering the minimum instructional program of basic  
2 education under RCW 28A.150.220. The allocation shall be determined as  
3 follows:

4 (1) The governor shall and the superintendent of public instruction  
5 may recommend to the legislature a formula for the distribution of a  
6 basic education instructional allocation for each common school  
7 district.

8 (2) The distribution formula under this section shall be for  
9 allocation purposes only. Except as may be required under chapter  
10 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and  
11 regulations, nothing in this section requires school districts to use  
12 basic education instructional funds to implement a particular  
13 instructional approach or service. Nothing in this section requires  
14 school districts to maintain a particular classroom teacher-to-student  
15 ratio or other staff-to-student ratio or to use allocated funds to pay  
16 for particular types or classifications of staff. Nothing in this  
17 section entitles an individual teacher to a particular teacher planning  
18 period.

19 (3)(a) To the extent the technical details of the formula have been  
20 adopted by the legislature and except when specifically provided as a  
21 school district allocation, the distribution formula for the basic  
22 education instructional allocation shall be based on minimum staffing  
23 and nonstaff costs the legislature deems necessary to support  
24 instruction and operations in prototypical schools serving high,  
25 middle, and elementary school students as provided in this section.  
26 The use of prototypical schools for the distribution formula does not  
27 constitute legislative intent that schools should be operated or  
28 structured in a similar fashion as the prototypes. Prototypical  
29 schools illustrate the level of resources needed to operate a school of  
30 a particular size with particular types and grade levels of students  
31 using commonly understood terms and inputs, such as class size, hours  
32 of instruction, and various categories of school staff. It is the  
33 intent that the funding allocations to school districts be adjusted  
34 from the school prototypes based on the actual number of annual average  
35 full-time equivalent students in each grade level at each school in the  
36 district and not based on the grade-level configuration of the school  
37 to the extent that data is available. The allocations shall be further

1 adjusted from the school prototypes with minimum allocations for small  
2 schools and to reflect other factors identified in the omnibus  
3 appropriations act.

4 (b) For the purposes of this section, prototypical schools are  
5 defined as follows:

6 (i) A prototypical high school has six hundred average annual full-  
7 time equivalent students in grades nine through twelve;

8 (ii) A prototypical middle school has four hundred thirty-two  
9 average annual full-time equivalent students in grades seven and eight;  
10 and

11 (iii) A prototypical elementary school has four hundred average  
12 annual full-time equivalent students in grades kindergarten through  
13 six.

14 (4)(a) The minimum allocation for each level of prototypical school  
15 shall be based on the number of full-time equivalent classroom teachers  
16 needed to provide instruction over the minimum required annual  
17 instructional hours under RCW 28A.150.220 and provide at least one  
18 teacher planning period per school day, and based on the following  
19 general education average class size of full-time equivalent students  
20 per teacher:

|                          | General education<br>average<br>class size |
|--------------------------|--|
| 24 Grades K-3 . . . . .  | 25.23                                      |
| 25 Grade 4 . . . . .     | 27.00                                      |
| 26 Grades 5-6 . . . . .  | 27.00                                      |
| 27 Grades 7-8 . . . . .  | 28.53                                      |
| 28 Grades 9-12 . . . . . | 28.74                                      |

29 (b) During the 2011-2013 biennium and beginning with schools with  
30 the highest percentage of students eligible for free and reduced-price  
31 meals in the prior school year, the general education average class  
32 size for grades K-3 shall be reduced until the average class size  
33 funded under this subsection (4) is no more than 17.0 full-time  
34 equivalent students per teacher beginning in the 2017-18 school year.

35 (c) The minimum allocation for each prototypical middle and high  
36 school shall also provide for full-time equivalent classroom teachers  
37 based on the following number of full-time equivalent students per  
38 teacher in career and technical education:

Career and technical  
 education average  
 class size

Approved career and technical education offered at  
 the middle school and high school level . . . . . 26.57  
 Skill center programs meeting the standards established  
 by the office of the superintendent of public  
 instruction . . . . . 22.76

(d) In addition, the omnibus appropriations act shall at a minimum  
 specify:

- (i) A high-poverty average class size in schools where more than  
 fifty percent of the students are eligible for free and reduced-price  
 meals; and
- (ii) A specialty average class size for laboratory science,  
 advanced placement, and international baccalaureate courses.

