
SUBSTITUTE SENATE BILL 5901

State of Washington 63rd Legislature 2013 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow and Tom)

READ FIRST TIME 04/24/13.

1 AN ACT Relating to education; amending RCW 28A.400.200,
2 28A.600.015, 28A.600.020, 28A.600.410, 28A.300.046, 28A.300.042, and
3 28A.300.507; adding new sections to chapter 28A.655 RCW; adding a new
4 section to chapter 28A.150 RCW; adding a new section to chapter 28A.400
5 RCW; adding a new section to chapter 41.56 RCW; adding a new section to
6 chapter 41.59 RCW; adding a new section to chapter 28A.600 RCW;
7 creating new sections; repealing RCW 28A.400.201; providing an
8 effective date; providing an expiration date; and declaring an
9 emergency.

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

11 NEW SECTION. **Sec. 1.** Part I of this act addresses providing
12 greater flexibility to school districts by enabling them to fully
13 realign resources around the evidence-based practices that will lead to
14 better student achievement. Additionally, reforms to compensation
15 policies will be initiated.

16 Part II of this act addresses the celebration of school district,
17 school, and student success through recognition of the achievement with
18 an awards program and a rewards program for innovation. Additionally,

1 an inventory of research-based and evidence-based practices will be
2 developed to guide school districts as they implement improvements.

3 Part III of this act addresses school discipline and school
4 expulsion. The legislature intends to provide school districts with a
5 model policy to help standardize these disciplinary practices and data
6 collection of suspensions and expulsions. The legislature further
7 intends to create opportunities for reentry and reengagement in school
8 for long-term suspended or expelled students through an individually
9 tailored plan.

10 **PART I**

11 **SCHOOL DISTRICT FLEXIBILITY**

12 **Sec. 101.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to
13 read as follows:

14 (1) Every school district board of directors shall fix, alter,
15 allow, and order paid salaries and compensation for all district
16 employees in conformance with this section.

17 (2)(a) Salaries for certificated instructional staff shall not be
18 less than the salary provided in the appropriations act in the
19 statewide salary allocation schedule for an employee with a
20 baccalaureate degree and zero years of service; and

21 (b) Salaries for certificated instructional staff with a master's
22 degree shall not be less than the salary provided in the appropriations
23 act in the statewide salary allocation schedule for an employee with a
24 master's degree and zero years of service.

25 (3)(a) The actual average salary paid to certificated instructional
26 staff shall not exceed the district's average certificated
27 instructional staff salary used for the state basic education
28 allocations for that school year as determined pursuant to RCW
29 28A.150.410.

30 (b) Fringe benefit contributions for certificated instructional
31 staff shall be included as salary under (a) of this subsection only to
32 the extent that the district's actual average benefit contribution
33 exceeds the amount of the insurance benefits allocation provided per
34 certificated instructional staff unit in the state operating
35 appropriations act in effect at the time the compensation is payable.
36 For purposes of this section, fringe benefits shall not include payment

1 for unused leave for illness or injury under RCW 28A.400.210; employer
2 contributions for old age survivors insurance, workers' compensation,
3 unemployment compensation, and retirement benefits under the Washington
4 state retirement system; or employer contributions for health benefits
5 in excess of the insurance benefits allocation provided per
6 certificated instructional staff unit in the state operating
7 appropriations act in effect at the time the compensation is payable.
8 A school district may not use state funds to provide employer
9 contributions for such excess health benefits.

10 (c) Salary and benefits for certificated instructional staff in
11 programs other than basic education shall be consistent with the salary
12 and benefits paid to certificated instructional staff in the basic
13 education program.

