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SENATE BILL 6337

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Hill, McAuliffe, Dammeier, and Rolfes

Read first time 01/22/14. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to implementing selected education reforms using  
2 recommendations from the quality education council's 2014 report to the  
3 legislature; amending RCW 28A.150.550, 28A.290.010, 28A.165.005,  
4 28A.165.035, 28A.150.220, and 28A.230.090; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the quality  
7 education council has made seven recommendations in its 2014 report  
8 under its statutory assignment to recommend and inform the ongoing  
9 implementation of an evolving program of basic education, recommend the  
10 financing necessary to support such a program, develop strategic  
11 recommendations intended to inform future educational policy and  
12 funding decisions, and identify measurable goals and priorities for the  
13 educational system.

14 (2) The legislature intends under this act to implement those  
15 recommendations from the quality education council's 2014 report that  
16 require statutory change.

17 **Sec. 2.** RCW 28A.150.550 and 2013 c 282 s 2 are each amended to  
18 read as follows:

1 (1) The following statewide indicators of educational system health  
2 are established:

3 (a) Kindergarten readiness: The percentage of students  
4 demonstrating the characteristics of entering kindergartners in all six  
5 areas identified by the Washington kindergarten inventory of developing  
6 skills administered in accordance with RCW 28A.655.080;

7 (b) Third grade literacy:

8 (i) The percentage of students meeting the standard on the  
9 (~~fourth~~) third grade statewide reading or English language arts  
10 assessment administered in accordance with RCW 28A.655.070; and

11 (ii) The percentage of students in grades kindergarten through  
12 three meeting the proficiency standard on the state English language  
13 proficiency assessment;

14 (c) Readiness for high school:

15 (i) The percentage of students meeting the standard on the eighth  
16 grade statewide (~~mathematics~~) assessments in reading or language  
17 arts, mathematics, and science administered in accordance with RCW  
18 28A.655.070;

19 (ii) The percentage of students in grades kindergarten through  
20 eight meeting the proficiency standard on the state English language  
21 proficiency assessment; and

22 (iii) The difference in student growth on the statewide assessments  
23 in reading or English language arts and mathematics between all  
24 students and targeted subgroups of students, as measured by the  
25 Washington achievement index adopted under RCW 28A.657.110;

26 (d) High school graduation:

27 (i) The four-year cohort high school graduation rate; and

28 (ii) The five-year extended high school graduation rate;

29 (e) Quality of a high school diploma:

30 (i) The percentage of students within four years of high school  
31 graduation enrolled in precollege or remedial courses in public  
32 postsecondary education institutions; and

33 (ii) The percentage of students meeting the career and college  
34 ready standard on high school assessments in English language arts and  
35 mathematics developed by a multistate consortium and administered in  
36 accordance with RCW 28A.655.070;

37 (f) Postsecondary attainment:

1        (i) The percentage of high school graduates who during the second  
2 quarter after graduation are either enrolled in postsecondary education  
3 or training or are employed, and the percentage during the fourth  
4 quarter after graduation who are either enrolled in postsecondary  
5 education or training or are employed; and

6        ~~((f) The percentage of students enrolled in precollege or remedial~~  
7 ~~courses in college))~~ (ii) The percent of high school graduates  
8 attaining degrees, certificates, career credentials, and completing  
9 apprenticeships before age twenty-six; and

10        (g) Access to quality schools: Starting with the 2014-15 school  
11 year as a base year, the percentage of schools at or above the "Good"  
12 tier of the Washington achievement index adopted under RCW 28A.657.110.

13        (2) The statewide indicators established in subsection (1) of this  
14 section shall be disaggregated as provided under RCW 28A.300.042.

15        (3) The state board of education, with assistance from the office  
16 of the superintendent of public instruction, the office of the  
17 governor, the workforce training and education coordinating board, the  
18 educational opportunity gap oversight and accountability committee, the  
19 education data center in the office of financial management, the  
20 professional educator standards board, the department of early  
21 learning, the state board for community and technical colleges, and the  
22 student achievement council, shall establish a process for identifying  
23 realistic but challenging system-wide performance goals and  
24 measurements, if necessary, for each of the indicators established in  
25 subsection (1) of this section, including for subcategories of students  
26 as provided under subsection (2) of this section. The performance goal  
27 for each indicator must be set on a biennial basis(~~, and may only be~~  
28 ~~adjusted upward~~)).

