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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5237

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State of Washington

63rd Legislature

2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dammeier, Litzow, Rivers, Tom, Fain, Hobbs, Hatfield, and Carrell)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to establishing accountability for student  
2 performance in reading; amending RCW 43.215.410, 28A.165.025, and  
3 28A.165.035; adding a new section to chapter 28A.415 RCW; adding a new  
4 section to chapter 28A.165 RCW; adding a new section to chapter 28A.320  
5 RCW; adding new sections to chapter 28A.655 RCW; and creating a new  
6 section.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that research  
9 consistently shows that state investments in high-quality early  
10 learning programs have a powerful positive impact on young learners.  
11 Studies have confirmed that participation in high-quality early  
12 learning programs improves early language and literacy skills,  
13 especially for children who are considered to be at-risk. The  
14 legislature intends to increase access for young learners to the high  
15 quality early childhood education and assistance program by increasing  
16 funding to allow more children to participate.

17 (2) The legislature also finds that significant state investments  
18 have been and will be made to support a continuum of learning from  
19 prekindergarten through third grade, including through early learning

1 programs, statewide implementation of full-day kindergarten, and  
2 reduced class sizes in grades kindergarten through three. These  
3 investments reflect the importance of providing young children with the  
4 best possible opportunities to develop foundational knowledge and  
5 skills, particularly in the critical area of English language arts.  
6 The investments also reflect the legislature's recognition that early  
7 intervention represents the best hope of eliminating the educational  
8 opportunity gap among groups of students.

9 (3) The legislature also finds that such investments and the  
10 state's commitment to prekindergarten through third grade learning  
11 warrant an accountability mechanism to ensure positive student  
12 outcomes. School districts should be required to provide intensive  
13 remediation if student performance in English language arts continues  
14 to fall below grade level after completion of third grade.  
15 Furthermore, statewide implementation of aligned curriculum,  
16 instruction, and assessments associated with the common core state  
17 standards provides a timely opportunity to initiate this accountability  
18 mechanism.

19 (4) The legislature recognizes that the learning assistance program  
20 is a supplemental education program that falls within the definition of  
21 basic education. The purpose of the learning assistance program is to  
22 provide students who are underachieving students with the greatest  
23 academic deficits in basic skills with supplemental education in order  
24 to provide them access to the program of basic education. The  
25 legislature intends to focus the learning assistance program on the  
26 individual reading needs of the youngest learners in grades  
27 kindergarten through three and to emphasize the remediation for reading  
28 and reading readiness skills since reading proficiency is a crucial  
29 element for student academic success.

30 **Sec. 2.** RCW 43.215.410 and 2006 c 265 s 211 are each amended to  
31 read as follows:

32 (1) The department shall administer a state-supported early  
33 childhood education and assistance program to assist eligible children  
34 with educational, social, health, nutritional, and cultural development  
35 to enhance their opportunity for success in the common school system.  
36 Eligible children shall be admitted to approved early childhood  
37 programs to the extent that the legislature provides funds, and

1 additional eligible children may be admitted to the extent that grants  
2 and contributions from community sources provide sufficient funds for  
3 a program equivalent to that supported by state funds.

4 (2) The department of early learning shall expand the early  
5 childhood education and assistance program to serve more children in  
6 the 2013-2015 fiscal biennium, subject to funds being appropriated for  
7 this purpose.

8 NEW SECTION. Sec. 3. A new section is added to chapter 28A.415  
9 RCW to read as follows:

10 (1) High-quality professional development strategies are essential  
11 to school and student success. Educators must keep abreast of the  
12 important advances that are occurring in education through professional  
13 development. Professional development is especially important in the  
14 instruction of young readers since reading proficiency is a crucial  
15 element for student academic success.

16 (2) Subject to appropriations made for this purpose, targeted,  
17 research-based professional development programs are authorized to  
18 further the development of outstanding reading teaching and learning  
19 opportunities. The office of the superintendent of public instruction  
20 shall create partnerships with the educational service districts or  
21 public or private institutions of higher education with approved  
22 educator preparation programs to develop and deliver professional  
23 development learning opportunities in reading instruction for K-3  
24 teachers.