14 (4)(a) Salaries and benefits for certificated instructional staff
15 may exceed the limitations in subsection (3) of this section only by
16 separate contract for additional time, for additional responsibilities,
17 for incentives, or for implementing specific measurable innovative
18 activities, including professional development, specified by the school
19 district to: ~~((a))~~ (i) Close one or more achievement gaps, ~~((b))~~
20 (ii) focus on development of science, technology, engineering, and
21 mathematics (STEM) learning opportunities, or ~~((c))~~ (iii) provide
22 arts education. Beginning September 1, 2011, school districts shall
23 annually provide a brief description of the innovative activities
24 included in any supplemental contract to the office of the
25 superintendent of public instruction. The office of the superintendent
26 of public instruction shall summarize the district information and
27 submit an annual report to the education committees of the house of
28 representatives and the senate. Supplemental contracts shall not cause
29 the state to incur any present or future funding obligation.
30 Supplemental contracts shall be subject to the collective bargaining
31 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
32 shall not exceed one year, and if not renewed shall not constitute
33 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
34 No district may enter into a supplemental contract under this
35 subsection for the provision of services which are a part of the basic
36 education program required by Article IX, section 3 of the state
37 Constitution.

1 (b)(i) Beginning July 1, 2013, the excess salary and benefits
2 authorized under (a) of this subsection shall not exceed the excess
3 salary and benefits, measured as the percentage over the base salary,
4 provided to certificated instructional staff by separate contract
5 during the 2012-13 school year.

6 (ii) Beginning July 1, 2015, school districts may apply to the
7 state board of education to increase the percentage over base salary
8 provided. The state board shall authorize such increases solely based
9 on the number of schools in the district that receive an "A," "B," or
10 "C" under the school-grading program in section 202 of this act. The
11 state board of education shall create an application process, criteria
12 addressing the number of schools that are required to receive an "A,"
13 "B," or "C" to justify an increase, and the range of increases that may
14 be authorized that corresponds to that criteria.

15 (5) Strategic innovative grants awarded under section 205 of this
16 act are not subject to this section.

17 (6) Employee benefit plans offered by any district shall comply
18 with RCW 28A.400.350 ((and)), 28A.400.275, and 28A.400.280.

19 NEW SECTION. Sec. 102. Section 101 of this act does not affect or
20 impair any collective bargaining agreements in effect on the effective
21 date of this section between an employer and educational employees or
22 employee organization under chapter 41.59 RCW. Any collective
23 bargaining agreement entered into or renewed after the effective date
24 of this section shall be consistent with section 101 of this act.

25 NEW SECTION. Sec. 103. RCW 28A.400.201 (Enhanced salary
26 allocation model for educator development and certification--Technical
27 working group--Report and recommendation) and 2011 1st sp.s. c 43 s
28 468, 2010 c 236 s 7, & 2009 c 548 s 601 are each repealed.

29 NEW SECTION. Sec. 104. (1) A joint select committee on educator
30 compensation is created to provide oversight, monitoring, and direction
31 to revise the current salary allocation schedule to create a new
32 educator compensation model for certificated instructional staff and
33 principals that links the educator compensation policies of the state
34 to research-based practices shown to increase an educator's
35 effectiveness and positive impact on student learning. The new model

1 is intended to have a more flexible structure, be more data-driven, and
2 encourage innovation by using salary differentials to reflect effective
3 educator skills and working conditions.

4 (2) The members of the joint select committee shall be as follows:

5 (a) The chair and the ranking minority member of the house of
6 representatives committee on appropriations;

7 (b) The chair and the ranking minority member of the house of
8 representatives committee on education;

9 (c) The chair and the ranking minority member of the senate
10 committee on ways and means; and

11 (d) The chair and the ranking minority member of the senate
12 committee on early learning and K-12 education.

13 (3) A chair may appoint a designee to function in his or her place.

14 (4) The chair of the house of representatives committee on
15 appropriations and the chair of the senate ways and means committee
16 shall convene the initial meeting.

17 (5) The staff of the house of representatives committee on
18 appropriations and the staff of the senate ways and means committee
19 shall provide staff support for any public meetings.

20 (6) The members of the joint select committee must be reimbursed
21 for travel expenses in accordance with RCW 44.04.120. Expenses of the
22 committee must be paid jointly by the senate and the house of
23 representatives, and committee expenditures are subject to approval by
24 the senate facilities and operations committee and the house of
25 representatives executive rules committee, or their successor
26 committees.

27 (7) This section expires July 1, 2016.

