
ENGROSSED SUBSTITUTE SENATE BILL 5753

State of Washington

63rd Legislature

2013 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Hobbs, Tom, Hewitt, King, and McAuliffe)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to flexibility in the education system; amending
2 RCW 28A.150.520, 28A.300.118, 28A.300.150, 28A.655.061, and 39.35D.040;
3 repealing RCW 28A.220.050, 28A.220.080, 28A.230.150, and 28A.320.185;
4 providing an expiration date; and declaring an emergency.

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

6 **Sec. 1.** RCW 28A.150.520 and 2005 c 12 s 9 are each amended to read
7 as follows:

8 To the extent funds are available, public school districts must
9 comply with high-performance public ((building{s})) buildings
10 requirements under RCW 39.35D.010, 39.35D.020, 39.35D.040, 39.35D.060,
11 and 28A.150.530.

12 **Sec. 2.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to
13 read as follows:

14 (1) Beginning with the 2000-01 school year, the superintendent of
15 public instruction shall notify senior high schools and any other
16 public school that includes ninth grade of the names and contact
17 information of public and private entities offering programs leading to

1 college credit, including information about online advanced placement
2 classes, if the superintendent has knowledge of such entities and if
3 the cost of reporting these entities is minimal.

4 (2) Beginning with the 2000-01 school year, each senior high school
5 and any other public school that includes ninth grade shall publish
6 annually and deliver to each parent with children enrolled in ninth
7 through twelfth grades, information concerning the entrance
8 requirements and the availability of programs in the local area that
9 lead to college credit, including classes such as advanced placement,
10 running start, tech-prep, skill centers, college in the high school,
11 and international baccalaureate programs. The information may be
12 included with other information the school regularly mails to parents.
13 In addition, each senior high school and any other public school that
14 includes ninth grade shall enclose information of the names and contact
15 information of other public or private entities offering such programs,
16 including online advanced placement programs, to its ninth through
17 twelfth grade students if the school has knowledge of such entities.

18 (3) This section is suspended until July 1, 2015.

19 **Sec. 3.** RCW 28A.300.150 and 2006 c 263 s 705 are each amended to
20 read as follows:

21 The superintendent of public instruction shall collect and
22 disseminate to school districts information on child abuse and neglect
23 prevention curriculum and shall adopt rules dealing with the prevention
24 of child abuse for purposes of curriculum use in the common schools.
25 The superintendent of public instruction and the departments of social
26 and health services and (~~community, trade, and economic development~~)
27 commerce shall share relevant information. Providing online access to
28 the information satisfies the requirements of this section unless a
29 parent or guardian specifically requests information to be provided in
30 written form.

31 **Sec. 4.** RCW 28A.655.061 and 2011 1st sp.s. c 22 s 2 are each
32 amended to read as follows:

33 (1) The high school assessment system shall include but need not be
34 limited to the statewide student assessment, opportunities for a
35 student to retake the content areas of the assessment in which the
36 student was not successful, and, if approved by the legislature

1 pursuant to subsection (10) of this section, one or more objective
2 alternative assessments for a student to demonstrate achievement of
3 state academic standards. The objective alternative assessments for
4 each content area shall be comparable in rigor to the skills and
5 knowledge that the student must demonstrate on the statewide student
6 assessment for each content area.

7 (2) Subject to the conditions in this section, a certificate of
8 academic achievement shall be obtained by most students at about the
9 age of sixteen, and is evidence that the students have successfully met
10 the state standard in the content areas included in the certificate.
11 With the exception of students satisfying the provisions of RCW
12 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
13 for graduation from a public high school but is not the only
14 requirement for graduation.

15 (3) Beginning with the graduating class of 2008, with the exception
16 of students satisfying the provisions of RCW 28A.155.045, a student who
17 meets the state standards on the reading, writing, and mathematics
18 content areas of the high school statewide student assessment shall
19 earn a certificate of academic achievement. If a student does not
20 successfully meet the state standards in one or more content areas
21 required for the certificate of academic achievement, then the student
22 may retake the assessment in the content area up to four times at no
23 cost to the student. If the student successfully meets the state
24 standards on a retake of the assessment then the student shall earn a
25 certificate of academic achievement. Once objective alternative
26 assessments are authorized pursuant to subsection (10) of this section,
27 a student may use the objective alternative assessments to demonstrate
28 that the student successfully meets the state standards for that
29 content area if the student has taken the statewide student assessment
30 at least once. If the student successfully meets the state standards
31 on the objective alternative assessments then the student shall earn a
32 certificate of academic achievement.

33 (4) Beginning with the graduating class of 2015, a student must
34 meet the state standards in science in addition to the other content
35 areas required under subsection (3) of this section on the statewide
36 student assessment or the objective alternative assessments in order to
37 earn a certificate of academic achievement.

