

4SHB 1541 - S COMM AMD

By Committee on Early Learning & K-12 Education

NOT CONSIDERED 03/04/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature has already
4 established that it is a goal of the state to provide for a public
5 school system that gives all students the opportunity to achieve
6 personal and academic success. This goal contains within it a promise
7 of excellence and opportunity for all students, not just some
8 students. In 2012, in *McCleary v. State of Washington*, the Washington
9 supreme court reaffirmed the positive constitutional right of every
10 student by noting, "No child is excluded." In establishing the
11 educational opportunity gap oversight and accountability committee in
12 2009, the legislature recognized that additional work was needed to
13 fulfill the promise of excellence and opportunity for students of
14 certain demographic groups, including English language learners.

15 (2) In its 2015 report to the legislature, the educational
16 opportunity gap oversight and accountability committee made the
17 following recommendations in keeping with its statutory purpose,
18 which is to recommend specific policies and strategies to close the
19 educational opportunity gap:

20 (a) Reduce the length of time students of color are excluded from
21 school due to suspension and expulsion and provide students support
22 for reengagement plans;

23 (b) Enhance the cultural competence of current and future
24 educators and classified staff;

25 (c) Endorse all educators in English language learner and second
26 language acquisition;

27 (d) Account for the transitional bilingual instruction program
28 instructional services provided to English language learner students;

29 (e) Analyze the opportunity gap through deeper disaggregation of
30 student demographic data;

31 (f) Invest in the recruitment, hiring, and retention of educators
32 of color;

1 (g) Incorporate integrated student services and family
2 engagement; and

3 (h) Strengthen student transitions at each stage of the education
4 development pathway: Early learning to elementary, elementary to
5 secondary, secondary to college and career.

6 (3) The legislature finds that these recommendations represent a
7 holistic approach to making progress toward closing the opportunity
8 gap. The recommendations are interdependent and mutually reinforcing.
9 Closing the opportunity gap requires highly skilled, culturally
10 competent, and diverse educators who understand the communities and
11 cultures that students come from; it requires careful monitoring of
12 not only the academic performance but also the educational
13 environment for all students, at a fine grain of detail to assure
14 adequate accountability; and it requires a robust program of
15 instruction, including appropriately trained educators, to help
16 English language learners gain language proficiency as well as
17 academic proficiency.

18 (4) Therefore, the legislature intends to adopt policies and
19 programs to implement the six recommendations of the educational
20 opportunity gap oversight and accountability committee and fulfill
21 its promise of excellence and opportunity for all students.

22 **PART I**

23 **DISPROPORTIONALITY IN STUDENT DISCIPLINE**

24 **Sec. 101.** RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each
25 amended to read as follows:

26 (1) The office of the superintendent of public instruction shall
27 convene a discipline task force to develop standard definitions for
28 causes of student disciplinary actions taken at the discretion of the
29 school district. The task force must also develop data collection
30 standards for disciplinary actions that are discretionary and for
31 disciplinary actions that result in the exclusion of a student from
32 school. The data collection standards must include data about
33 education services provided while a student is subject to a
34 disciplinary action, the status of petitions for readmission to the
35 school district when a student has been excluded from school, credit
36 retrieval during a period of exclusion, and school dropout as a
37 result of disciplinary action.

1 (2) The discipline task force shall include representatives from
2 the K-12 data governance group, the educational opportunity gap
3 oversight and accountability committee, the state ethnic commissions,
4 the governor's office of Indian affairs, the office of the education
5 (~~(ombudsman—[ombuds])~~) ombuds, school districts, tribal
6 representatives, and other education and advocacy organizations.

7 (3) The office of the superintendent of public instruction and
8 the K-12 data governance group shall revise the statewide student
9 data system to incorporate the student discipline data collection
10 standards recommended by the discipline task force, and begin
11 collecting data based on the revised standards in the 2015-16 school
12 year.

13 NEW SECTION. Sec. 102. A new section is added to chapter
14 28A.320 RCW to read as follows:

15 (1) School districts shall annually disseminate discipline
16 policies and procedures to students, families, and the community.

17 (2) School districts shall use disaggregated data collected
18 pursuant to RCW 28A.300.042 to monitor the impact of the school
19 district's discipline policies and procedures.

20 (3) School districts, in consultation with school district staff,
21 students, families, and the community, shall periodically review and
22 update their discipline rules, policies, and procedures.

23 NEW SECTION. Sec. 103. A new section is added to chapter
24 28A.345 RCW to read as follows:

25 (1) The Washington state school directors' association shall
26 create model school district discipline policies and procedures and
27 post these models publicly by December 1, 2016. In developing these
28 model policies and procedures, the association shall request
29 technical assistance and guidance from the equity and civil rights
30 office within the office of the superintendent of public instruction
31 and the Washington state human rights commission. The model policies
32 and procedures shall be updated as necessary.

33 (2) School districts shall adopt and enforce discipline policies
34 and procedures consistent with the model policy by the beginning of
35 the 2017-18 school year.

36 NEW SECTION. Sec. 104. A new section is added to chapter
37 28A.415 RCW to read as follows:

1 (1) The office of the superintendent of public instruction shall
2 develop a training program to support the implementation of
3 discipline policies and procedures under chapter 28A.600 RCW.

4 (2) School districts are strongly encouraged to provide the
5 trainings to all school and district staff interacting with students,
6 including instructional staff and noninstructional staff, as well as
7 within a reasonable time following any substantive change to school
8 discipline policies or procedures.

9 (3) To the maximum extent feasible, the trainings must
10 incorporate or adapt existing online training or curriculum,
11 including securing materials or curriculum under contract or purchase
12 agreements within available funds.

13 (4) The trainings must be developed in modules that allow:

14 (a) Access to material over a reasonable number of training
15 sessions;

16 (b) Delivery in person or online; and

17 (c) Use in a self-directed manner.

18 **Sec. 105.** RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each
19 amended to read as follows:

20 (1) The superintendent of public instruction shall adopt and
21 distribute to all school districts lawful and reasonable rules
22 prescribing the substantive and procedural due process guarantees of
23 pupils in the common schools. Such rules shall authorize a school
24 district to use informal due process procedures in connection with
25 the short-term suspension of students to the extent constitutionally
26 permissible: PROVIDED, That the superintendent of public instruction
27 deems the interest of students to be adequately protected. When a
28 student suspension or expulsion is appealed, the rules shall
29 authorize a school district to impose the suspension or expulsion
30 temporarily after an initial hearing for no more than ten consecutive
31 school days or until the appeal is decided, whichever is earlier. Any
32 days that the student is temporarily suspended or expelled before the
33 appeal is decided shall be applied to the term of the student
34 suspension or expulsion and shall not limit or extend the term of the
35 student suspension or expulsion. An expulsion or suspension of a
36 student may not be for an indefinite period of time.

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

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

6 (4) School districts may not impose long-term suspension or
7 expulsion as a form of discretionary discipline.