(e) To support the increase in instructional hours required under  
 RCW 28A.150.220(2)(a), beginning with the 2014-15 school year, the  
 minimum allocation for each prototypical middle and high school shall  
 provide resources to provide an additional 2.222 hours of instruction  
 per week per annual average full-time equivalent student enrolled in  
 grades seven through twelve, based on the general education average  
 class sizes specified in (a) of this subsection.

(5) The minimum allocation for each level of prototypical school  
 shall include allocations for the following types of staff in addition  
 to classroom teachers:

|  | Elementary<br>School | Middle<br>School | High<br>School |
|--|----------------------|------------------|----------------|
| Principals, assistant principals, and other certificated building-level<br>administrators . . . . .  | 1.253                | 1.353            | 1.880          |
| Teacher librarians, a function that includes information literacy, technology,<br>and media to support school library media programs . . . . . | 0.663                | 0.519            | 0.523          |
| Health and social services:  |                      |                  |                |
| School nurses . . . . .  | 0.076                | 0.060            | 0.096          |

|    |  |                     |                      |                      |
|----|--|---------------------|----------------------|----------------------|
| 1  | Social workers.....  | 0.042               | 0.006                | 0.015                |
| 2  | Psychologists.....   | 0.017               | 0.002                | 0.007                |
| 3  | Guidance counselors, a function that includes parent outreach and graduation |                     |                      |                      |
| 4  | advising.....  | 0.493               | <del>((1.116))</del> | <del>((1.909))</del> |
| 5  |  |                     | <u>1.616</u>         | <u>2.409</u>         |
| 6  | Teaching assistance, including any aspect of educational instructional       |                     |                      |                      |
| 7  | services provided by classified employees.....                               | 0.936               | 0.700                | 0.652                |
| 8  | Office support and other noninstructional aides.....                         | 2.012               | 2.325                | 3.269                |
| 9  | Custodians.....  | 1.657               | 1.942                | 2.965                |
| 10 | Classified staff providing student and staff safety.....                     | 0.079               | 0.092                | 0.141                |
| 11 | <del>((Parent involvement))</del> <u>Family engagement</u> coordinators..... | <del>((0.00))</del> | 0.00                 | 0.00                 |
| 12 |  | <u>0.500</u>        |                      |                      |

13 (6)(a) The minimum staffing allocation for each school district to  
14 provide district-wide support services shall be allocated per one  
15 thousand annual average full-time equivalent students in grades K-12 as  
16 follows:

|    |  |                 |
|----|--|-----------------|
| 17 |  | Staff per 1,000 |
| 18 |  | K-12 students   |
| 19 | Technology . . . . .                           | 0.628           |
| 20 | Facilities, maintenance, and grounds . . . . . | 1.813           |
| 21 | Warehouse, laborers, and mechanics . . . . .   | 0.332           |

22 (b) The minimum allocation of staff units for each school district  
23 to support certificated and classified staffing of central  
24 administration shall be 5.30 percent of the staff units generated under  
25 subsections (4)(a) ~~((and))~~, (b), and (e) and (5) of this section and  
26 (a) of this subsection.

27 (7) The distribution formula shall include staffing allocations to  
28 school districts for career and technical education and skill center  
29 administrative and other school-level certificated staff, as specified  
30 in the omnibus appropriations act.

31 (8)(a) Except as provided in (b) of this subsection, the minimum  
32 allocation for each school district shall include allocations per  
33 annual average full-time equivalent student for the following  
34 materials, supplies, and operating costs, to be adjusted for inflation  
35 from the 2008-09 school year:

36 Per annual average



|    |  |                              |                |
|----|--|------------------------------|----------------|
| 1  |  | full-time equivalent student |                |
| 2  |  |                              | in grades K-12 |
| 3  | Technology . . . . .                                     |                              | \$54.43        |
| 4  | Utilities and insurance . . . . .                        |                              | \$147.90       |
| 5  | Curriculum and textbooks . . . . .                       |                              | \$58.44        |
| 6  | Other supplies and library materials . . . . .           |                              | \$124.07       |
| 7  | Instructional professional development for certified and |                              |                |
| 8  | classified staff . . . . .                               |                              | \$9.04         |
| 9  | Facilities maintenance . . . . .                         |                              | \$73.27        |
| 10 | Security and central office . . . . .                    |                              | \$50.76        |