1 (5) The state board of education may not require the acquisition of
2 the certificate of academic achievement for students in home-based
3 instruction under chapter 28A.200 RCW, for students enrolled in private
4 schools under chapter 28A.195 RCW, or for students satisfying the
5 provisions of RCW 28A.155.045.

6 (6) A student may retain and use the highest result from each
7 successfully completed content area of the high school assessment.

8 (7) School districts must make available to students the following
9 options:

10 (a) To retake the statewide student assessment up to four times in
11 the content areas in which the student did not meet the state standards
12 if the student is enrolled in a public school; or

13 (b) To retake the statewide student assessment up to four times in
14 the content areas in which the student did not meet the state standards
15 if the student is enrolled in a high school completion program at a
16 community or technical college. The superintendent of public
17 instruction and the state board for community and technical colleges
18 shall jointly identify means by which students in these programs can be
19 assessed.

20 (8) Students who achieve the standard in a content area of the high
21 school assessment but who wish to improve their results shall pay for
22 retaking the assessment, using a uniform cost determined by the
23 superintendent of public instruction.

24 (9) Opportunities to retake the assessment at least twice a year
25 shall be available to each school district.

26 (10)(a) The office of the superintendent of public instruction
27 shall develop options for implementing objective alternative
28 assessments, which may include an appeals process for students' scores,
29 for students to demonstrate achievement of the state academic
30 standards. The objective alternative assessments shall be comparable
31 in rigor to the skills and knowledge that the student must demonstrate
32 on the statewide student assessment and be objective in its
33 determination of student achievement of the state standards. Before
34 any objective alternative assessments in addition to those authorized
35 in RCW 28A.655.065 or (b) of this subsection are used by a student to
36 demonstrate that the student has met the state standards in a content
37 area required to obtain a certificate, the legislature shall formally

1 approve the use of any objective alternative assessments through the
2 omnibus appropriations act or by statute or concurrent resolution.

3 (b)(i) A student's score on the mathematics, reading or English, or
4 writing portion of the SAT or the ACT may be used as an objective
5 alternative assessment under this section for demonstrating that a
6 student has met or exceeded the state standards for the certificate of
7 academic achievement. The state board of education shall identify the
8 scores students must achieve on the relevant portion of the SAT or ACT
9 to meet or exceed the state standard in the relevant content area on
10 the statewide student assessment. A student's score on the science
11 portion of the ACT or the science subject area tests of the SAT may be
12 used as an objective alternative assessment under this section as soon
13 as the state board of education determines that sufficient data is
14 available to identify reliable equivalent scores for the science
15 content area of the statewide student assessment. After the first
16 scores are established, the state board may increase but not decrease
17 the scores required for students to meet or exceed the state standards.

18 (ii) A student who scores at least a three on the grading scale of
19 one to five for selected AP examinations may use the score as an
20 objective alternative assessment under this section for demonstrating
21 that a student has met or exceeded state standards for the certificate
22 of academic achievement. A score of three on the AP examinations in
23 calculus or statistics may be used as an alternative assessment for the
24 mathematics portion of the statewide student assessment. A score of
25 three on the AP examinations in English language and composition may be
26 used as an alternative assessment for the writing portion of the
27 statewide student assessment. A score of three on the AP examinations
28 in English literature and composition, macroeconomics, microeconomics,
29 psychology, United States history, world history, United States
30 government and politics, or comparative government and politics may be
31 used as an alternative assessment for the reading portion of the
32 statewide student assessment. A score of three on the AP examination
33 in biology, physics, chemistry, or environmental science may be used as
34 an alternative assessment for the science portion of the statewide
35 student assessment.

36 (11) By December 15, 2004, the house of representatives and senate
37 education committees shall obtain information and conclusions from
38 recognized, independent, national assessment experts regarding the

1 validity and reliability of the high school Washington assessment of
2 student learning for making individual student high school graduation
3 determinations.

4 ~~((12) To help assure continued progress in academic achievement as
5 a foundation for high school graduation and to assure that students are
6 on track for high school graduation, each school district shall prepare
7 plans for and notify students and their parents or legal guardians as
8 provided in this subsection. Student learning plans are required for
9 eighth-grade students who were not successful on any or all of the
10 content areas of the state assessment during the previous school year
11 or who may not be on track to graduate due to credit deficiencies or
12 absences. The parent or legal guardian shall be notified about the
13 information in the student learning plan, preferably through a parent
14 conference and at least annually. To the extent feasible, schools
15 serving English language learner students and their parents shall
16 translate the plan into the primary language of the family. The plan
17 shall include the following information as applicable:~~