8 (5) Any imposition of discretionary and nondiscretionary
9 discipline is subject to the bar on suspending the provision of
10 educational services pursuant to subsection (8) of this section.

11 (6) As used in this chapter, "discretionary discipline" means a
12 disciplinary action taken by a school district for student behavior
13 that violates rules of student conduct adopted by a school district
14 board of directors under RCW 28A.600.010 and this section, but does
15 not constitute action taken in response to any of the following:

16 (a) A violation of RCW 28A.600.420;

17 (b) An offense in RCW 13.04.155;

18 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
19 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period;
20 or

21 (d) Behavior that adversely impacts the health or safety of other
22 students or educational staff.

23 (7) Except as provided in RCW 28A.600.420, school districts are
24 not required to impose long-term suspension or expulsion for behavior
25 that constitutes a violation or offense listed under subsection
26 (6)(a) through (c) of this section and should first consider
27 alternative actions.

28 (8) School districts may not suspend the provision of educational
29 services to a student as a disciplinary action. A student may be
30 excluded from a particular classroom or instructional or activity
31 area for the period of suspension or expulsion, but the school
32 district must provide an opportunity for a student to receive
33 educational services during a period of suspension or expulsion.

34 (9) Nothing in this section creates any civil liability for
35 school districts, or creates a new cause of action or new theory of
36 negligence against a school district board of directors, a school
37 district, or the state.

38 **Sec. 106.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each
39 amended to read as follows:

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

6 (2) Any student who creates a disruption of the educational
7 process in violation of the building disciplinary standards while
8 under a teacher's immediate supervision may be excluded by the
9 teacher from his or her individual classroom and instructional or
10 activity area for all or any portion of the balance of the school
11 day, or up to the following two days, or until the principal or
12 designee and teacher have conferred, whichever occurs first. Except
13 in emergency circumstances, the teacher first must attempt one or
14 more alternative forms of corrective action. In no event without the
15 consent of the teacher may an excluded student return to the class
16 during the balance of that class or activity period or up to the
17 following two days, or until the principal or his or her designee and
18 the teacher have conferred.

19 (3) In order to preserve a beneficial learning environment for
20 all students and to maintain good order and discipline in each
21 classroom, every school district board of directors shall provide
22 that written procedures are developed for administering discipline at
23 each school within the district. Such procedures shall be developed
24 with the participation of parents and the community, and shall
25 provide that the teacher, principal or designee, and other
26 authorities designated by the board of directors, make every
27 reasonable attempt to involve the parent or guardian and the student
28 in the resolution of student discipline problems. Such procedures
29 shall provide that students may be excluded from their individual
30 classes or activities for periods of time in excess of that provided
31 in subsection (2) of this section if such students have repeatedly
32 disrupted the learning of other students. The procedures must be
33 consistent with the rules of the superintendent of public instruction
34 and must provide for early involvement of parents in attempts to
35 improve the student's behavior.

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

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

4 (i) Engages in two or more violations within a three-year period
5 of RCW 9A.46.120, (~~(28A.320.135,)~~) 28A.600.455, 28A.600.460,
6 28A.635.020, 28A.600.020, 28A.635.060, or 9.41.280(~~(, — or~~
7 ~~28A.320.140))~~); or

8 (ii) Engages in one or more of the offenses listed in RCW
9 13.04.155.

10 (b) The principal shall communicate the disciplinary action taken
11 by the principal to the school personnel who referred the student to
12 the principal for disciplinary action.

13 (6) Any corrective action involving a suspension or expulsion
14 from school for more than ten days must have an end date of not more
15 than (~~(one calendar year))~~ the length of an academic term, as defined
16 by the school board, from the time of corrective action. Districts
17 shall make reasonable efforts to assist students and parents in
18 returning to an educational setting prior to and no later than the
19 end date of the corrective action. Where warranted based on public
20 health or safety, a school may petition the superintendent of the
21 school district, pursuant to policies and procedures adopted by the
22 office of the superintendent of public instruction, for authorization
23 to exceed the (~~(one calendar year))~~ academic term limitation provided
24 in this subsection. The superintendent of public instruction shall
25 adopt rules outlining the limited circumstances in which a school may
26 petition to exceed the (~~(one calendar year))~~ academic term
27 limitation, including safeguards to ensure that the school district
28 has made every effort to plan for the student's return to school.
29 School districts shall report to the office of the superintendent of
30 public instruction the number of petitions made to the school board
31 and the number of petitions granted on an annual basis.

32 (7) Nothing in this section prevents a public school district,
33 educational service district, the Washington state center for
34 childhood deafness and hearing loss, or the state school for the
35 blind if it has suspended or expelled a student from the student's
36 regular school setting from providing educational services to the
37 student in an alternative setting or modifying the suspension or
38 expulsion on a case-by-case basis. An alternative setting should be
39 comparable, equitable, and appropriate to the regular education
40 services a student would have received without the exclusionary

1 discipline. Example alternative settings include alternative high
2 schools, one-on-one tutoring, and online learning.

3 **Sec. 107.** RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each
4 amended to read as follows:

5 (1) School districts should make efforts to have suspended or
6 expelled students return to an educational setting as soon as
7 possible. School districts (~~should~~) must convene a meeting with the
8 student and the student's parents or guardians within twenty days of
9 the student's long-term suspension or expulsion, but no later than
10 five days before the student's enrollment, to discuss a plan to
11 reengage the student in a school program. Families must have access
12 to, provide meaningful input on, and have the opportunity to
13 participate in a culturally sensitive and culturally responsive
14 reengagement plan.

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

25 (3) Any reengagement meetings conducted by the school district
26 involving the suspended or expelled student and his or her parents or
27 guardians are not intended to replace a petition for readmission.

28 **Sec. 108.** RCW 43.41.400 and 2012 c 229 s 585 are each amended to
29 read as follows:

30 (1) An education data center shall be established in the office
31 of financial management. The education data center shall jointly,
32 with the legislative evaluation and accountability program committee,
33 conduct collaborative analyses of early learning, K-12, and higher
34 education programs and education issues across the P-20 system, which
35 includes the department of early learning, the superintendent of
36 public instruction, the professional educator standards board, the
37 state board of education, the state board for community and technical
38 colleges, the workforce training and education coordinating board,

1 the student achievement council, public and private nonprofit four-
2 year institutions of higher education, and the employment security
3 department. The education data center shall conduct collaborative
4 analyses under this section with the legislative evaluation and
5 accountability program committee and provide data electronically to
6 the legislative evaluation and accountability program committee, to
7 the extent permitted by state and federal confidentiality
8 requirements. The education data center shall be considered an
9 authorized representative of the state educational agencies in this
10 section under applicable federal and state statutes for purposes of
11 accessing and compiling student record data for research purposes.

