

SUBSTITUTE SENATE BILL 6244

State of Washington

64th Legislature

2016 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Litzow, Fain, Dammeier, Rivers, Becker, Hill, and Bailey)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to implementing strategies to close the
2 educational opportunity gap; amending RCW 28A.300.042, 28A.300.505,
3 28A.600.490, 28A.600.015, 28A.600.020, 28A.300.507, 28A.405.106,
4 28A.405.120, 28A.180.040, and 28A.180.090; adding new sections to
5 chapter 28A.235 RCW; adding a new section to chapter 28A.320 RCW;
6 adding new sections to chapter 28A.345 RCW; adding a new section to
7 chapter 28A.415 RCW; adding new sections to chapter 28A.657 RCW;
8 creating new sections; and providing an expiration date.

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

10 PART I

11 STUDENT DATA

12 Sec. 101. RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each
13 amended to read as follows:

14 (1) Beginning with the 2018-19 school year, and using the phase-
15 in provided in subsection (2) of this section, the superintendent of
16 public instruction must collect and school districts must submit all
17 student-level data using the United States department of education
18 2007 race and ethnicity reporting guidelines, including the subracial
19 and subethnic categories within those guidelines, with the following
20 modifications:

1 (a) Further disaggregation of the Black category to differentiate
2 students of African origin and students native to the United States
3 with African ancestors;

4 (b) Further disaggregation of countries of origin for Asian
5 students;

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

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

11 (2) Beginning with the 2018-19 school year, school districts
12 shall collect student-level data as provided in subsection (1) of
13 this section for all newly enrolled students, including transfer
14 students. When the students enroll in a different school within the
15 district, school districts shall resurvey the newly enrolled students
16 for whom subracial and subethnic categories were not previously
17 collected. School districts may resurvey other students.

18 (3) All student data-related reports required of the
19 superintendent of public instruction in this title must be
20 disaggregated by at least the following subgroups of students: White,
21 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
22 Islander/Hawaiian Native, low income, transitional bilingual,
23 migrant, special education, and students covered by section 504 of
24 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
25 794).

26 ~~((+2))~~ (4) All student data-related reports ~~((required of))~~
27 prepared by the superintendent of public instruction regarding
28 student suspensions and expulsions as required ~~((in RCW 28A.300.046))~~
29 under this title are subject to disaggregation by subgroups
30 including:

- 31 (a) Gender;
- 32 (b) Foster care;
- 33 (c) Homeless, if known;
- 34 (d) School district;
- 35 (e) School;
- 36 (f) Grade level;
- 37 (g) Behavior infraction code, including:
 - 38 (i) Bullying;
 - 39 (ii) Tobacco;
 - 40 (iii) Alcohol;

1 (iv) Illicit drug;
2 (v) Fighting without major injury;
3 (vi) Violence without major injury;
4 (vii) Violence with major injury;
5 (viii) Possession of a weapon; and
6 (ix) Other behavior resulting from a short-term or long-term
7 suspension, expulsion, or interim alternative education setting
8 intervention;
9 (h) Intervention applied, including:
10 (i) Short-term suspension;
11 (ii) Long-term suspension;
12 (iii) Emergency expulsion;
13 (iv) Expulsion;
14 (v) Interim alternative education settings;
15 (vi) No intervention applied; and
16 (vii) Other intervention applied that is not described in this
17 subsection (~~(+2)~~) (4)(h);
18 (i) Number of days a student is suspended or expelled, to be
19 counted in half or full days; and
20 (j) Any other categories added at a future date by the data
21 governance group.
22 (~~(+3)~~) (5) All student data-related reports required of the
23 superintendent of public instruction regarding student suspensions
24 and expulsions as required in RCW 28A.300.046 are subject to cross-
25 tabulation at a minimum by the following:
26 (a) School and district;
27 (b) Race, low income, special education, transitional bilingual,
28 migrant, foster care, homeless, students covered by section 504 of
29 the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec.
30 794), and categories to be added in the future;
31 (c) Behavior infraction code; and
32 (d) Intervention applied.
33 (6) The K-12 data governance group shall develop the data
34 protocols and guidance for school districts in the collection of data
35 as required under this section, and the office of the superintendent
36 of public instruction shall modify the statewide student data system
37 as needed. The office of the superintendent of public instruction
38 shall also incorporate training for school staff on best practices
39 for collection of data on student race and ethnicity in other

1 training or professional development related to data provided by the
2 office.

3 NEW SECTION. **Sec. 102.** (1) To increase the visibility of the
4 opportunity gap in schools with small subgroups of students and to
5 hold schools accountable to individual student-level support, by July
6 1, 2017, the office of the superintendent of public instruction, in
7 cooperation with the K-12 data governance group established within
8 the office of the superintendent of public instruction, the education
9 data center established within the office of financial management,
10 and the state board of education, shall adopt a rule that the only
11 student data that should not be reported for public reporting and
12 accountability is data where the school or district has fewer than
13 ten students in a grade level or student subgroup.

14 (2) This section expires August 1, 2018.

15 **Sec. 103.** RCW 28A.300.505 and 2015 c 210 s 2 are each amended to
16 read as follows:

17 (1) The office of the superintendent of public instruction shall
18 develop standards for school data systems that focus on validation
19 and verification of data entered into the systems to ensure accuracy
20 and compatibility of data. The standards shall address but are not
21 limited to the following topics:

22 (a) Date validation;

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

25 (c) Decimal and integer validation; and

26 (d) Required field validation as defined by state and federal
27 requirements.