11 (b) During the 2011-2013 biennium, the minimum allocation for  
12 ((maintenance)) materials, supplies, and operating costs shall be  
13 increased as specified in the omnibus appropriations act. The  
14 following allocations, adjusted for inflation from the 2007-08 school  
15 year, are provided in the 2015-16 school year, after which the  
16 allocations shall be adjusted annually for inflation as specified in  
17 the omnibus appropriations act:

|    |   |                              |                |
|----|---|------------------------------|----------------|
| 18 |   | Per annual average           |                |
| 19 |   | full-time equivalent student |                |
| 20 |   |                              | in grades K-12 |
| 21 | Technology . . . . .  |                              | \$113.80       |
| 22 | Utilities and insurance . . . . .                           |                              | \$309.21       |
| 23 | Curriculum and textbooks . . . . .                          |                              | \$122.17       |
| 24 | Other supplies and library materials . . . . .              |                              | \$259.39       |
| 25 | Instructional professional development for certificated and |                              |                |
| 26 | classified staff . . . . .                                  |                              | \$18.89        |
| 27 | Facilities maintenance . . . . .                            |                              | \$153.18       |
| 28 | Security and central office administration . . . . .        |                              | \$106.12       |

29 (9) In addition to the amounts provided in subsection (8) of this  
30 section, the omnibus appropriations act shall provide an amount based  
31 on full-time equivalent student enrollment in each of the following:

32 (a) Exploratory career and technical education courses for students  
33 in grades seven through twelve;

34 (b) Laboratory science courses for students in grades nine through  
35 twelve;

36 (c) Preparatory career and technical education courses for students  
37 in grades nine through twelve offered in a high school; and

1 (d) Preparatory career and technical education courses for students  
2 in grades eleven and twelve offered through a skill center.

3 (10) In addition to the allocations otherwise provided under this  
4 section, amounts shall be provided to support the following programs  
5 and services:

6 (a) To provide supplemental instruction and services for  
7 underachieving students through the learning assistance program under  
8 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the  
9 district percentage of students in grades K-12 who were eligible for  
10 free or reduced-price meals in the prior school year. The minimum  
11 allocation for each level of prototypical school for the program shall  
12 provide ~~((for each level of prototypical school))~~ resources to provide,  
13 on a statewide average, ~~((1.5156))~~ 2.000 hours per week in extra  
14 instruction with a class size of fifteen learning assistance program  
15 students per teacher.

16 (b) To provide supplemental instruction and services for students  
17 whose primary language is other than English, allocations shall be  
18 based on the following:

19 (i) The head count number of students in each school who are  
20 eligible for and enrolled in the transitional bilingual instruction  
21 program under RCW 28A.180.010 through 28A.180.080. The minimum  
22 allocation ~~((for each level of prototypical school))~~ under this  
23 subsection (10)(b)(i) shall provide resources to provide, on a  
24 statewide average, ~~((4.7780))~~ the following hours per week in extra  
25 instruction with fifteen transitional bilingual instruction program  
26 students per teacher~~((Notwithstanding other provisions of this~~  
27 subsection (10), the actual per student allocation may be scaled to  
28 provide a larger allocation for students needing more intensive  
29 intervention and a commensurate reduced allocation for students needing  
30 less intensive intervention, as detailed in the omnibus appropriations  
31 act))):

|                                 | <u>Hours per week</u> |
|---------------------------------|-----------------------|
| 32 <u>Grades K-6 . . . . .</u>  | <u>4.778</u>          |
| 33 <u>Grades 7-8 . . . . .</u>  | <u>6.000</u>          |
| 34 <u>Grades 9-12 . . . . .</u> | <u>8.000</u>          |

35  
36 (ii) The head count number of students in each school who have  
37 exited the transitional bilingual instruction program within the  
38 previous two years based on their performance on the English

1 proficiency assessment approved by the superintendent of public  
2 instruction under RCW 28A.180.090. The minimum allocation under this  
3 subsection (10)(b)(ii) for each level of prototypical school shall  
4 provide resources to provide, on a statewide average, 3.000 hours per  
5 week in extra instruction with fifteen exited transitional bilingual  
6 instruction program students per teacher.

7 (iii) School districts may not receive allocations under both  
8 (b)(i) and (ii) of this subsection for the same student in a single  
9 school year.

10 (c) To provide additional allocations to support programs for  
11 highly capable students under RCW 28A.185.010 through 28A.185.030,  
12 allocations shall be based on two and three hundred fourteen one-  
13 thousandths percent of each school district's full-time equivalent  
14 basic education enrollment. The minimum allocation for the programs  
15 shall provide resources to provide, on a statewide average, 2.1590  
16 hours per week in extra instruction with fifteen highly capable program  
17 students per teacher.