12 (2) The education data center shall:

13 (a) In consultation with the legislative evaluation and
14 accountability program committee and the agencies and organizations
15 participating in the education data center, identify the critical
16 research and policy questions that are intended to be addressed by
17 the education data center and the data needed to address the
18 questions;

19 (b) Coordinate with other state education agencies to compile and
20 analyze education data, including data on student demographics that
21 is disaggregated by distinct ethnic categories within racial
22 subgroups, and complete P-20 research projects;

23 (c) Collaborate with the legislative evaluation and
24 accountability program committee and the education and fiscal
25 committees of the legislature in identifying the data to be compiled
26 and analyzed to ensure that legislative interests are served;

27 (d) Annually provide to the K-12 data governance group a list of
28 data elements and data quality improvements that are necessary to
29 answer the research and policy questions identified by the education
30 data center and have been identified by the legislative committees in
31 (c) of this subsection. Within three months of receiving the list,
32 the K-12 data governance group shall develop and transmit to the
33 education data center a feasibility analysis of obtaining or
34 improving the data, including the steps required, estimated time
35 frame, and the financial and other resources that would be required.
36 Based on the analysis, the education data center shall submit, if
37 necessary, a recommendation to the legislature regarding any
38 statutory changes or resources that would be needed to collect or
39 improve the data;

1 (e) Monitor and evaluate the education data collection systems of
2 the organizations and agencies represented in the education data
3 center ensuring that data systems are flexible, able to adapt to
4 evolving needs for information, and to the extent feasible and
5 necessary, include data that are needed to conduct the analyses and
6 provide answers to the research and policy questions identified in
7 (a) of this subsection;

8 (f) Track enrollment and outcomes through the public centralized
9 higher education enrollment system;

10 (g) Assist other state educational agencies' collaborative
11 efforts to develop a long-range enrollment plan for higher education
12 including estimates to meet demographic and workforce needs;

13 (h) Provide research that focuses on student transitions within
14 and among the early learning, K-12, and higher education sectors in
15 the P-20 system; ((and))

16 (i) Prepare a regular report on the educational and workforce
17 outcomes of youth in the juvenile justice system, using data
18 disaggregated by age, and by ethnic categories and racial subgroups
19 in accordance with RCW 28A.300.042; and

20 (j) Make recommendations to the legislature as necessary to help
21 ensure the goals and objectives of this section and RCW 28A.655.210
22 and 28A.300.507 are met.

23 (3) The department of early learning, superintendent of public
24 instruction, professional educator standards board, state board of
25 education, state board for community and technical colleges,
26 workforce training and education coordinating board, student
27 achievement council, public four-year institutions of higher
28 education, department of social and health services and employment
29 security department shall work with the education data center to
30 develop data-sharing and research agreements, consistent with
31 applicable security and confidentiality requirements, to facilitate
32 the work of the center. The education data center shall also develop
33 data-sharing and research agreements with the administrative office
34 of the courts to conduct research on educational and workforce
35 outcomes using data maintained under RCW 13.50.010(12) related to
36 juveniles. Private, nonprofit institutions of higher education that
37 provide programs of education beyond the high school level leading at
38 least to the baccalaureate degree and are accredited by the Northwest
39 association of schools and colleges or their peer accreditation
40 bodies may also develop data-sharing and research agreements with the

1 education data center, consistent with applicable security and
2 confidentiality requirements. The education data center shall make
3 data from collaborative analyses available to the education agencies
4 and institutions that contribute data to the education data center to
5 the extent allowed by federal and state security and confidentiality
6 requirements applicable to the data of each contributing agency or
7 institution.

8 **Sec. 109.** RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1
9 are each reenacted and amended to read as follows:

10 (1) For purposes of this chapter:

11 (a) "Good faith effort to pay" means a juvenile offender has
12 either (i) paid the principal amount in full; (ii) made at least
13 eighty percent of the value of full monthly payments within the
14 period from disposition or deferred disposition until the time the
15 amount of restitution owed is under review; or (iii) can show good
16 cause why he or she paid an amount less than eighty percent of the
17 value of full monthly payments;

18 (b) "Juvenile justice or care agency" means any of the following:
19 Police, diversion units, court, prosecuting attorney, defense
20 attorney, detention center, attorney general, the legislative
21 children's oversight committee, the office of the family and
22 children's ombuds, the department of social and health services and
23 its contracting agencies, schools; persons or public or private
24 agencies having children committed to their custody; and any
25 placement oversight committee created under RCW 72.05.415;

26 (c) "Official juvenile court file" means the legal file of the
27 juvenile court containing the petition or information, motions,
28 memorandums, briefs, findings of the court, and court orders;

29 (d) "Records" means the official juvenile court file, the social
30 file, and records of any other juvenile justice or care agency in the
31 case;

32 (e) "Social file" means the juvenile court file containing the
33 records and reports of the probation counselor.

34 (2) Each petition or information filed with the court may include
35 only one juvenile and each petition or information shall be filed
36 under a separate docket number. The social file shall be filed
37 separately from the official juvenile court file.

38 (3) It is the duty of any juvenile justice or care agency to
39 maintain accurate records. To this end:

1 (a) The agency may never knowingly record inaccurate information.
2 Any information in records maintained by the department of social and
3 health services relating to a petition filed pursuant to chapter
4 13.34 RCW that is found by the court to be false or inaccurate shall
5 be corrected or expunged from such records by the agency;

6 (b) An agency shall take reasonable steps to assure the security
7 of its records and prevent tampering with them; and

8 (c) An agency shall make reasonable efforts to insure the
9 completeness of its records, including action taken by other agencies
10 with respect to matters in its files.

11 (4) Each juvenile justice or care agency shall implement
12 procedures consistent with the provisions of this chapter to
13 facilitate inquiries concerning records.

14 (5) Any person who has reasonable cause to believe information
15 concerning that person is included in the records of a juvenile
16 justice or care agency and who has been denied access to those
17 records by the agency may make a motion to the court for an order
18 authorizing that person to inspect the juvenile justice or care
19 agency record concerning that person. The court shall grant the
20 motion to examine records unless it finds that in the interests of
21 justice or in the best interests of the juvenile the records or parts
22 of them should remain confidential.

23 (6) A juvenile, or his or her parents, or any person who has
24 reasonable cause to believe information concerning that person is
25 included in the records of a juvenile justice or care agency may make
26 a motion to the court challenging the accuracy of any information
27 concerning the moving party in the record or challenging the
28 continued possession of the record by the agency. If the court grants
29 the motion, it shall order the record or information to be corrected
30 or destroyed.

31 (7) The person making a motion under subsection (5) or (6) of
32 this section shall give reasonable notice of the motion to all
33 parties to the original action and to any agency whose records will
34 be affected by the motion.

35 (8) The court may permit inspection of records by, or release of
36 information to, any clinic, hospital, or agency which has the subject
37 person under care or treatment. The court may also permit inspection
38 by or release to individuals or agencies, including juvenile justice
39 advisory committees of county law and justice councils, engaged in
40 legitimate research for educational, scientific, or public purposes.

1 Each person granted permission to inspect juvenile justice or care
2 agency records for research purposes shall present a notarized
3 statement to the court stating that the names of juveniles and
4 parents will remain confidential.