18 ~~(a) The student's results on the state assessment;~~

19 ~~(b) If the student is in the transitional bilingual program, the
20 score on his or her Washington language proficiency test II;~~

21 ~~(c) Any credit deficiencies;~~

22 ~~(d) The student's attendance rates over the previous two years;~~

23 ~~(e) The student's progress toward meeting state and local
24 graduation requirements;~~

25 ~~(f) The courses, competencies, and other steps needed to be taken
26 by the student to meet state academic standards and stay on track for
27 graduation;~~

28 ~~(g) Remediation strategies and alternative education options
29 available to students, including informing students of the option to
30 continue to receive instructional services after grade twelve or until
31 the age of twenty-one;~~

32 ~~(h) The alternative assessment options available to students under
33 this section and RCW 28A.655.065;~~

34 ~~(i) School district programs, high school courses, and career and
35 technical education options available for students to meet graduation
36 requirements; and~~

37 ~~(j) Available programs offered through skill centers or community~~

1 ~~and technical colleges, including the college-high school diploma~~
2 ~~options under RCW 28B.50.535.)~~

3 **Sec. 5.** RCW 39.35D.040 and 2011 c 99 s 2 are each amended to read
4 as follows:

5 (1) All major facility projects of public school districts
6 receiving any funding in a state capital budget must be designed and
7 constructed to at least the LEED silver standard or the Washington
8 sustainable school design protocol. To the extent appropriate LEED
9 silver or Washington sustainable school design protocol standards exist
10 for the type of building or facility, this subsection applies to major
11 facility projects that have not received project approval from the
12 superintendent of public instruction prior to: (a) July 1, 2006, for
13 volunteering school districts; (b) July 1, 2007, for class one school
14 districts; and (c) July 1, 2008, for class two school districts.

15 (2) Public school districts under this section shall: (a) Monitor
16 and document appropriate operating benefits and savings resulting from
17 major facility projects designed and constructed as required under this
18 section for a minimum of five years following local board acceptance of
19 a project receiving state funding; and (b) report annually to the
20 superintendent of public instruction. The form and content of each
21 report must be mutually developed by the office of the superintendent
22 of public instruction in consultation with school districts.

23 (3) The superintendent of public instruction shall consolidate the
24 reports required in subsection (2) of this section into one report and
25 report to the governor and legislature by September 1st of each even-
26 numbered year beginning in 2006 and ending in 2016. In its report, the
27 superintendent of public instruction shall also report on the
28 implementation of this chapter, including reasons why the LEED standard
29 or Washington sustainable school design protocol was not used as
30 required by RCW 39.35D.020(5)(b). The superintendent of public
31 instruction shall make recommendations regarding the ongoing
32 implementation of this chapter, including a discussion of incentives
33 and disincentives related to implementing this chapter.

34 (4) The superintendent of public instruction shall develop and
35 issue guidelines for administering this chapter for public school
36 districts. The purpose of the guidelines is to define a procedure and

1 method for employing and verifying compliance with the LEED silver
2 standard or the Washington sustainable school design protocol.

3 (5) The superintendent of public instruction shall utilize the
4 school facilities advisory board as a high-performance buildings
5 advisory committee comprised of affected public schools, the
6 superintendent of public instruction, the department, and others at the
7 superintendent of public instruction's discretion to provide advice on
8 implementing this chapter. Among other duties, the advisory committee
9 shall make recommendations regarding an education and training process
10 and an ongoing evaluation or feedback process to help the
11 superintendent of public instruction implement this chapter.

12 (6) For projects that comply with this section by meeting the LEED
13 silver standard, the superintendent of public instruction must credit
14 one additional point for a project that uses wood products with a
15 credible third-party sustainable forest certification or from forests
16 regulated under chapter 76.09 RCW, the Washington forest practices act.
17 For projects that qualify for this additional point, and for which an
18 additional point would have resulted in formal certification under the
19 LEED silver standard, the project must be deemed to meet the
20 requirements of subsection (1) of this section.

21 (7) School districts are required to comply with this section only
22 to the extent federal or state funds are available.

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

25 (1) RCW 28A.220.050 (Information on proper use of left-hand lane)
26 and 1986 c 93 s 4;

27 (2) RCW 28A.220.080 (Information on motorcycle awareness) and 2007
28 c 97 s 4 & 2004 c 126 s 1;

29 (3) RCW 28A.230.150 (Temperance and Good Citizenship Day--Aids in
30 programming) and 1969 ex.s. c 223 s 28A.02.090; and

31 (4) RCW 28A.320.185 (School gardens or farms) and 2008 c 215 s 7.

32 NEW SECTION. **Sec. 7.** Section 2 of this act expires July 1, 2015.

33 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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