18 (11) The allocations under subsections (4)(a) (~~and~~), (b), and  
19 (e), (5), (6), and (8) of this section shall be enhanced as provided  
20 under RCW 28A.150.390 on an excess cost basis to provide supplemental  
21 instructional resources for students with disabilities.

22 (12)(a) For the purposes of allocations for prototypical high  
23 schools and middle schools under subsections (4) and (10) of this  
24 section that are based on the percent of students in the school who are  
25 eligible for free and reduced-price meals, the actual percent of such  
26 students in a school shall be adjusted by a factor identified in the  
27 omnibus appropriations act to reflect underreporting of free and  
28 reduced-price meal eligibility among middle and high school students.

29 (b) Allocations or enhancements provided under subsections (4),  
30 (7), and (9) of this section for exploratory and preparatory career and  
31 technical education courses shall be provided only for courses approved  
32 by the office of the superintendent of public instruction under chapter  
33 28A.700 RCW.

34 (13)(a) This formula for distribution of basic education funds  
35 shall be reviewed biennially by the superintendent and governor. The  
36 recommended formula shall be subject to approval, amendment or  
37 rejection by the legislature.

1 (b) In the event the legislature rejects the distribution formula  
2 recommended by the governor, without adopting a new distribution  
3 formula, the distribution formula for the previous school year shall  
4 remain in effect.

5 (c) The enrollment of any district shall be the annual average  
6 number of full-time equivalent students and part-time students as  
7 provided in RCW 28A.150.350, enrolled on the first school day of each  
8 month, including students who are in attendance pursuant to RCW  
9 28A.335.160 and 28A.225.250 who do not reside within the servicing  
10 school district. The definition of full-time equivalent student shall  
11 be determined by rules of the superintendent of public instruction and  
12 shall be included as part of the superintendent's biennial budget  
13 request. The definition shall be based on the minimum instructional  
14 hour offerings required under RCW 28A.150.220. Any revision of the  
15 present definition shall not take effect until approved by the house  
16 ways and means committee and the senate ways and means committee.

17 (d) The office of financial management shall make a monthly review  
18 of the superintendent's reported full-time equivalent students in the  
19 common schools in conjunction with RCW 43.62.050.

20 **Sec. 4.** RCW 28A.150.390 and 2010 c 236 s 3 are each amended to  
21 read as follows:

22 (1) The superintendent of public instruction shall submit to each  
23 regular session of the legislature during an odd-numbered year a  
24 programmed budget request for special education programs for students  
25 with disabilities. Funding for programs operated by local school  
26 districts shall be on an excess cost basis from appropriations provided  
27 by the legislature for special education programs for students with  
28 disabilities and shall take account of state funds accruing through RCW  
29 28A.150.260 (4)(a) (~~and~~), (b), and (e), (5), (6), and (8).

30 (2) The excess cost allocation to school districts shall be based  
31 on the following:

32 (a) A district's annual average headcount enrollment of students  
33 ages birth through four and those five year olds not yet enrolled in  
34 kindergarten who are eligible for and enrolled in special education,  
35 multiplied by the district's base allocation per full-time equivalent  
36 student, multiplied by 1.15; and

1 (b) A district's annual average full-time equivalent basic  
2 education enrollment, multiplied by the district's funded enrollment  
3 percent, multiplied by the district's base allocation per full-time  
4 equivalent student, multiplied by 0.9309.

5 (3) As used in this section:

6 (a) "Base allocation" means the total state allocation to all  
7 schools in the district generated by the distribution formula under RCW  
8 28A.150.260 (4)(a) (~~and~~), (b), and (e), (5), (6), and (8), to be  
9 divided by the district's full-time equivalent enrollment.

10 (b) "Basic education enrollment" means enrollment of resident  
11 students including nonresident students enrolled under RCW 28A.225.225  
12 and students from nonhigh districts enrolled under RCW 28A.225.210 and  
13 excluding students residing in another district enrolled as part of an  
14 interdistrict cooperative program under RCW 28A.225.250.

15 (c) "Enrollment percent" means the district's resident special  
16 education annual average enrollment, excluding students ages birth  
17 through four and those five year olds not yet enrolled in kindergarten,  
18 as a percent of the district's annual average full-time equivalent  
19 basic education enrollment.