5 (9) The court shall release to the caseload forecast council the
6 records needed for its research and data-gathering functions. Access
7 to caseload forecast data may be permitted by the council for
8 research purposes only if the anonymity of all persons mentioned in
9 the records or information will be preserved.

10 (10) Juvenile detention facilities shall release records to the
11 caseload forecast council upon request. The commission shall not
12 disclose the names of any juveniles or parents mentioned in the
13 records without the named individual's written permission.

14 (11) Requirements in this chapter relating to the court's
15 authority to compel disclosure shall not apply to the legislative
16 children's oversight committee or the office of the family and
17 children's ombuds.

18 (12) For the purpose of research only, the administrative office
19 of the courts shall maintain an electronic research copy of all
20 records in the judicial information system related to juveniles.
21 Access to the research copy is restricted to the (~~Washington state~~
22 ~~center for court research~~) administrative office of the courts for
23 research purposes as authorized by the supreme court or by state
24 statute. The (~~Washington state center for court research~~)
25 administrative office of the courts shall maintain the
26 confidentiality of all confidential records and shall preserve the
27 anonymity of all persons identified in the research copy. Data
28 contained in the research copy may be shared with other governmental
29 agencies as authorized by state statute, pursuant to data-sharing and
30 research agreements, and consistent with applicable security and
31 confidentiality requirements. The research copy may not be subject to
32 any records retention schedule and must include records destroyed or
33 removed from the judicial information system pursuant to RCW
34 13.50.270 and 13.50.100(3).

35 (13) The court shall release to the Washington state office of
36 public defense records needed to implement the agency's oversight,
37 technical assistance, and other functions as required by RCW
38 2.70.020. Access to the records used as a basis for oversight,
39 technical assistance, or other agency functions is restricted to the
40 Washington state office of public defense. The Washington state

1 office of public defense shall maintain the confidentiality of all
2 confidential information included in the records.

3 (14) The court shall release to the Washington state office of
4 civil legal aid records needed to implement the agency's oversight,
5 technical assistance, and other functions as required by RCW
6 2.53.045. Access to the records used as a basis for oversight,
7 technical assistance, or other agency functions is restricted to the
8 Washington state office of civil legal aid. The Washington state
9 office of civil legal aid shall maintain the confidentiality of all
10 confidential information included in the records, and shall, as soon
11 as possible, destroy any retained notes or records obtained under
12 this section that are not necessary for its functions related to RCW
13 2.53.045.

14 PART II

15 EDUCATOR CULTURAL COMPETENCE

16 NEW SECTION. **Sec. 201.** A new section is added to chapter
17 28A.345 RCW to read as follows:

18 The Washington state school directors' association, in
19 consultation with the office of the superintendent of public
20 instruction, the professional educator standards board, the steering
21 committee established in RCW 28A.405.100, and the educational
22 opportunity gap oversight and accountability committee, must develop
23 a plan for the creation and delivery of cultural competency training
24 for school board directors and superintendents. The training program
25 must also include the foundational elements of cultural competence,
26 focusing on multicultural education and principles of English
27 language acquisition, including information regarding best practices
28 to implement the tribal history and culture curriculum. The content
29 of the training must be aligned with the standards for cultural
30 competence developed by the professional educator standards board
31 under RCW 28A.410.270.

32 **Sec. 202.** RCW 28A.405.106 and 2012 c 35 s 5 are each amended to
33 read as follows:

34 (1) Subject to funds appropriated for this purpose, the office of
35 the superintendent of public instruction must develop and make
36 available a professional development program to support the
37 implementation of the evaluation systems required by RCW 28A.405.100.

1 The program components may be organized into professional development
2 modules for principals, administrators, and teachers. The
3 professional development program shall include a comprehensive online
4 training package.

5 (2) The training program must include, but not be limited to, the
6 following topics:

7 (a) Introduction of the evaluation criteria for teachers and
8 principals and the four-level rating system;

9 (b) Orientation to and use of instructional frameworks;

10 (c) Orientation to and use of the leadership frameworks;

11 (d) Best practices in developing and using data in the evaluation
12 systems, including multiple measures, student growth data, classroom
13 observations, and other measures and evidence;

14 (e) Strategies for achieving maximum rater agreement;

15 (f) Evaluator feedback protocols in the evaluation systems;

16 (g) Examples of high quality teaching and leadership; and

17 (h) Methods to link the evaluation process to ongoing educator
18 professional development.

19 (3) The training program must also include the foundational
20 elements of cultural competence, focusing on multicultural education
21 and principles of English language acquisition, including information
22 regarding best practices to implement the tribal history and culture
23 curriculum. The content of the training must be aligned with the
24 standards for cultural competence developed by the professional
25 educator standards board under RCW 28A.410.270. The office of the
26 superintendent of public instruction, in consultation with the
27 professional educator standards board, the steering committee
28 established in RCW 28A.405.100, and the educational opportunity gap
29 oversight and accountability committee, must integrate the content
30 for cultural competence into the overall training for principals,
31 administrators, and teachers to support the revised evaluation
32 systems.

33 (4) To the maximum extent feasible, the professional development
34 program must incorporate or adapt existing online training or
35 curriculum, including securing materials or curriculum under contract
36 or purchase agreements within available funds. Multiple modes of
37 instruction should be incorporated including videos of classroom
38 teaching, participatory exercises, and other engaging combinations of
39 online audio, video, and print presentation.

1 (~~(4)~~) (5) The professional development program must be
2 developed in modules that allow:

3 (a) Access to material over a reasonable number of training
4 sessions;

5 (b) Delivery in person or online; and

6 (c) Use in a self-directed manner.

7 (~~(5)~~) (6) The office of the superintendent of public
8 instruction must maintain a web site that includes the online
9 professional development materials along with sample evaluation forms
10 and templates, links to relevant research on evaluation and on high
11 quality teaching and leadership, samples of contract and collective
12 bargaining language on key topics, examples of multiple measures of
13 teacher and principal performance, suggestions for data to measure
14 student growth, and other tools that will assist school districts in
15 implementing the revised evaluation systems.

16 (~~(6)~~) (7) The office of the superintendent of public
17 instruction must identify the number of in-service training hours
18 associated with each professional development module and develop a
19 way for users to document their completion of the training.
20 Documented completion of the training under this section is
21 considered approved in-service training for the purposes of RCW
22 28A.415.020.

23 (~~(7)~~) (8) The office of the superintendent of public
24 instruction shall periodically update the modules to reflect new
25 topics and research on performance evaluation so that the training
26 serves as an ongoing source of continuing education and professional
27 development.

28 (~~(8)~~) (9) The office of the superintendent of public
29 instruction shall work with the educational service districts to
30 provide clearinghouse services for the identification and publication
31 of professional development opportunities for teachers and principals
32 that align with performance evaluation criteria.

33 **Sec. 203.** RCW 28A.405.120 and 2012 c 35 s 2 are each amended to
34 read as follows:

35 (1) School districts shall require each administrator, each
36 principal, or other supervisory personnel who has responsibility for
37 evaluating classroom teachers or principals to have training in
38 evaluation procedures.