28 **PART II**

29 **RECOGNITION AND REFORMS**

30 NEW SECTION. **Sec. 201.** The legislature finds that there is a need
31 to recognize highly productive public schools and reward innovation.
32 The legislature further finds that there is a parallel need to assist
33 public schools that are struggling. The legislature intends to address
34 both of these needs by creating a recognition program, a grant program
35 to reward innovation, and a locally administered school reform program.

1 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.655
2 RCW to read as follows:

3 (1) The primary purposes of a school-grading program are to enhance
4 the learning gains of all students, provide feedback to schools and
5 school districts, supply parents and community members with
6 understandable information about their schools, and provide information
7 regarding school accountability and recognition.

8 (2) Beginning with the 2013-14 school year, the state board of
9 education must implement a school-grading program that identifies
10 schools as having one of the following grades:

- 11 (a) "A" for schools making excellent progress;
- 12 (b) "B" for schools making above average progress;
- 13 (c) "C" for schools making satisfactory progress;
- 14 (d) "D" for schools making less than satisfactory progress; and
- 15 (e) "F" for schools failing to make adequate progress.

16 (3) Each school that has students who are tested using the
17 assessments administered statewide in reading, writing, mathematics,
18 and science required under RCW 28A.655.061, 28A.655.066, and
19 28A.655.070 shall earn a school grade, except as follows:

20 (a) To protect the privacy of students, schools, and districts,
21 schools testing fewer than ten students in a grade level; and

22 (b) A school that serves any combination of students in
23 kindergarten through grade three shall not earn a school grade based on
24 test scores because its students are not tested. Such schools shall be
25 included in the school-grading program by earning the grade designation
26 of the K-3 feeder-pattern school identified by the office of the
27 superintendent of public instruction and verified by the school
28 district. A school feeder pattern exists if at least sixty percent of
29 the students in the school serving a combination of students in
30 kindergarten through grade three are scheduled to be assigned to the
31 graded school. The school with students in kindergarten through grade
32 three will earn the grade earned by its feeder-pattern school.

33 (4)(a) A school's grade shall be determined by the state board of
34 education using the accountability index, cooperatively developed under
35 RCW 28A.657.110 by the state board of education and the office of the
36 superintendent of public instruction. The index must measure the
37 increase in student achievement on the statewide administered

1 assessments in reading, writing, mathematics, and science; and the
2 reduction in student achievement gaps. The index may include other
3 student outcome measurements.

4 (b) For schools with any combination of grades nine, ten, eleven,
5 and twelve, at least fifty percent of a school's grade shall be
6 determined using the accountability index and the remaining percentage
7 shall be based on the following factors, if the factors are not already
8 included in the accountability index:

9 (i) The high school graduation rate of the school as calculated by
10 the office of the superintendent of public instruction;

11 (ii) As valid data becomes available, the performance and
12 participation of the school's students in AP courses, international
13 baccalaureate courses, and dual enrollment courses; and student
14 achievement of national industry certification;

15 (iii) Postsecondary readiness of all of the school's on-time
16 graduates as measured by the SAT, the ACT, or a placement test; and

17 (iv) The high school graduation rate of at-risk students.

18 (5)(a) The state board of education shall adopt appropriate
19 criteria for each school grade.

20 (b) The criteria must give added weight to student achievement in
21 reading.

22 (c) Schools earning a grade of "C" or higher must demonstrate that
23 at least half of the students in the school who are in the lowest
24 twenty-fifth percentile in reading and mathematics on the statewide
25 administered assessments are making adequate progress; if not, the
26 school letter grade is decreased by one letter.

27 (d) For schools with any combination of grades nine, ten, eleven,
28 and twelve, the criteria for school grades must also give added weight
29 to the graduation rate of all eligible at-risk students. In order for
30 a high school to earn a grade of "A," the school must demonstrate that
31 its at-risk students are making adequate progress.

32 (6) The office of the superintendent of public instruction must
33 annually report each school district's grade to the governor and the
34 legislature. A school district's grade must be calculated using
35 student performance and learning gains data on statewide assessments
36 used for determining school grades under subsection (4) of this section
37 for each eligible student enrolled for a full school year in the
38 district. This calculation methodology captures information describing

1 each eligible student in the district who may have transferred among
2 schools within the district or who is enrolled in a school that does
3 not earn a grade.