29        (4) The ~~((state board of education, the office of the~~  
30 ~~superintendent of public instruction, and the student achievement~~  
31 ~~council))~~ agencies listed under subsection (3) of this section shall  
32 each align their strategic planning and education reform efforts with  
33 the statewide indicators and performance goals established under this  
34 section. If any agency uses an indicator in subsection (1) of this  
35 section for purposes of strategic planning or performance benchmarking,  
36 the performance goal and measure used must be the same as established  
37 by the process under subsection (3) of this section.

1 (5)(a) The state board of education, with assistance from the  
2 (~~office of the superintendent of public instruction, the workforce~~  
3 ~~training and education coordinating board, the educational opportunity~~  
4 ~~gap oversight and accountability committee, and the student achievement~~  
5 ~~council~~) agencies listed under subsection (3) of this section, shall  
6 submit a report on the status of each indicator in subsection (1) of  
7 this section and recommend revised performance goals and measurements,  
8 if necessary, by (~~December~~) February 1st of each (~~even~~)  
9 odd-numbered year, except that the initial report establishing baseline  
10 values and initial goals shall be delivered to the education committees  
11 of the legislature by December 1, 2013.

12 (b) If the educational system is not on target to meet the  
13 performance goals on any individual indicator, the report must  
14 recommend evidence-based reforms intended to improve student  
15 achievement in that area.

16 (c) To the extent data is available, the performance goals for each  
17 indicator must be compared with national data in order to identify  
18 whether Washington student achievement results are within the top ten  
19 percent nationally or are comparable to results in peer states with  
20 similar characteristics as Washington. If comparison data show that  
21 Washington students are falling behind national peers on any indicator,  
22 the report must recommend evidence-based reforms targeted at addressing  
23 the indicator in question.

24 **Sec. 3.** RCW 28A.290.010 and 2013 2nd sp.s. c 25 s 7 are each  
25 amended to read as follows:

26 (1) The quality education council is created to recommend and  
27 inform the ongoing implementation by the legislature of an evolving  
28 program of basic education and the financing necessary to support such  
29 program. The council shall develop strategic recommendations on the  
30 program of basic education for the common schools. The council shall  
31 take into consideration the capacity report produced under RCW  
32 28A.300.172 and the availability of data and progress of implementing  
33 the data systems required under RCW 28A.655.210. Any recommendations  
34 for modifications to the program of basic education shall be based on  
35 evidence that the programs effectively support student learning. The  
36 council shall update the statewide strategic recommendations every four  
37 years. The recommendations of the council are intended to:

1 (a) Inform future educational policy and funding decisions of the  
2 legislature and governor;

3 (b) Identify measurable goals and priorities for the educational  
4 system in Washington state for a ten-year time period, including the  
5 goals of basic education, ongoing strategies for coordinating statewide  
6 efforts to eliminate the achievement gap and reduce student dropout  
7 rates, and strategies to increase learning opportunities in science,  
8 technology, engineering, and mathematics that are aligned with the STEM  
9 framework for action and accountability developed under RCW  
10 28A.188.030; and

11 (c) Enable the state of Washington to continue to implement an  
12 evolving program of basic education.

13 (2) The council may assign its responsibility for identifying  
14 measurable goals for the educational system to the state board of  
15 education and the process established under RCW 28A.150.550. The  
16 council may request updates and progress reports from the office of the  
17 superintendent of public instruction, the state board of education, the  
18 professional educator standards board, and the department of early  
19 learning on the work of the agencies as well as educational working  
20 groups established by the legislature.

21 (3) The chair of the council shall be selected from the  
22 councilmembers. The council shall be composed of the following  
23 members:

24 (a) Four members of the house of representatives, with two members  
25 representing each of the major caucuses and appointed by the speaker of  
26 the house of representatives;

27 (b) Four members of the senate, with two members representing each  
28 of the major caucuses and appointed by the president of the senate;

29 (c) One representative each from the office of the governor, office  
30 of the superintendent of public instruction, state board of education,  
31 professional educator standards board, and department of early  
32 learning; and

33 (d) One nonlegislative representative from the educational  
34 opportunity gap oversight and accountability committee established  
35 under RCW 28A.300.136, to be selected by the members of the committee.