20 (d) "Funded enrollment percent" means the lesser of the district's  
21 actual enrollment percent or twelve and seven-tenths percent.

22 **Sec. 5.** RCW 28A.180.030 and 2001 1st sp.s. c 6 s 3 are each  
23 amended to read as follows:

24 As used throughout this chapter, unless the context clearly  
25 indicates otherwise:

26 (1) "Transitional bilingual instruction" means:

27 (a) A system of instruction which uses two languages, one of which  
28 is English, as a means of instruction to build upon and expand language  
29 skills to enable the pupil to achieve competency in English. Concepts  
30 and information are introduced in the primary language and reinforced  
31 in the second language: PROVIDED, That the program shall include  
32 testing in the subject matter in English; or

33 (b) In those cases in which the use of two languages is not  
34 practicable as established by the superintendent of public instruction  
35 and unless otherwise prohibited by law, an alternative system of  
36 instruction which may include English as a second language and is  
37 designed to enable the pupil to achieve competency in English.

1 (2) "Primary language" means the language most often used by the  
2 student for communication in his/her home.

3 (3) "Eligible pupil" means any enrollee of the school district  
4 whose primary language is other than English and whose English language  
5 skills are sufficiently deficient or absent to impair learning.

6 (4) "Exited pupil" means a student previously enrolled in the  
7 transitional bilingual instruction program who is no longer eligible  
8 for the program based on his or her performance on an English  
9 proficiency assessment approved by the superintendent of public  
10 instruction.

11 **Sec. 6.** RCW 28A.180.040 and 2009 c 380 s 5 are each amended to  
12 read as follows:

13 (1) Every school district board of directors shall:

14 (a) Make available to each eligible pupil transitional bilingual  
15 instruction to achieve competency in English, in accord with rules of  
16 the superintendent of public instruction;

17 (b) Wherever feasible, ensure that communications to parents  
18 emanating from the schools shall be appropriately bilingual for those  
19 parents of pupils in the bilingual instruction program;

20 (c) Determine, by administration of an English test approved by the  
21 superintendent of public instruction the number of eligible pupils  
22 enrolled in the school district at the beginning of a school year and  
23 thereafter during the year as necessary in individual cases;

24 (d) Ensure that a student who is a child of a military family in  
25 transition and who has been assessed as in need of, or enrolled in, a  
26 bilingual instruction program, the receiving school shall initially  
27 honor placement of the student into a like program.

28 (i) The receiving school shall determine whether the district's  
29 program is a like program when compared to the sending school's  
30 program; and

31 (ii) The receiving school may conduct subsequent assessments  
32 pursuant to RCW 28A.180.090 to determine appropriate placement and  
33 continued enrollment in the program;

34 (e) Before the conclusion of each school year, measure each  
35 eligible pupil's improvement in learning the English language by means  
36 of a test approved by the superintendent of public instruction; (~~and~~)

1 (f) Provide in-service training for teachers, counselors, and other  
2 staff, who are involved in the district's transitional bilingual  
3 program. Such training shall include appropriate instructional  
4 strategies for children of culturally different backgrounds, use of  
5 curriculum materials, and program models; and

6 (g) Make available a program of instructional support for up to two  
7 years immediately after pupils exit from the program, for exited pupils  
8 who need assistance in reaching grade-level performance in academic  
9 subjects even though they have achieved English proficiency for  
10 purposes of the transitional bilingual instructional program.

11 (2) The definitions in Article II of RCW 28A.705.010 apply to  
12 subsection (1)(d) of this section.

13 **Sec. 7.** RCW 28A.230.090 and 2011 c 203 s 2 are each amended to  
14 read as follows:

15 (1) The state board of education shall establish high school  
16 graduation requirements or equivalencies for students, except as  
17 provided in RCW 28A.230.122 and except those equivalencies established  
18 by local high schools or school districts under RCW 28A.230.097. The  
19 purpose of a high school diploma is to declare that a student is ready  
20 for success in postsecondary education, gainful employment, and  
21 citizenship, and is equipped with the skills to be a lifelong learner.

22 (a) Any course in Washington state history and government used to  
23 fulfill high school graduation requirements shall consider including  
24 information on the culture, history, and government of the American  
25 Indian peoples who were the first inhabitants of the state.

26 (b) The certificate of academic achievement requirements under RCW  
27 28A.655.061 or the certificate of individual achievement requirements  
28 under RCW 28A.155.045 are required for graduation from a public high  
29 school but are not the only requirements for graduation.