1 (2) Before school district implementation of the revised
2 evaluation systems required under RCW 28A.405.100, principals and
3 administrators who have evaluation responsibilities must engage in
4 professional development designed to implement the revised systems
5 and maximize rater agreement. The professional development to support
6 the revised evaluation systems must also include foundational
7 elements of cultural competence, focusing on multicultural education
8 and principles of English language acquisition.

9 NEW SECTION. **Sec. 204.** A new section is added to chapter
10 28A.415 RCW to read as follows:

11 (1) Subject to funds appropriated specifically for this purpose,
12 the office of the superintendent of public instruction, in
13 collaboration with the educational opportunity gap oversight and
14 accountability committee, the professional educator standards board,
15 colleges of education, and representatives from diverse communities
16 and community-based organizations, must develop a content outline for
17 professional development and training in cultural competence for
18 school staff.

19 (2) The content of the cultural competence professional
20 development and training must be aligned with the standards developed
21 by the professional educator standards board under RCW 28A.410.270.
22 The training program must also include the foundational elements of
23 cultural competence, focusing on multicultural education and
24 principles of English language acquisition, including information
25 regarding best practices to implement the tribal history and culture
26 curriculum.

27 (3) The cultural competence professional development and training
28 must contain components that are appropriate for classified school
29 staff and district administrators as well as certificated
30 instructional staff and principals at the building level. The
31 professional development and training must also contain components
32 suitable for delivery by individuals from the local community or
33 community-based organizations with appropriate expertise.

34 (4) The legislature encourages educational service districts and
35 school districts to use the cultural competence professional
36 development and training developed under this section and provide
37 opportunities for all school and school district staff to gain
38 knowledge and skills in cultural competence, including in partnership
39 with their local communities.

1 NEW SECTION. **Sec. 205.** A new section is added to chapter
2 28A.657 RCW to read as follows:

3 Required action districts as provided in RCW 28A.657.030, and
4 districts with schools that receive the federal school improvement
5 grant under the American recovery and reinvestment act of 2009, and
6 districts with schools identified by the superintendent of public
7 instruction as priority or focus are strongly encouraged to provide
8 the cultural competence professional development and training
9 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this
10 act for classified, certificated instructional, and administrative
11 staff of the school. The professional development and training may be
12 delivered by an educational service district, through district in-
13 service, or by another qualified provider, including in partnership
14 with the local community.

15 **PART III**

16 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

17 **Sec. 301.** RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each
18 amended to read as follows:

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

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

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

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

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

34 (i) The receiving school shall determine whether the district's
35 program is a like program when compared to the sending school's
36 program; and

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

4 (e) Before the conclusion of each school year, measure each
5 eligible pupil's improvement in learning the English language by
6 means of a test approved by the superintendent of public instruction;

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

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

17 (2) Beginning in the 2019-20 school year, all classroom teachers
18 assigned using funds for the transitional bilingual instruction
19 program to provide supplemental instruction for eligible pupils must
20 hold an endorsement in bilingual education or English language
21 learner, or both.

22 (3) The definitions in Article II of RCW 28A.705.010 apply to
23 subsection (1)(d) of this section.

24 PART IV

25 ENGLISH LANGUAGE LEARNER ACCOUNTABILITY

26 **Sec. 401.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each
27 amended to read as follows:

28 The superintendent of public instruction shall develop an
29 evaluation system designed to measure increases in the English and
30 academic proficiency of eligible pupils. When developing the system,
31 the superintendent shall:

32 (1) Require school districts to assess potentially eligible
33 pupils within ten days of registration using an English proficiency
34 assessment or assessments as specified by the superintendent of
35 public instruction. Results of these assessments shall be made
36 available to both the superintendent of public instruction and the
37 school district;

1 (2) Require school districts to annually assess all eligible
2 pupils at the end of the school year using an English proficiency
3 assessment or assessments as specified by the superintendent of
4 public instruction. Results of these assessments shall be made
5 available to both the superintendent of public instruction and the
6 school district;

7 (3) Develop a system to evaluate increases in the English and
8 academic proficiency of students who are, or were, eligible pupils.
9 This evaluation shall include students when they are in the program
10 and after they exit the program until they finish their K-12 career
11 or transfer from the school district. The purpose of the evaluation
12 system is to inform schools, school districts, parents, and the state
13 of the effectiveness of the transitional bilingual programs in school
14 and school districts in teaching these students English and other
15 content areas, such as mathematics and writing; and

16 ~~((Report to the education and fiscal committees of the~~
17 ~~legislature by November 1, 2002, regarding the development of the~~
18 ~~systems described in this section and a timeline for the full~~
19 ~~implementation of those systems. The legislature shall approve and~~
20 ~~provide funding for the evaluation system in subsection (3) of this~~
21 ~~section before any implementation of the system developed under~~
22 ~~subsection (3) of this section may occur.)) Subject to funds
23 appropriated specifically for this purpose, provide school districts
24 with technical assistance and support in selecting research-based
25 program models, instructional materials, and professional development
26 for program staff, including disseminating information about best
27 practices and innovative programs. The information must include
28 research about the differences between conversational language
29 proficiency, academic language proficiency, and subject-specific
30 language proficiency and the implications this research has on
31 instructional practices and evaluation of program effectiveness.~~

32 NEW SECTION. Sec. 402. A new section is added to chapter
33 28A.657 RCW to read as follows:

34 At the beginning of each school year, the office of the
35 superintendent of public instruction shall identify schools in the
36 top five percent of schools with the highest percent growth during
37 the previous two school years in enrollment of English language
38 learner students as compared to previous enrollment trends. The
39 office shall notify the identified schools, and the school districts

1 in which the schools are located are strongly encouraged to provide
2 the cultural competence professional development and training
3 developed under RCW 28A.405.106, 28A.405.120, and section 204 of this
4 act for classified, certificated instructional, and administrative
5 staff of the schools. The professional development and training may
6 be delivered by an educational service district, through district in-
7 service, or by another qualified provider, including in partnership
8 with the local community.

9 **PART V**

10 **DISAGGREGATED STUDENT DATA**

11 **Sec. 501.** RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each
12 amended to read as follows:

13 (1) Beginning with the 2017-18 school year, and using the phase-
14 in provided in subsection (2) of this section, the superintendent of
15 public instruction must collect and school districts must submit all
16 student-level data using the United States department of education
17 2007 race and ethnicity reporting guidelines, including the subracial
18 and subethnic categories within those guidelines, with the following
19 modifications:

20 (a) Further disaggregation of the Black category to differentiate
21 students of African origin and students native to the United States
22 with African ancestors;

23 (b) Further disaggregation of countries of origin for Asian
24 students;

25 (c) Further disaggregation of the White category to include
26 subethnic categories for Eastern European nationalities that have
27 significant populations in Washington; and

28 (d) For students who report as multiracial, collection of their
29 racial and ethnic combination of categories.