36 (4) The council (~~shall meet no more than four days a year~~) may  
37 convene subcommittees including both members of the council and other

1 individuals with expertise in particular areas if necessary to complete  
2 its work.

3 (5)(a) The council shall submit an initial report to the governor  
4 and the legislature by January 1, 2010, detailing its recommendations,  
5 including recommendations for resolving issues or decisions requiring  
6 legislative action during the 2010 legislative session, and  
7 recommendations for any funding necessary to continue development and  
8 implementation of chapter 548, Laws of 2009.

9 (b) The initial report shall, at a minimum, include:

10 (i) Consideration of how to establish a statewide beginning teacher  
11 mentoring and support system;

12 (ii) Recommendations for a program of early learning for at-risk  
13 children;

14 (iii) A recommended schedule for the concurrent phase-in of the  
15 changes to the instructional program of basic education and the  
16 implementation of the funding formulas and allocations to support the  
17 new instructional program of basic education as established under  
18 chapter 548, Laws of 2009. The phase-in schedule shall have full  
19 implementation completed by September 1, 2018; and

20 (iv) A recommended schedule for phased-in implementation of the new  
21 distribution formula for allocating state funds to school districts for  
22 the transportation of students to and from school, with phase-in  
23 beginning no later than September 1, 2013.

24 (6) The council shall submit a report to the legislature by January  
25 1, 2012, detailing its recommendations for a comprehensive plan for a  
26 voluntary program of early learning. Before submitting the report, the  
27 council shall seek input from the early learning advisory council  
28 created in RCW 43.215.090.

29 (7) The council shall submit a report to the governor and the  
30 legislature by December 1, 2010, that includes:

31 (a) Recommendations for specific strategies, programs, and funding,  
32 including funding allocations through the funding distribution formula  
33 in RCW 28A.150.260, that are designed to close the achievement gap and  
34 increase the high school graduation rate in Washington public schools.  
35 The council shall consult with the educational opportunity gap  
36 oversight and accountability committee and the building bridges work  
37 group in developing its recommendations; and

1 (b) Recommendations for assuring adequate levels of state-funded  
2 classified staff to support essential school and district services.

3 (8) The council shall be staffed by the office of the  
4 superintendent of public instruction and the office of financial  
5 management. Additional staff support shall be provided by the state  
6 entities with representatives on the council. Senate committee  
7 services and the house of representatives office of program research  
8 may provide additional staff support.

9 (9) Legislative members of the council shall serve without  
10 additional compensation but may be reimbursed for travel expenses in  
11 accordance with RCW 44.04.120 while attending sessions of the council  
12 or on official business authorized by the council. Nonlegislative  
13 members of the council may be reimbursed for travel expenses in  
14 accordance with RCW 43.03.050 and 43.03.060.

15 **Sec. 4.** RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each  
16 amended to read as follows:

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

24 (2) Except for services and activities under RCW 28A.165.035(2) (g)  
25 and (h), school districts implementing a learning assistance program  
26 shall focus first on addressing the needs of students in grades  
27 kindergarten through four who are deficient in reading or reading  
28 readiness skills to improve reading literacy.

29 **Sec. 5.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each  
30 amended to read as follows:

31 (1) Beginning in the 2015-16 school year, expenditure of funds from  
32 the learning assistance program must be consistent with the provisions  
33 of RCW 28A.655.235.

34 (2) Use of best practices that have been demonstrated through  
35 research to be associated with increased student achievement magnifies  
36 the opportunities for student success. To the extent they are included

1 as a best practice or strategy in one of the state menus or an approved  
2 alternative under this section or RCW 28A.655.235, the following are  
3 services and activities that may be supported by the learning  
4 assistance program:

5 (a) Extended learning time opportunities occurring:

6 (i) Before or after the regular school day;

7 (ii) On Saturday; and

8 (iii) Beyond the regular school year;

9 (b) Services under RCW 28A.320.190;

10 (c) Professional development for certificated and classified staff  
11 that focuses on:

12 (i) The needs of a diverse student population;