30 (c) Any decision on whether a student has met the state board's  
31 high school graduation requirements for a high school and beyond plan  
32 shall remain at the local level.

33 (2)(a) In recognition of the statutory authority of the state board  
34 of education to establish and enforce minimum high school graduation  
35 requirements, the state board shall periodically reevaluate the  
36 graduation requirements and shall report such findings to the  
37 legislature in a timely manner as determined by the state board.

1 (b) The state board shall reevaluate the graduation requirements  
2 for students enrolled in vocationally intensive and rigorous career and  
3 technical education programs, particularly those programs that lead to  
4 a certificate or credential that is state or nationally recognized.  
5 The purpose of the evaluation is to ensure that students enrolled in  
6 these programs have sufficient opportunity to earn a certificate of  
7 academic achievement, complete the program and earn the program's  
8 certificate or credential, and complete other state and local  
9 graduation requirements.

10 (c) The state board shall forward any proposed changes to the high  
11 school graduation requirements to the education committees of the  
12 legislature for review and to the quality education council established  
13 under RCW 28A.290.010. The legislature shall have the opportunity to  
14 act during a regular legislative session before the changes are adopted  
15 through administrative rule by the state board. Changes that have a  
16 fiscal impact on school districts, as identified by a fiscal analysis  
17 prepared by the office of the superintendent of public instruction,  
18 shall take effect only if formally authorized and funded by the  
19 legislature through the omnibus appropriations act or other enacted  
20 legislation.

21 (d) The state board of education shall adopt rules to implement the  
22 career and college ready graduation requirement proposal adopted under  
23 board resolution on November 10, 2010, to take effect beginning with  
24 students entering the ninth grade or beginning the equivalent of a  
25 four-year high school program on or after July 1, 2015. The provisions  
26 of chapter . . . , Laws of 2013 (this act) and the increased funding  
27 allocated under RCW 28A.150.260 as amended by chapter . . . , Laws of  
28 2013 (this act) constitute the funding by the legislature required  
29 under this section to implement the proposal.

30 (3) Pursuant to any requirement for instruction in languages other  
31 than English established by the state board of education or a local  
32 school district, or both, for purposes of high school graduation,  
33 students who receive instruction in American sign language or one or  
34 more American Indian languages shall be considered to have satisfied  
35 the state or local school district graduation requirement for  
36 instruction in one or more languages other than English.

37 (4) If requested by the student and his or her family, a student



1 who has completed high school courses before attending high school  
2 shall be given high school credit which shall be applied to fulfilling  
3 high school graduation requirements if:

4 (a) The course was taken with high school students, if the academic  
5 level of the course exceeds the requirements for seventh and eighth  
6 grade classes, and the student has successfully passed by completing  
7 the same course requirements and examinations as the high school  
8 students enrolled in the class; or

9 (b) The academic level of the course exceeds the requirements for  
10 seventh and eighth grade classes and the course would qualify for high  
11 school credit, because the course is similar or equivalent to a course  
12 offered at a high school in the district as determined by the school  
13 district board of directors.

14 (5) Students who have taken and successfully completed high school  
15 courses under the circumstances in subsection (4) of this section shall  
16 not be required to take an additional competency examination or perform  
17 any other additional assignment to receive credit.

18 (6) At the college or university level, five quarter or three  
19 semester hours equals one high school credit.

20 **Sec. 8.** RCW 28A.165.015 and 2009 c 548 s 702 are each amended to  
21 read as follows:

22 Unless the context clearly indicates otherwise the definitions in  
23 this section apply throughout this chapter.

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

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

30 ((+3)) (2) "Participating student" means a student in kindergarten  
31 through grade twelve who scores below standard for his or her grade  
32 level on the statewide student assessments or other assessments  
33 administered by the school or district and who is identified ((+n)) by  
34 the ((approved plan)) district to receive services.

35 ((+4)) (3) "Statewide student assessments" means one or more of  
36 the ((several basic skills assessments administered as part of the

1 ~~state's student assessment system, and assessments in the basic skills~~  
2 ~~areas administered by local school districts)) assessments administered~~  
3 ~~by school districts as required under RCW 28A.655.070.~~

4 ((+5)) (4) "Underachieving students" means students with the  
5 greatest academic deficits in basic skills as identified by the  
6 statewide, school, or district assessments.