4 (7) By August 1, 2014, the office of the superintendent of public
5 instruction shall adapt the model school performance report and the
6 agency web site originally developed under RCW 28A.655.110 to include
7 each school district's grade and each school's grade. Each school
8 district's and school's report card shall be published annually, with
9 the school and district grade history, by the agency on its web site.

10 (8) Each school district must include in its annual school
11 performance report required under RCW 28A.655.110 each school's grade
12 and must also include the school district's grade.

13 (9) For the purposes of this section, "at-risk students" means
14 students scoring at level one or level two on the eighth grade
15 statewide administered reading and mathematics assessment.

16 (10) The state board of education and the office of the
17 superintendent of public instruction shall adopt rules, as necessary,
18 to administer this section.

19 (11)(a) The school-grading program shall be a pilot program during
20 the 2013-14 school year. The office of the superintendent of public
21 instruction shall conduct the pilot program in five geographically
22 diverse school districts, including urban, rural, large, and small
23 districts.

24 (b) The office of the superintendent of public instruction shall
25 contract with an organization in Washington state that conducts and
26 disseminates action research, partners with state and local agencies
27 and organizations, and provides data services and support for school
28 and district improvement planning to conduct an independent evaluation
29 of the school-grading pilot program. The evaluation shall be submitted
30 to the office of the superintendent of public instruction, the
31 governor, and the legislature by December 1, 2014. The evaluation must
32 include recommendations on any necessary modifications, if any, to the
33 criteria or the process used to grade schools and districts.

34 (12) The state board of education and the office of the
35 superintendent of public instruction must make all the modifications
36 recommended in the evaluation and implement the school-grading program
37 statewide in the 2014-15 school year.

1 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.150
2 RCW to read as follows:

3 (1) By August 1, 2014, the Washington institute for public policy
4 shall compile an in-depth cost-benefit analysis and list of the most
5 effective research-proven practices and programs for the delivery of K-
6 12 public school instruction. The analysis must include a prioritized
7 list based on positive impact on student performance, the highest and
8 best use of resources, and the largest return on investment. The
9 purpose of this effort is to inform executive and legislative branch
10 decisions in making future additional K-12 funding enhancements. The
11 list shall be updated every two years.

12 (2) By August 1, 2014, the Washington institute for public policy
13 shall prepare an initial inventory of evidence-based and research-based
14 effective practices, activities, and programs for use by school
15 districts in the delivery of instruction. The inventory must include
16 information on the best methods and practices for providing educational
17 opportunities for students in specific categorical programs of basic
18 education and must also include information on effective educator and
19 school leadership compensation systems. In addition, the inventory
20 must include information on evidence-based and research-based practices
21 for closing opportunity gaps and for the best and highest use of
22 learning assistance program funds to serve underachieving students or
23 students in poverty. To the extent possible, this information will be
24 informed by a review of successful schools meeting or exceeding
25 anticipated educational outcomes based on demographic challenges. The
26 inventory must be updated every two years.

27 NEW SECTION. **Sec. 204.** A new section is added to chapter 28A.655
28 RCW to read as follows:

29 (1) The school-grading program created in section 202 of this act
30 must be used to recognize highly productive public schools.

31 (2) Beginning with the 2015-2017 fiscal biennium, the
32 superintendent of public instruction shall implement a school
33 recognition program for public schools. Schools that are designated as
34 making excellent progress and thereby receiving an "A" grade under
35 section 202 of this act shall receive the Washington achievement award
36 to be presented jointly by the office of the superintendent of public

1 instruction and the state board of education at an annual award
2 ceremony. Award winning schools shall receive a banner and acrylic
3 award to proudly display in their buildings.

4 NEW SECTION. **Sec. 205.** A new section is added to chapter 28A.400
5 RCW to read as follows:

6 (1) The strategic innovative grant account is created in the state
7 treasury to be used for awarding grants to public school districts for
8 the implementation of effective educator and school leadership
9 compensation systems. Moneys in the account may be spent only after
10 appropriation. The account may receive gifts, grants, and donations
11 from individuals or public or private entities.