13 (ii) Specific literacy and mathematics content and instructional  
14 strategies; and

15 (iii) The use of student work to guide effective instruction and  
16 appropriate assistance;

17 (d) Consultant teachers to assist in implementing effective  
18 instructional practices by teachers serving participating students;

19 (e) Tutoring support for participating students;

20 (f) Outreach activities and support for parents of participating  
21 students, including employing parent and family engagement  
22 coordinators; ~~((and))~~

23 (g) Up to five percent of a district's learning assistance program  
24 allocation may be used for development of partnerships with community-  
25 based organizations, educational service districts, and other local  
26 agencies to deliver academic and nonacademic supports to participating  
27 students who are significantly at risk of not being successful in  
28 school to reduce barriers to learning, increase student engagement, and  
29 enhance students' readiness to learn. The office of the superintendent  
30 of public instruction must approve any community-based organization or  
31 local agency before learning assistance funds may be expended; and

32 (h) Up to five percent of a district's learning assistance program  
33 allocation may be used to develop and deliver supplemental  
34 instructional programs specifically designed to help close the  
35 educational opportunity gap by preventing summer learning loss, if  
36 approved by the office of the superintendent of public instruction  
37 under subsection (6) of this section.



1 (3) In addition to the state menu developed under RCW 28A.655.235,  
2 the office of the superintendent of public instruction shall convene a  
3 panel of experts, including the Washington state institute for public  
4 policy, to develop additional state menus of best practices and  
5 strategies for use in the learning assistance program to assist  
6 struggling students at all grade levels in English language arts and  
7 mathematics and reduce disruptive behaviors in the classroom. The  
8 office of the superintendent of public instruction shall publish the  
9 state menus by July 1, 2015, and update the state menus by each July  
10 1st thereafter.

11 (4)(a) Beginning in the 2016-17 school year, except as provided in  
12 (b) of this subsection, school districts must use a practice or  
13 strategy that is on a state menu developed under subsection (3) of this  
14 section or RCW 28A.655.235.

15 (b) Beginning in the 2016-17 school year, school districts may use  
16 a practice or strategy that is not on a state menu developed under  
17 subsection (3) of this section for two school years initially. If the  
18 district is able to demonstrate improved outcomes for participating  
19 students over the previous two school years at a level commensurate  
20 with the best practices and strategies on the state menu, the office of  
21 the superintendent of public instruction shall approve use of the  
22 alternative practice or strategy by the district for one additional  
23 school year. Subsequent annual approval by the superintendent of  
24 public instruction to use the alternative practice or strategy is  
25 dependent on the district continuing to demonstrate increased improved  
26 outcomes for participating students.

27 (c) Beginning in the 2016-17 school year, school districts may  
28 enter cooperative agreements with state agencies, local governments, or  
29 school districts for administrative or operational costs needed to  
30 provide services in accordance with the state menus developed under  
31 this section and RCW 28A.655.235.

32 (5) School districts are encouraged to implement best practices and  
33 strategies from the state menus developed under this section and RCW  
34 28A.655.235 before the use is required.

35 (6)(a) School districts may annually apply to the office of the  
36 superintendent of public instruction to use up to five percent of their  
37 learning assistance program allocation in schools whose enrollment of  
38 students eligible for free and reduced-price meals or English language

1 learner students is higher than the statewide average in order to  
2 develop and deliver instructional programs specifically designed to  
3 prevent summer learning loss by participating students.

4 (b) The school district must describe the specific program or  
5 strategy to be used to prevent summer learning loss; specify the school  
6 and target population of participating students; specify the amount of  
7 the learning assistance program allocation to be expended for this  
8 purpose; identify expected outcomes from the intervention; and report  
9 student outcomes as required under RCW 28A.165.100 for the summer  
10 learning loss programs separately from other interventions under the  
11 learning assistance program.

12 **Sec. 6.** RCW 28A.150.220 and 2013 2nd sp.s. c 9 s 2 are each  
13 amended to read as follows:

14 (1) In order for students to have the opportunity to develop the  
15 basic education knowledge and skills under RCW 28A.150.210, school  
16 districts must provide instruction of sufficient quantity and quality  
17 and give students the opportunity to complete graduation requirements  
18 that are intended to prepare them for postsecondary education, gainful  
19 employment, and citizenship. The program established under this  
20 section shall be the minimum instructional program of basic education  
21 offered by school districts.