7 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.165  
8 RCW to read as follows:

9 (1) Each school district receiving learning assistance program  
10 funds must:

11 (a) Use one or more of the curricula or instructional programs  
12 recommended by the office of the superintendent of public instruction  
13 under this section to provide supplemental instruction to participating  
14 students;

15 (b) Record each participating student in the statewide individual  
16 student data system;

17 (c) Monitor and document the performance and progress of  
18 participating students, using multiple sources of performance data.  
19 When the office of the superintendent of public instruction has the  
20 capacity to provide data on individual student growth or student growth  
21 percentiles using the statewide student assessment, the school district  
22 must include this data in its monitoring of the performance of  
23 participating students;

24 (d) Conduct an annual evaluation of the program by analyzing the  
25 performance data for participating students compared to the chosen  
26 instructional strategies and curriculum, qualifications and training of  
27 staff, and other relevant factors; and

28 (e) Prepare and submit to the office of the superintendent of  
29 public instruction a year-end report on the learning assistance  
30 program, using a common format prepared by the office. The office must  
31 design the report so that information required in the report is not  
32 already collected by the state through another source.

33 (2) The year-end report submitted by each district receiving  
34 learning assistance program funds must include:

35 (a) The processes, assessments, and criteria used to identify the  
36 underachieving students served by the program;

1 (b) The schools or sites that provided program services during the  
2 year;

3 (c) Which recommended curricula or instructional programs were used  
4 during the year and at which school or site;

5 (d) Summary data on total expenditures and average expenditures per  
6 participating student attributable to learning assistance program  
7 funds, by school or program site and at the district level;

8 (e) A summary of the annual evaluation for the program, including  
9 a summary of the results of the district's analysis of performance data  
10 for participating students; and

11 (f) The program changes the school district intends to make for the  
12 ensuing year based on the evaluation results, and the outcomes expected  
13 from those changes.

14 (3) The office of the superintendent of public instruction shall  
15 publish a list of recommended supplemental curricula or instructional  
16 programs for use in the learning assistance program. The office shall  
17 compile the list in consultation with research organizations based on  
18 research evidence indicating the curricula or instructional programs  
19 are associated with increased student achievement. The office must  
20 update the list periodically.

21 **Sec. 10.** RCW 28A.165.055 and 2009 c 548 s 703 are each amended to  
22 read as follows:

23 ~~((Each school district with an approved program is eligible for  
24 state funds provided for the learning assistance program.))~~ (1) The  
25 funds for the learning assistance program shall be appropriated for the  
26 learning assistance program and distributed to school districts in  
27 accordance with RCW 28A.150.260 and the omnibus appropriations act.

28 (2) Except as provided in subsection (3) of this section the  
29 distribution formula is for school district allocation purposes only,  
30 but funds appropriated for the learning assistance program must be  
31 expended for the purposes of RCW 28A.165.005 through 28A.165.065.

32 (3)(a) School districts must allocate learning assistance program  
33 funds to any school where more than fifty percent of the students are  
34 eligible for free or reduced-price meals; and

35 (b) School districts must expend a greater amount per participating  
36 student, on average, in schools where more than seventy-five percent of

1 the students are eligible for free or reduced-price meals, compared to  
2 the amount expended per participating student in other schools in the  
3 district.

4 **Sec. 11.** RCW 28A.165.065 and 2004 c 20 s 7 are each amended to  
5 read as follows:

6 To ensure that school districts are meeting the requirements of  
7 ~~((an approved program))~~ this chapter, the superintendent of public  
8 instruction shall monitor ~~((such))~~ learning assistance programs no less  
9 than once every four years. ~~((Individual student records shall be~~  
10 ~~maintained at the school district.))~~ The primary purpose of program  
11 monitoring is to evaluate the effectiveness of a district's allocation  
12 and expenditure of resources, choice of curricula and instructional  
13 programs, and other program components on improving student  
14 achievement. The office of the superintendent of public instruction  
15 may provide technical assistance to school districts to improve the  
16 effectiveness of a learning assistance program.

17 NEW SECTION. **Sec. 12.** The following acts or parts of acts are  
18 each repealed:

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

21 (2) RCW 28A.165.045 (Plan approval process) and 2009 c 556 s 2 &  
22 2004 c 20 s 5.

23 NEW SECTION. **Sec. 13.** Sections 3 through 6 and 8 through 12 of  
24 this act take effect September 1, 2013.

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