12 (2) By August 1st of each odd-numbered year, school districts may
13 submit applications to the professional educator standards board for
14 strategic innovative grants for the fiscal biennium. The applications
15 may include plans for any or all of the following to:

16 (a) Reward teachers and other educators who help students make
17 significant academic progress;

18 (b) Provide incentives for team and individual staff performance in
19 schools achieving educational and other outcomes specified by the
20 school district;

21 (c) Provide monetary incentives to effective teachers who have
22 essential expertise and who are willing to transfer employment to
23 positions at hard-to-staff or low-performing schools;

24 (d) Provide monetary or other rewards to effective teachers who are
25 assigned to teach in critical shortage areas or subjects;

26 (e) Augment any existing funds or reallocated funds to maximize the
27 amount of remuneration directed at strategic innovative research-based
28 compensation systems; and

29 (f) Offer bonus payments to school building leaders based on
30 improved teacher and student performance.

31 (3) Each application under subsection (2) of this section must
32 include appropriate achievement goals for student academic progress and
33 plans for the professional development of the designated teachers and
34 other staff. Any teacher or certificated instructional staff person
35 receiving an award under this section must be evaluated at least level
36 3 - proficient under RCW 28A.405.100.

1 (4)(a) The professional educator standards board, in consultation
2 with the Washington state institute for public policy, shall award
3 grants to school districts based on the level of innovation and the
4 degree to which the proposal implements compensation systems that are
5 evidence-based and research-based.

6 (b) By December 1st of each odd-numbered year, the professional
7 educator standards board must report to the education and fiscal
8 committees of the house of representatives and the senate regarding the
9 amounts and the purposes of the grants that are awarded.

10 (5) The monetary awards granted under this section are not subject
11 to the limitations of RCW 28A.400.200 and may not be used to supplant
12 any new or existing state, federal, or local funding for compensation.

13 NEW SECTION. **Sec. 206.** A new section is added to chapter 41.56
14 RCW to read as follows:

15 All collective bargaining agreements entered into between a school
16 district employer and school district employees under this chapter
17 after the effective date of this section, and bargaining agreements
18 existing on the effective date of this section but renewed or extended
19 after the effective date of this section, shall be consistent with
20 section 205 of this act.

21 NEW SECTION. **Sec. 207.** A new section is added to chapter 41.59
22 RCW to read as follows:

23 All collective bargaining agreements entered into between a school
24 district employer and school district employees under this chapter
25 after the effective date of this section, and bargaining agreements
26 existing on the effective date of this section but renewed or extended
27 after the effective date of this section, shall be consistent with
28 section 205 of this act.

29 **PART III**

30 **SCHOOL SUSPENSIONS AND EXPULSIONS**

31 **Sec. 301.** RCW 28A.600.015 and 2006 c 263 s 701 are each amended to
32 read as follows:

33 (1) The superintendent of public instruction shall adopt and
34 distribute to all school districts lawful and reasonable rules

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

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

18 (3) Emergency expulsions must end or be converted to another form
19 of corrective action within ten school days from the date of the
20 emergency removal from school. Notice and due process rights must be
21 provided when an emergency expulsion is converted to another form of
22 corrective action.

23 **Sec. 302.** RCW 28A.600.020 and 2006 c 263 s 706 are each amended to
24 read as follows:

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

30 (2) Any student who creates a disruption of the educational process
31 in violation of the building disciplinary standards while under a
32 teacher's immediate supervision may be excluded by the teacher from his
33 or her individual classroom and instructional or activity area for all
34 or any portion of the balance of the school day, or up to the following
35 two days, or until the principal or designee and teacher have
36 conferred, whichever occurs first. Except in emergency circumstances,
37 the teacher first must attempt one or more alternative forms of

1 corrective action. In no event without the consent of the teacher may
2 an excluded student return to the class during the balance of that
3 class or activity period or up to the following two days, or until the
4 principal or his or her designee and the teacher have conferred.