30 (2) Beginning with the 2017-18 school year, school districts
31 shall collect student-level data as provided in subsection (1) of
32 this section for all newly enrolled students, including transfer
33 students. When the students enroll in a different school within the
34 district, school districts shall resurvey the newly enrolled students
35 for whom subracial and subethnic categories were not previously
36 collected. School districts may resurvey other students.

37 (3) All student data-related reports required of the
38 superintendent of public instruction in this title must be

1 disaggregated by at least the following subgroups of students: White,
2 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
3 Islander/Hawaiian Native, low income, transitional bilingual,
4 migrant, special education, and students covered by section 504 of
5 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
6 794).

7 ~~((2))~~ (4) All student data-related reports ~~((required of))~~
8 prepared by the superintendent of public instruction regarding
9 student suspensions and expulsions as required ~~((in RCW 28A.300.046))~~
10 under this title are subject to disaggregation by subgroups
11 including:

- 12 (a) Gender;
- 13 (b) Foster care;
- 14 (c) Homeless, if known;
- 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))~~ (4)(h);
- 39 (i) Number of days a student is suspended or expelled, to be
40 counted in half or full days; and

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

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

7 (a) School and district;

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

12 (c) Behavior infraction code; and

13 (d) Intervention applied.

14 (6) The K-12 data governance group shall develop the data
15 protocols and guidance for school districts in the collection of data
16 as required under this section, and the office of the superintendent
17 of public instruction shall modify the statewide student data system
18 as needed. The office of the superintendent of public instruction
19 shall also incorporate training for school staff on best practices
20 for collection of data on student race and ethnicity in other
21 training or professional development related to data provided by the
22 office.

23 NEW SECTION. **Sec. 502.** The office of the superintendent of
24 public instruction shall convene a task force to review the United
25 States department of education 2007 race and ethnicity reporting
26 guidelines and develop race and ethnicity guidance for the state. The
27 task force must include representatives from the educational
28 opportunity gap oversight and accountability committee, the ethnic
29 commissions, the governor's office of Indian affairs, and a diverse
30 group of parents. The guidance must clarify for students and families
31 why information about race and ethnicity is collected and how
32 students and families can help school administrators properly
33 identify them. The guidance must also describe the best practices for
34 school administrators to use when identifying the race and ethnicity
35 of students and families. The task force must use the United States
36 census and the American community survey in the development of the
37 guidance.

1 **Sec. 503.** RCW 28A.300.505 and 2015 c 210 s 2 are each amended to
2 read as follows:

3 (1) The office of the superintendent of public instruction shall
4 develop standards for school data systems that focus on validation
5 and verification of data entered into the systems to ensure accuracy
6 and compatibility of data. The standards shall address but are not
7 limited to the following topics:

8 (a) Date validation;

9 (b) Code validation, which includes gender, race or ethnicity,
10 and other code elements;

11 (c) Decimal and integer validation; and

12 (d) Required field validation as defined by state and federal
13 requirements.

14 (2) The superintendent of public instruction shall develop a
15 reporting format and instructions for school districts to collect and
16 submit data that must include:

17 (a) Data on student demographics that is disaggregated (~~by~~
18 ~~distinct ethnic categories within racial subgroups so that analyses~~
19 ~~may be conducted on student achievement using the disaggregated~~
20 ~~data~~) as required by RCW 28A.300.042; and

21 (b) Starting no later than the 2016-17 school year, data on
22 students from military families. The K-12 data governance group
23 established in RCW 28A.300.507 must develop best practice guidelines
24 for the collection and regular updating of this data on students from
25 military families. Collection and updating of this data must use the
26 United States department of education 2007 race and ethnicity
27 reporting guidelines, including the subracial and subethnic
28 categories within those guidelines, with the following modifications:

29 (i) Further disaggregation of the Black category to differentiate
30 students of African origin and students native to the United States
31 with African ancestors;

32 (ii) Further disaggregation of countries of origin for Asian
33 students;

34 (iii) Further disaggregation of the White category to include
35 subethnic categories for Eastern European nationalities that have
36 significant populations in Washington; and

37 (iv) For students who report as multiracial, collection of their
38 racial and ethnic combination of categories.

1 (3) For the purposes of this section, "students from military
2 families" means the following categories of students, with data to be
3 collected and submitted separately for each category:

4 (a) Students with a parent or guardian who is a member of the
5 active duty United States armed forces; and

6 (b) Students with a parent or guardian who is a member of the
7 reserves of the United States armed forces or a member of the
8 Washington national guard.

9 NEW SECTION. **Sec. 504.** (1) To increase the visibility of the
10 opportunity gap in schools with small subgroups of students and to
11 hold schools accountable to individual student-level support, by
12 August 1, 2016, the office of the superintendent of public
13 instruction, in cooperation with the K-12 data governance group
14 established within the office of the superintendent of public
15 instruction, the education data center established within the office
16 of financial management, and the state board of education, shall
17 adopt a rule that the only student data that should not be reported
18 for public reporting and accountability is data where the school or
19 district has fewer than ten students in a grade level or student
20 subgroup.

21 (2) This section expires August 1, 2017.

22 **PART VI**

23 **RECRUITMENT AND RETENTION OF EDUCATORS**

24 **Sec. 601.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended
25 to read as follows:

26 (1) A K-12 data governance group shall be established within the
27 office of the superintendent of public instruction to assist in the
28 design and implementation of a K-12 education data improvement system
29 for financial, student, and educator data. It is the intent that the
30 data system reporting specifically serve requirements for teachers,
31 parents, superintendents, school boards, the office of the
32 superintendent of public instruction, the legislature, and the
33 public.

34 (2) The K-12 data governance group shall include representatives
35 of the education data center, the office of the superintendent of
36 public instruction, the legislative evaluation and accountability
37 program committee, the professional educator standards board, the

1 state board of education, and school district staff, including
2 information technology staff. Additional entities with expertise in
3 education data may be included in the K-12 data governance group.

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

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

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

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

15 (d) Conduct a gap analysis of current and planned information
16 compared to the needs requirement document, including an analysis of
17 the strengths and limitations of an education data system and
18 programs currently used by school districts and the state, and
19 specifically the gap analysis must look at the extent to which the
20 existing data can be transformed into canonical form and where
21 existing software can be used to meet the needs requirement document;

22 (e) Focus on financial and cost data necessary to support the new
23 K-12 financial models and funding formulas, including any necessary
24 changes to school district budgeting and accounting, and on assuring
25 the capacity to link data across financial, student, and educator
26 systems; and

27 (f) Define the operating rules and governance structure for K-12
28 data collections, ensuring that data systems are flexible and able to
29 adapt to evolving needs for information, within an objective and
30 orderly data governance process for determining when changes are
31 needed and how to implement them. Strong consideration must be made
32 to the current practice and cost of migration to new requirements.
33 The operating rules should delineate the coordination, delegation,
34 and escalation authority for data collection issues, business rules,
35 and performance goals for each K-12 data collection system,
36 including:

37 (i) Defining and maintaining standards for privacy and
38 confidentiality;

39 (ii) Setting data collection priorities;

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

1 (iv) Ensuring data compliance with the data dictionary;
2 (v) Ensuring data accuracy; and
3 (vi) Establishing minimum standards for school, student,
4 financial, and teacher data systems. Data elements may be specified
5 "to the extent feasible" or "to the extent available" to collect more
6 and better data sets from districts with more flexible software.
7 Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be
8 construed to require that a data dictionary or reporting should be
9 hobbled to the lowest common set. The work of the K-12 data
10 governance group must specify which data are desirable. Districts
11 that can meet these requirements shall report the desirable data.
12 Funding from the legislature must establish which subset data are
13 absolutely required.