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

24 (a) For students enrolled in grades one through twelve, at least a  
25 district-wide annual average of one thousand hours, which shall be  
26 increased to at least one thousand eighty instructional hours for  
27 students enrolled in each of grades seven through twelve and at least  
28 one thousand instructional hours for students in each of grades one  
29 through six (~~(according to an implementation schedule adopted by the~~  
30 ~~legislature, but not before))~~ beginning in the 2014-15 school year; and

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

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

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

3 (b) Instruction that provides students the opportunity to complete  
4 twenty-four credits for high school graduation, (~~subject to a phased-~~  
5 ~~in implementation of the twenty four credits as established by the~~  
6 ~~legislature~~) beginning with the graduating class of 2019. Course  
7 distribution requirements may be established by the state board of  
8 education under RCW 28A.230.090;

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

13 (d) Supplemental instruction and services for underachieving  
14 students through the learning assistance program under RCW 28A.165.005  
15 through 28A.165.065;

16 (e) Supplemental instruction and services for eligible and enrolled  
17 students and exited students whose primary language is other than  
18 English through the transitional bilingual instruction program under  
19 RCW 28A.180.010 through 28A.180.080;

20 (f) The opportunity for an appropriate education at public expense  
21 as defined by RCW 28A.155.020 for all eligible students with  
22 disabilities as defined in RCW 28A.155.020; and

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

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

28 (5) Each school district's kindergarten through twelfth grade basic  
29 educational program shall be accessible to all students who are five  
30 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
31 years of age and shall consist of a minimum of one hundred eighty  
32 school days per school year in such grades as are conducted by a school  
33 district, and one hundred eighty half-days of instruction, or  
34 equivalent, in kindergarten, to be increased to a minimum of one  
35 hundred eighty school days per school year according to the  
36 implementation schedule under RCW 28A.150.315. However, schools  
37 administering the Washington kindergarten inventory of developing  
38 skills may use up to three school days at the beginning of the school

1 year to meet with parents and families as required in the parent  
2 involvement component of the inventory. In addition, effective May 1,  
3 1979, a school district may schedule the last five school days of the  
4 one hundred and eighty day school year for noninstructional purposes in  
5 the case of students who are graduating from high school, including,  
6 but not limited to, the observance of graduation and early release from  
7 school upon the request of a student, and all such students may be  
8 claimed as a full-time equivalent student to the extent they could  
9 otherwise have been so claimed for the purposes of RCW 28A.150.250 and  
10 28A.150.260.

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

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

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

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

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

33 (b) The certificate of academic achievement requirements under RCW  
34 28A.655.061 or the certificate of individual achievement requirements  
35 under RCW 28A.155.045 are required for graduation from a public high  
36 school but are not the only requirements for graduation.

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

4 (2)(a) In recognition of the statutory authority of the state board  
5 of education to establish and enforce minimum high school graduation  
6 requirements, the state board shall periodically reevaluate the  
7 graduation requirements and shall report such findings to the  
8 legislature in a timely manner as determined by the state board.

9 (b) The state board shall reevaluate the graduation requirements  
10 for students enrolled in vocationally intensive and rigorous career and  
11 technical education programs, particularly those programs that lead to  
12 a certificate or credential that is state or nationally recognized.  
13 The purpose of the evaluation is to ensure that students enrolled in  
14 these programs have sufficient opportunity to earn a certificate of  
15 academic achievement, complete the program and earn the program's  
16 certificate or credential, and complete other state and local  
17 graduation requirements.

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

29 (d) The state board of education shall adopt rules to implement the  
30 career and college ready graduation requirement proposal adopted under  
31 board resolution on November 10, 2010, and revised on January 9, 2014,  
32 to take effect beginning with the graduating class of 2019.

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

1 the state or local school district graduation requirement for  
2 instruction in one or more languages other than English.

3 (4) If requested by the student and his or her family, a student  
4 who has completed high school courses before attending high school  
5 shall be given high school credit which shall be applied to fulfilling  
6 high school graduation requirements if:

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

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

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

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

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