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

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

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

28 ((+a)) (i) Engages in two or more violations within a three-year
29 period of RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460,
30 28A.635.020, 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

31 ((+b)) (ii) Engages in one or more of the offenses listed in RCW
32 13.04.155.

33 (b) The principal shall communicate the disciplinary action taken
34 by the principal to the school personnel who referred the student to
35 the principal for disciplinary action.

36 (6) Any corrective action involving a suspension or expulsion from
37 school for more than ten days must have an end date of not more than
38 one calendar year from the time of corrective action. Districts shall

1 make reasonable efforts to assist students and parents in returning to
2 an educational setting prior to and no later than the end date of the
3 corrective action. Where warranted based on public health or safety,
4 a school district may petition the superintendent of public
5 instruction, pursuant to policies and procedures adopted by the
6 superintendent of public instruction, for authorization to exceed the
7 one calendar year limitation provided in this subsection. The office
8 of the superintendent of public instruction shall adopt rules outlining
9 the limited circumstances in which a school district may petition the
10 superintendent of public instruction to exceed the one calendar year
11 limitation, including safeguards to ensure that the district has made
12 every effort to plan for the student's return to school and that the
13 student's extended expulsion from the district does not impair the
14 student's constitutional right to education.

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

22 **Sec. 303.** RCW 28A.600.410 and 1992 c 155 s 1 are each amended to
23 read as follows:

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

33 School districts are encouraged to find alternatives to suspension
34 including reducing the length of a student's suspension conditioned by
35 the commencement of counseling or other treatment services. Consistent
36 with current law, the conditioning of a student's suspension does not

1 obligate the school district to pay for the counseling or other
2 treatment services except for those stipulated and agreed to by the
3 district at the inception of the suspension.

4 **Sec. 304.** RCW 28A.300.046 and 2011 c 288 s 10 are each amended to
5 read as follows:

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

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

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

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

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

28 (ii) Disaggregated and cross-tabulated as established under RCW
29 28A.300.042.

30 (c) School districts must collect and submit student attendance
31 data and student discipline data for high school students through the
32 comprehensive education and data research system for purposes of the
33 PASS program under RCW 28A.175.130 beginning in the 2012-13 school
34 year.

35 **Sec. 305.** RCW 28A.300.042 and 2009 c 468 s 4 are each amended to
36 read as follows:

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

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

12 (a) Gender;

13 (b) Foster care;

14 (c) Homeless;

15 (d) School district;

16 (e) School;

17 (f) Grade level;

18 (g) Behavior infraction code, including:

19 (i) Bullying;

20 (ii) Tobacco;

21 (iii) Alcohol;

22 (iv) Illicit drug;

23 (v) Fighting without major injury;

24 (vi) Violence without major injury;

25 (vii) Violence with major injury;

26 (viii) Possession of a weapon; and

27 (ix) Other behavior resulting from a short-term or long-term
28 suspension, expulsion, or interim alternative education setting
29 intervention;

30 (h) Intervention applied, including:

31 (i) Short-term suspension;

32 (ii) Long-term suspension;

33 (iii) Emergency expulsion;

34 (iv) Expulsion;

35 (v) Interim alternative education settings;

36 (vi) No intervention applied; and

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

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

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

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

9 (a) School and district;

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

14 (c) Behavior infraction code; and

15 (d) Intervention applied.

16 **Sec. 306.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended to
17 read as follows:

18 (1) A K-12 data governance group shall be established within the
19 office of the superintendent of public instruction to assist in the
20 design and implementation of a K-12 education data improvement system
21 for financial, student, and educator data. It is the intent that the
22 data system reporting specifically serve requirements for teachers,
23 parents, superintendents, school boards, the office of the
24 superintendent of public instruction, the legislature, and the public.

25 (2) The K-12 data governance group shall include representatives of
26 the education data center, the office of the superintendent of public
27 instruction, the legislative evaluation and accountability program
28 committee, the professional educator standards board, the state board
29 of education, and school district staff, including information
30 technology staff. Additional entities with expertise in education data
31 may be included in the K-12 data governance group.