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

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

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

25 (a) The percentage of data compliance and data accuracy by school
26 district;

27 (b) The magnitude of spending per student, by student estimated
28 by the following algorithm and reported as the detailed summation of
29 the following components:

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

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

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

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

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

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

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

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

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

17 (h) Percentage of a classroom teacher per student on a per
18 student basis; ((and))

19 (i) Percentage of classroom teachers per school district and per
20 school disaggregated as described in RCW 28A.300.042(1) for student-
21 level data;

22 (j) Average length of service of classroom teachers per school
23 district and per school disaggregated as described in RCW
24 28A.300.042(1) for student-level data; and

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

27 (6) The superintendent of public instruction shall submit a
28 preliminary report to the legislature by November 15, 2009, including
29 the analyses by the K-12 data governance group under subsection (3)
30 of this section and preliminary options for addressing identified
31 gaps. A final report, including a proposed phase-in plan and
32 preliminary cost estimates for implementation of a comprehensive data
33 improvement system for financial, student, and educator data shall be
34 submitted to the legislature by September 1, 2010.

35 (7) All reports and data referenced in this section and RCW
36 43.41.400 and 28A.655.210 shall be made available in a manner
37 consistent with the technical requirements of the legislative
38 evaluation and accountability program committee and the education
39 data center so that selected data can be provided to the legislature,
40 governor, school districts, and the public.

1 (8) Reports shall contain data to the extent it is available. All
2 reports must include documentation of which data are not available or
3 are estimated. Reports must not be suppressed because of poor data
4 accuracy or completeness. Reports may be accompanied with
5 documentation to inform the reader of why some data are missing or
6 inaccurate or estimated.

7 **PART VII**
8 **TRANSITIONS**

9 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.215
10 RCW to read as follows:

11 The department, in collaboration with the office of the
12 superintendent of public instruction, shall create a community
13 information and involvement plan to inform home-based, tribal, and
14 family early learning providers of the early achievers program under
15 RCW 43.215.100.

16 **PART VIII**
17 **INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT**

18 NEW SECTION. **Sec. 801.** A new section is added to chapter
19 28A.300 RCW to read as follows:

20 (1) The Washington integrated student supports protocol is
21 established. The protocol shall be developed by the center for the
22 improvement of student learning, established in RCW 28A.300.130,
23 based on the framework described in this section. The purposes of the
24 protocol include:

25 (a) Supporting a school-based approach to promoting the success
26 of all students by coordinating academic and nonacademic supports to
27 reduce barriers to academic achievement and educational attainment;

28 (b) Fulfilling a vision of public education where educators focus
29 on education, students focus on learning, and auxiliary supports
30 enable teaching and learning to occur unimpeded;

31 (c) Encouraging the creation, expansion, and quality improvement
32 of community-based supports that can be integrated into the academic
33 environment of schools and school districts;

34 (d) Increasing public awareness of the evidence showing that
35 academic outcomes are a result of both academic and nonacademic
36 factors; and

1 (e) Supporting statewide and local organizations in their efforts
2 to provide leadership, coordination, technical assistance,
3 professional development, and advocacy to implement high-quality,
4 evidence-based, student-centered, coordinated approaches throughout
5 the state.

6 (2)(a) The Washington integrated student supports protocol must
7 be sufficiently flexible to adapt to the unique needs of schools and
8 districts across the state, yet sufficiently structured to provide
9 all students with the individual support they need for academic
10 success.

11 (b) The essential framework of the Washington integrated student
12 supports protocol includes:

13 (i) Needs assessments: A needs assessment must be conducted for
14 all at-risk students in order to develop or identify the needed
15 academic and nonacademic supports within the students' school and
16 community. These supports must be coordinated to provide students
17 with a package of mutually reinforcing supports designed to meet the
18 individual needs of each student.

19 (ii) Integration and coordination: The school and district
20 leadership and staff must develop close relationships with providers
21 of academic and nonacademic supports to enhance the effectiveness of
22 the protocol.

23 (iii) Community partnerships: Community partners must be engaged
24 to provide nonacademic supports to reduce barriers to students'
25 academic success, including supports to students' families.

26 (iv) Data driven: Students' needs and outcomes must be tracked
27 over time to determine student progress and evolving needs.

28 (c) The framework must facilitate the ability of any academic or
29 nonacademic provider to support the needs of at-risk students,
30 including, but not limited to: Out-of-school providers, social
31 workers, mental health counselors, physicians, dentists, speech
32 therapists, and audiologists.

33 NEW SECTION. **Sec. 802.** (1) The legislature intends to integrate
34 the delivery of various academic and nonacademic programs and
35 services through a single protocol. This coordination and
36 consolidation of assorted services, such as expanded learning
37 opportunities, mental health, medical screening, and access to food
38 and housing, is intended to reduce barriers to academic achievement

1 and educational attainment by weaving together existing public and
2 private resources needed to support student success in school.

3 (2) The office of the superintendent of public instruction shall
4 create a work group to determine how to best implement the framework
5 described in section 801 of this act throughout the state.

6 (3) The work group must be composed of the following members, who
7 must reflect the geographic diversity across the state:

8 (a) The superintendent of public instruction or the
9 superintendent's designee;

10 (b) Three principals and three superintendents representing
11 districts with diverse characteristics, selected by state
12 associations of principals and superintendents, respectively;

13 (c) A representative from a statewide organization specializing
14 in out-of-school learning;

15 (d) A representative from an organization with expertise in the
16 needs of homeless students;

17 (e) A school counselor from an elementary school, a middle
18 school, and a high school, selected by a state association of school
19 counselors;

20 (f) A representative of an organization that is an expert on a
21 multitiered system of supports; and

22 (g) A representative from a career and technical student
23 organization.

24 (4) The superintendent of public instruction shall consult and
25 may contract for services with a national nonpartisan, nonprofit
26 research center that has provided data and analyses to improve
27 policies and programs serving children and youth for over thirty-five
28 years.

29 (5) The work group must submit to the appropriate committees of
30 the legislature a report recommending policies that need to be
31 adopted or revised to implement the framework described in section
32 801 of this act throughout the state by October 1, 2017. The work
33 group must submit a preliminary report by October 1, 2016, and a
34 final report by October 1, 2017.

35 (6) This section expires August 1, 2018.