25 **Sec. 4.** RCW 28A.165.025 and 2009 c 556 s 1 are each amended to  
26 read as follows:

27 (1) A participating school district shall submit the district's  
28 plan for using learning assistance funds to the office of the  
29 superintendent of public instruction for approval, to the extent  
30 required under subsection (2) of this section. The program plan must  
31 identify the program activities to be implemented from RCW 28A.165.035  
32 and implement all of the elements in (a) through ~~((h))~~ (i) of this  
33 subsection. The school district plan shall include the following:

34 (a) A focus on first addressing the needs of students in grades  
35 kindergarten through three who are deficient in reading or reading  
36 readiness skills;

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

4        ~~((b))~~ (c) Processes used for identifying the underachieving  
5 students to be served by the program, including the identification of  
6 school or program sites providing program activities;

7        ~~((e))~~ (d) How accelerated learning plans are developed and  
8 implemented for participating students. Accelerated learning plans may  
9 be developed as part of existing student achievement plan process such  
10 as student plans for achieving state high school graduation standards,  
11 individual student academic plans, or the achievement plans for groups  
12 of students. Accelerated learning plans shall include:

13        (i) Achievement goals for the students;

14        (ii) Roles of the student, parents, or guardians and teachers in  
15 the plan;

16        (iii) Communication procedures regarding student accomplishment;  
17 and

18        (iv) Plan reviews and adjustments processes;

19        ~~((d))~~ (e) How state level and classroom assessments are used to  
20 inform instruction;

21        ~~((e))~~ (f) How focused and intentional instructional strategies  
22 have been identified and implemented;

23        ~~((f))~~ (g) How highly qualified instructional staff are developed  
24 and supported in the program and in participating schools;

25        ~~((g))~~ (h) How other federal, state, district, and school  
26 resources are coordinated with school improvement plans and the  
27 district's strategic plan to support underachieving students; and

28        ~~((h))~~ (i) How a program evaluation will be conducted to determine  
29 direction for the following school year.

30        (2) If a school district has received approval of its plan once, it  
31 is not required to submit a plan for approval under RCW 28A.165.045 or  
32 this section unless the district has made a significant change to the  
33 plan. If a district has made a significant change to only a portion of  
34 the plan the district need only submit a description of the changes  
35 made and not the entire plan. Plans or descriptions of changes to the  
36 plan must be submitted by July 1st as required under this section. The  
37 office of the superintendent of public instruction shall establish  
38 guidelines for what a "significant change" is.

1       **Sec. 5.** RCW 28A.165.035 and 2008 c 321 s 4 are each amended to  
2 read as follows:

3       (1) School districts shall place special emphasis on first  
4 addressing the needs of students in kindergarten through grade three  
5 who are deficient in reading or reading readiness skills.

6       (2) Use of best practices magnifies the opportunities for student  
7 success. The following are services and activities that may be  
8 supported by the learning assistance program:

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

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

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

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

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

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

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

17       ~~((b))~~ (ii) Specific literacy and mathematics content and  
18 instructional strategies; and

19       ~~((c))~~ (iii) The use of student work to guide effective  
20 instruction;

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

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

24       ~~((6))~~ (f) Outreach activities and support for parents of  
25 participating students, with a special focus and emphasis on parents of  
26 participating students in kindergarten through grade three who are  
27 deficient in reading or reading readiness skills.

28       NEW SECTION. Sec. 6. A new section is added to chapter 28A.165  
29 RCW to read as follows:

30       (1) Beginning August 1, 2013, and each August 1st thereafter,  
31 school districts shall report to the office of the superintendent of  
32 public instruction:

33       (a) Annual entrance and exit data for individual students  
34 participating in the learning assistance program;

35       (b) The amount of academic growth gained by each student and the  
36 number of students who gain at least one year of academic growth; and

1 (c) The specific practices, activities, and programs used by each  
2 school building that receive learning assistance program funding.

3 (2) The office of the superintendent of public instruction shall  
4 compile the school district data and report annual and longitudinal  
5 gains for the specific practices, activities, and programs used by the  
6 school districts to show which are the most effective.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320  
8 RCW to read as follows:

9 (1) National research consistently shows that when a student's  
10 family is actively involved in the student's education then the  
11 student's rates of academic achievement increase. Therefore, each  
12 school district shall require that each report card of every student in  
13 kindergarten through fourth grade include information regarding how a  
14 student is progressing on acquiring reading skills and whether a  
15 student is at grade level in reading. If a student is not at or above  
16 grade level, the teacher must explain to the parent or guardian what  
17 interventions and strategies will be used to help the student improve  
18 the student's reading skills and provide strategies for the parents to  
19 assist the student to improve the student's reading skills at home.