32 (3) The K-12 data governance group shall:

33 (a) Identify the critical research and policy questions that need
34 to be addressed by the K-12 education data improvement system;

35 (b) Identify reports and other information that should be made
36 available on the internet in addition to the reports identified in
37 subsection (5) of this section;

1 (c) Create a comprehensive needs requirement document detailing the
2 specific information and technical capacity needed by school districts
3 and the state to meet the legislature's expectations for a
4 comprehensive K-12 education data improvement system as described under
5 RCW 28A.655.210;

6 (d) Conduct a gap analysis of current and planned information
7 compared to the needs requirement document, including an analysis of
8 the strengths and limitations of an education data system and programs
9 currently used by school districts and the state, and specifically the
10 gap analysis must look at the extent to which the existing data can be
11 transformed into canonical form and where existing software can be used
12 to meet the needs requirement document;

13 (e) Focus on financial and cost data necessary to support the new
14 K-12 financial models and funding formulas, including any necessary
15 changes to school district budgeting and accounting, and on assuring
16 the capacity to link data across financial, student, and educator
17 systems; and

18 (f) Define the operating rules and governance structure for K-12
19 data collections, ensuring that data systems are flexible and able to
20 adapt to evolving needs for information, within an objective and
21 orderly data governance process for determining when changes are needed
22 and how to implement them. Strong consideration must be made to the
23 current practice and cost of migration to new requirements. The
24 operating rules should delineate the coordination, delegation, and
25 escalation authority for data collection issues, business rules, and
26 performance goals for each K-12 data collection system, including:

27 (i) Defining and maintaining standards for privacy and
28 confidentiality;

29 (ii) Setting data collection priorities;

30 (iii) Defining and updating a standard data dictionary;

31 (iv) Ensuring data compliance with the data dictionary;

32 (v) Ensuring data accuracy; and

33 (vi) Establishing minimum standards for school, student, financial,
34 and teacher data systems. Data elements may be specified "to the
35 extent feasible" or "to the extent available" to collect more and
36 better data sets from districts with more flexible software. Nothing
37 in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed
38 to require that a data dictionary or reporting should be hobbled to the

1 lowest common set. The work of the K-12 data governance group must
2 specify which data are desirable. Districts that can meet these
3 requirements shall report the desirable data. Funding from the
4 legislature must establish which subset data are absolutely required.

5 (4)(a) The K-12 data governance group shall provide updates on its
6 work as requested by the education data center and the legislative
7 evaluation and accountability program committee.

8 (b) The work of the K-12 data governance group shall be
9 periodically reviewed and monitored by the educational data center and
10 the legislative evaluation and accountability program committee.

11 (5) To the extent data is available, the office of the
12 superintendent of public instruction shall make the following minimum
13 reports available on the internet. The reports must either be run on
14 demand against current data, or, if a static report, must have been run
15 against the most recent data:

16 (a) The percentage of data compliance and data accuracy by school
17 district;

18 (b) The magnitude of spending per student, by student estimated by
19 the following algorithm and reported as the detailed summation of the
20 following components:

21 (i) An approximate, prorated fraction of each teacher or human
22 resource element that directly serves the student. Each human resource
23 element must be listed or accessible through online tunneling in the
24 report;

25 (ii) An approximate, prorated fraction of classroom or building
26 costs used by the student;

27 (iii) An approximate, prorated fraction of transportation costs
28 used by the student; and

29 (iv) An approximate, prorated fraction of all other resources
30 within the district. District-wide components should be disaggregated
31 to the extent that it is sensible and economical;

32 (c) The cost of K-12 basic education, per student, by student, by
33 school district, estimated by the algorithm in (b) of this subsection,
34 and reported in the same manner as required in (b) of this subsection;

35 (d) The cost of K-12 special education services per student, by
36 student receiving those services, by school district, estimated by the
37 algorithm in (b) of this subsection, and reported in the same manner as
38 required in (b) of this subsection;

1 (e) Improvement on the statewide assessments computed as both a
2 percentage change and absolute change on a scale score metric by
3 district, by school, and by teacher that can also be filtered by a
4 student's length of full-time enrollment within the school district;

5 (f) Number of K-12 students per classroom teacher on a per teacher
6 basis;

7 (g) Number of K-12 classroom teachers per student on a per student
8 basis;

9 (h) Percentage of a classroom teacher per student on a per student
10 basis; and

11 (i) The cost of K-12 education per student by school district
12 sorted by federal, state, and local dollars.