36 **Sec. 803.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each
37 amended to read as follows:

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

4 (2)) Use of best practices that have been demonstrated through
5 research to be associated with increased student achievement
6 magnifies the opportunities for student success. To the extent they
7 are included as a best practice or strategy in one of the state menus
8 or an approved alternative under this section or RCW 28A.655.235, the
9 following are services and activities that may be supported by the
10 learning assistance program:

11 (a) Extended learning time opportunities occurring:

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

13 (ii) On Saturday; and

14 (iii) Beyond the regular school year;

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

16 (c) Professional development for certificated and classified
17 staff that focuses on:

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

19 (ii) Specific literacy and mathematics content and instructional
20 strategies; and

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

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

25 (e) Tutoring support for participating students;

26 (f) Outreach activities and support for parents of participating
27 students, including employing parent and family engagement
28 coordinators; and

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

39 (~~(3)~~) (2) In addition to the state menu developed under RCW
40 28A.655.235, the office of the superintendent of public instruction

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

9 ~~((4))~~ (3)(a) Beginning in the 2016-17 school year, except as
10 provided in (b) of this subsection, school districts must use a
11 practice or strategy that is on a state menu developed under
12 subsection ~~((3))~~ (2) of this section or RCW 28A.655.235.

13 (b) Beginning in the 2016-17 school year, school districts may
14 use a practice or strategy that is not on a state menu developed
15 under subsection ~~((3))~~ (2) of this section for two school years
16 initially. If the district is able to demonstrate improved outcomes
17 for participating students over the previous two school years at a
18 level commensurate with the best practices and strategies on the
19 state menu, the office of the superintendent of public instruction
20 shall approve use of the alternative practice or strategy by the
21 district for one additional school year. Subsequent annual approval
22 by the superintendent of public instruction to use the alternative
23 practice or strategy is dependent on the district continuing to
24 demonstrate increased improved outcomes for participating students.

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

30 ~~((5))~~ (4) School districts are encouraged to implement best
31 practices and strategies from the state menus developed under this
32 section and RCW 28A.655.235 before the use is required.

33 **Sec. 804.** RCW 28A.300.130 and 2009 c 578 s 6 are each amended to
34 read as follows:

35 (1) To facilitate access to information and materials on
36 educational improvement and research, the superintendent of public
37 instruction(~~, to the extent funds are appropriated,~~) shall
38 establish the center for the improvement of student learning. The
39 center shall work in conjunction with parents, educational service

1 districts, institutions of higher education, and education, parent,
2 community, and business organizations.

3 (2) The center(~~(, to the extent funds are appropriated for this~~
4 ~~purpose, and))~~) in conjunction with other staff in the office of the
5 superintendent of public instruction, shall:

6 (a) Serve as a clearinghouse for information regarding successful
7 educational improvement and parental involvement programs in schools
8 and districts, and information about efforts within institutions of
9 higher education in the state to support educational improvement
10 initiatives in Washington schools and districts;

11 (b) Provide best practices research that can be used to help
12 schools develop and implement: Programs and practices to improve
13 instruction; systems to analyze student assessment data, with an
14 emphasis on systems that will combine the use of state and local data
15 to monitor the academic progress of each and every student in the
16 school district; comprehensive, school-wide improvement plans;
17 school-based shared decision-making models; programs to promote
18 lifelong learning and community involvement in education; school-to-
19 work transition programs; programs to meet the needs of highly
20 capable students; programs and practices to meet the needs of
21 students with disabilities; programs and practices to meet the
22 diverse needs of students based on gender, racial, ethnic, economic,
23 and special needs status; research, information, and technology
24 systems; and other programs and practices that will assist educators
25 in helping students learn the essential academic learning
26 requirements;

27 (c) Develop and maintain an internet web site to increase the
28 availability of information, research, and other materials;

29 (d) Work with appropriate organizations to inform teachers,
30 district and school administrators, and school directors about the
31 waivers available and the broadened school board powers under RCW
32 28A.320.015;

33 (e) Provide training and consultation services, including
34 conducting regional summer institutes;

35 (f) Identify strategies for improving the success rates of ethnic
36 and racial student groups and students with disabilities, with
37 disproportionate academic achievement;

38 (g) Work with parents, teachers, and school districts in
39 establishing a model absentee notification procedure that will
40 properly notify parents when their student has not attended a class

1 or has missed a school day. The office of the superintendent of
2 public instruction shall consider various types of communication with
3 parents including, but not limited to, (~~electronic-mail~~) email,
4 phone, and postal mail; and

5 (h) Perform other functions consistent with the purpose of the
6 center as prescribed in subsection (1) of this section.

7 (3) The superintendent of public instruction shall select and
8 employ a director for the center.

9 (4) The superintendent may enter into contracts with individuals
10 or organizations including but not limited to: School districts;
11 educational service districts; educational organizations; teachers;
12 higher education faculty; institutions of higher education; state
13 agencies; business or community-based organizations; and other
14 individuals and organizations to accomplish the duties and
15 responsibilities of the center. In carrying out the duties and
16 responsibilities of the center, the superintendent, whenever
17 possible, shall use practitioners to assist agency staff as well as
18 assist educators and others in schools and districts.

19 (5) The office of the superintendent of public instruction shall
20 report to the legislature by September 1, 2007, and thereafter
21 biennially, regarding the effectiveness of the center for the
22 improvement of student learning, how the services provided by the
23 center for the improvement of student learning have been used and by
24 whom, and recommendations to improve the accessibility and
25 application of knowledge and information that leads to improved
26 student learning and greater family and community involvement in the
27 public education system."

4SHB 1541 - S COMM AMD

By Committee on Early Learning & K-12 Education

NOT CONSIDERED 03/04/2016

28 On page 1, line 3 of the title, after "committee;" strike the
29 remainder of the title and insert "amending RCW 28A.600.490,
30 28A.600.015, 28A.600.020, 28A.600.022, 43.41.400, 28A.405.106,
31 28A.405.120, 28A.180.040, 28A.180.090, 28A.300.042, 28A.300.505,
32 28A.300.507, 28A.165.035, and 28A.300.130; reenacting and amending
33 RCW 13.50.010; adding a new section to chapter 28A.320 RCW; adding
34 new sections to chapter 28A.345 RCW; adding new sections to chapter

1 28A.415 RCW; adding new sections to chapter 28A.657 RCW; adding a new
2 section to chapter 43.215 RCW; adding a new section to chapter
3 28A.300 RCW; creating new sections; and providing expiration dates."

EFFECT: Adds that any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services.

Adds that behavior that adversely impacts the health or safety of other students or educational staff is not included within the meaning of discretionary discipline.

Adds a provision stating that nothing in this section creates any civil liability for school districts or creates a new cause of action.

Adds subject to appropriations clauses to the Office of the Superintendent of Public Instruction's (1) development of a cultural competence outline for professional development and training, and (2) technical assistance and support to school districts regarding English language learner instruction.

Removes the provision that allows the integrated student supports protocol and services to be supported by the Learning Assistance Program.

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