20 (2) Each school shall report to the school district the number of  
21 students in grades kindergarten through three that are reading below  
22 grade level and the interventions that are being provided to improve  
23 the reading skills of the students. The school district shall  
24 aggregate the reports from the schools and provide the reports to the  
25 office of the superintendent of public instruction. The information  
26 provided to the superintendent of public instruction shall be  
27 disaggregated by subgroups of students and reported to appropriate  
28 committees of the legislature and the educational opportunity gap  
29 oversight and accountability committee.

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.655  
31 RCW to read as follows:

32 (1) The definitions in this subsection apply throughout this  
33 section unless the context clearly requires otherwise.

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

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

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

6 (2)(a) Beginning in the 2015-16 school year, if a student receives  
7 a score of below basic on the third grade statewide student assessment  
8 in English language arts, a meeting shall automatically be required  
9 between the student's parent or guardian, teacher, and the principal of  
10 the school the student attends to discuss the appropriate placement and  
11 remedial strategies for the student to improve the student's reading  
12 skills. The options for placement shall include:

13 (i) Retention in the third grade; or

14 (ii) Promotion to fourth grade with an intensive remedial program  
15 provided, supported, or contracted by the school district, which  
16 includes a summer program or other option identified by the parents,  
17 teacher, or principal as appropriately meeting the student's needs in  
18 preparation for the fourth grade.

19 (b) Following participation in a district summer program or other  
20 remedial option, the third grade English language arts assessment shall  
21 be readministered and a follow-up meeting with the student's parent or  
22 guardian, summer instructor, and principal shall occur.

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

29 (4) A school district must provide written notification of  
30 assessment results to all parents or guardians of third grade students  
31 taking the English language arts assessment. If the child did not meet  
32 the state standard, the notification must provide information about  
33 strategies for the parents or guardians to assist the student to  
34 improve the student's reading skills at home, and the need for a  
35 meeting to discuss the student's grade placement and remediation  
36 options.

37 (5) Implementation of subsections (2), (3), and (4) of this section

1 is subject to the availability of funds specifically appropriated for  
2 the purpose of this section.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.655  
4 RCW to read as follows:

5 A school district may exempt the following students from the  
6 process and notification required under section 8 of this act:

7 (1) Students who participate in the statewide student assessment  
8 system through an alternate assessment designed for students with  
9 significant cognitive disabilities;

10 (2) Students with disabilities whose individualized education  
11 program includes specially designed instruction in English language  
12 arts, and whose individualized education program team determines that  
13 retention in third grade is not an appropriate educational placement;  
14 and

15 (3) Students who are English language learners who have been  
16 enrolled in the transitional bilingual instructional program under  
17 chapter 28A.180 RCW for two or fewer years.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.655  
19 RCW to read as follows:

20 (1) Subject to the availability of funds specifically appropriated  
21 for this purpose, beginning in the 2016-17 school year, a school  
22 district must provide the following remediation for any student who did  
23 not meet the state standard on the third grade statewide assessment in  
24 English language arts in the previous school year:

25 (a) A minimum of ninety minutes of daily, research-based  
26 instruction in English language arts;

27 (b) Small group instruction or reduced teacher-to-student ratios;

28 (c) Supplemental tutoring; and

29 (d) Use of diagnostic assessments to identify specific skills where  
30 the student needs assistance and other formative assessments to monitor  
31 student progress during the school year.

32 (2) To implement the remediation provided under this section and  
33 section 8 of this act, school districts may use state funds provided  
34 for basic education through general apportionment or the learning  
35 assistance program, state and federal funds for the transitional  
36 bilingual instructional program for students eligible for and enrolled



1 in the program, state and federal funds for special education for  
2 students with disabilities, federal funds from Title I of the  
3 elementary and secondary education act, or any other state, federal,  
4 local, or private funds available generally or specifically to support  
5 student learning in English language arts.

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