13 ~~((The superintendent of public instruction shall submit a
14 preliminary report to the legislature by November 15, 2009, including
15 the analyses by the K-12 data governance group under subsection (3) of
16 this section and preliminary options for addressing identified gaps.
17 A final report, including a proposed phase in plan and preliminary cost
18 estimates for implementation of a comprehensive data improvement system
19 for financial, student, and educator data shall be submitted to the
20 legislature by September 1, 2010.~~

21 ~~(7))~~ All reports and data referenced in this section and RCW
22 43.41.400 and 28A.655.210 shall be made available in a manner
23 consistent with the technical requirements of the legislative
24 evaluation and accountability program committee and the education data
25 center so that selected data can be provided to the legislature,
26 governor, school districts, and the public.

27 ~~((8))~~ (7) Reports shall contain data to the extent it is
28 available. All reports must include documentation of which data are
29 not available or are estimated. Reports must not be suppressed because
30 of poor data accuracy or completeness. Reports may be accompanied with
31 documentation to inform the reader of why some data are missing or
32 inaccurate or estimated.

33 (8) The K-12 data governance group shall examine the data collected
34 under the behavior infraction subgroup in RCW 28A.300.042(2)(g)(ix) and
35 create at least four additional behavior infraction codes including the
36 four most common behaviors reported under the behavior infraction
37 subgroup in RCW 28A.300.042(2)(g)(ix), and may create other categories
38 as needed, by December 1, 2013.

1 NEW SECTION. **Sec. 307.** A new section is added to chapter 28A.600
2 RCW to read as follows:

3 (1) School districts should make efforts to have suspended or
4 expelled students return to the educational setting they were suspended
5 or expelled from as soon as possible. School districts should convene
6 a school reentry meeting with the student and the student's parents or
7 guardians within twenty days of the student's long-term suspension or
8 expulsion to discuss a plan to reenter and reengage the student in a
9 school program.

10 (2) In developing a reentry and reengagement plan, school districts
11 should consider shortening the length of time that the student is
12 suspended or expelled, other forms of corrective action, and supportive
13 interventions that aid in the student's academic success and keep the
14 student engaged and on track to graduate. School districts must create
15 a reentry and reengagement plan tailored to the student's individual
16 circumstances, including consideration of the incident that led to the
17 student's long-term suspension or expulsion. The plan should aid the
18 student in taking the necessary steps to remedy the situation that led
19 to the student's suspension or expulsion.

20 (3) Any reentry meetings conducted by the school district involving
21 the suspended or expelled student and his or her parents or guardians
22 are not intended to replace a petition for readmission.

23 NEW SECTION. **Sec. 308.** (1) The Washington state school directors'
24 association in partnership with the office of the education ombudsman
25 shall seek community input and develop a model policy for school
26 districts to implement changes to suspension and expulsion policies.

27 (2) The model policy must include at a minimum: Appropriate
28 discipline actions for unwanted student behavior, training in cultural
29 sensitivity regarding school discipline policies and procedures;
30 prevention and intervention guidance including best practices; and
31 parental engagement.

32 (3) The model policy must be made available on the Washington state
33 school directors' association web site by May 1, 2014.

34 NEW SECTION. **Sec. 309.** Nothing in chapter . . . , Laws of 2013
35 (this act) prevents a public school district, law enforcement agencies,

1 or law enforcement personnel from enforcing laws protecting health and
2 human safety.

3 **PART IV**
4 **MISCELLANEOUS**

5 NEW SECTION. **Sec. 401.** Sections 101, 102, 204, and 205 of this
6 act are necessary for the immediate preservation of the public peace,
7 health, or safety, or support of the state government and its existing
8 public institutions, and take effect immediately.

9 NEW SECTION. **Sec. 402.** Section 103 of this act takes effect
10 September 1, 2013.

11 NEW SECTION. **Sec. 403.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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