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

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

35 (b) Starting no later than the 2016-17 school year, data on
36 students from military families. The K-12 data governance group
37 established in RCW 28A.300.507 must develop best practice guidelines
38 for the collection and regular updating of this data on students from

1 military families. Collection and updating of this data must use the
2 United States department of education 2007 race and ethnicity
3 reporting guidelines, including the subracial and subethnic
4 categories within those guidelines, with the following modifications:

5 (i) Further disaggregation of the Black category to differentiate
6 students of African origin and students native to the United States
7 with African ancestors;

8 (ii) Further disaggregation of countries of origin for Asian
9 students;

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

13 (iv) For students who report as multiracial, collection of their
14 racial and ethnic combination of categories; and

15 (c) Starting no later than the 2017-18 school year, data on the
16 certificate of academic achievement established in RCW 28A.655.061
17 and the certificate of individual achievement established in RCW
18 28A.155.045. This data must be disaggregated as required under RCW
19 28A.300.042 and by disability categories in the smallest units
20 allowable by law that do not identify an individual student.

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

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

26 (b) Students with a parent or guardian who is a member of the
27 reserves of the United States armed forces or a member of the
28 Washington national guard.

29 PART II

30 EXPANDING NUTRITION OPPORTUNITIES

31 NEW SECTION. **Sec. 201.** A new section is added to chapter
32 28A.235 RCW to read as follows:

33 The definitions in this section apply throughout sections 202 and
34 203 of this act unless the context clearly requires otherwise.

35 (1) "Eligible for free or reduced-price meals" means a student
36 who is eligible under a national meal program to receive a meal at no
37 cost to the student or at a reduced cost to the student.

1 (2) "High-needs school" means any public school that: (a) Has
2 enrollment of seventy percent or more students eligible for free or
3 reduced-price meals in the prior school year; or (b) is using
4 provision two of the national school lunch act or the community
5 eligibility provision under section 104(a) of the federal healthy,
6 hunger-free kids act of 2010 to provide universal meals and that has
7 a claiming percentage for free or reduced-price meals of seventy
8 percent or more.

9 (3) "Public school" has the same meaning as provided in RCW
10 28A.150.010.

11 (4) "A national meal program" means a program meeting federal
12 requirements under 42 U.S.C. Sec. 1773 or 42 U.S.C. Sec. 1751 et seq.

13 NEW SECTION. **Sec. 202.** A new section is added to chapter
14 28A.235 RCW to read as follows:

15 (1)(a) No more than five hundred thousand dollars may be
16 appropriated to the superintendent of public instruction to
17 administer one-time start-up allocation grants of up to six thousand
18 dollars to high-needs schools that want to expand nutrition
19 opportunities on a first-come, first-served basis. The grant must be
20 used for the costs associated with launching a program that provides
21 nutrition during the school day including, but not limited to,
22 equipment purchases, training, additional staff costs, and janitorial
23 services.

24 (b) Beginning in the school year that the high-needs school
25 receives the grant, the school must offer nutrition during the school
26 day to each student and provide adequate time for students to eat.

27 (c) All public schools are encouraged to expand nutrition
28 opportunities.

29 (2)(a) Each high-needs school receiving a grant may determine the
30 nutrition service model that best suits its students. Service models
31 include, but are not limited to:

32 (i) "Grab and go," where easy-to-eat foods are available for
33 students to take at the start of the school day or in between morning
34 classes;

35 (ii) "Second chance nutrition," where foods are available during
36 recess, a break, or later in the morning, for students who are not
37 hungry first thing in the morning, or who arrive late to school; and

38 (iii) "Nutrition in the classroom," where food is served in the
39 classroom, often during homeroom or first period.

1 (b) If all students in a high-needs school are provided the
2 opportunity to engage in educational activity planned by and under
3 the direction of school district staff concurrently with the
4 consumption of food, the period of time designated for the
5 consumption of food may be provided during instructional hours under
6 RCW 28A.150.205.

7 (3) Any rules adopted by the state board of education must permit
8 student participation in nutrition opportunities during instructional
9 hours.

10 (4) All programs with nutrition during the school day must comply
11 with federal meal patterns and nutrition standards for the program
12 under 42 U.S.C. Sec. 1773 and any federal regulations implementing
13 that program.

14 (5) The legislature does not intend to include the funding for
15 programs under this section within the state's obligation for basic
16 education funding under Article IX of the state Constitution.

17 NEW SECTION. **Sec. 203.** A new section is added to chapter
18 28A.235 RCW to read as follows:

19 (1) Before January 2, 2017, the office of the superintendent of
20 public instruction shall develop and distribute procedures and
21 guidelines for the implementation of section 202 of this act, which
22 must be in compliance with federal regulations governing the program
23 under 42 U.S.C. Sec. 1773. These guidelines must include ways schools
24 and districts can solicit and consider the input of families
25 regarding implementation and continued operation of programs
26 providing nutrition during the school day.

27 (2) The office of the superintendent of public instruction shall
28 dedicate staff within the office to offer training and technical and
29 marketing assistance to all public schools and school districts
30 related to providing nutrition during the school day, including
31 assistance with various funding options available to high-needs
32 schools, including the community eligibility provision under 42
33 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national
34 school lunch act, and claims for reimbursement under 42 U.S.C. Sec.
35 1773.

36 (3) In fulfilling its responsibilities under this section, the
37 office of the superintendent of public instruction shall collaborate
38 with nonprofit organizations knowledgeable about equity, the
39 opportunity gap, hunger and food security issues, and best practices

1 for improving student access to nutrition during the school day. The
2 office shall maintain a list of opportunities for philanthropic
3 support of school meal programs and make the list available to
4 schools interested in expanding nutrition opportunities.

5 (4) The office of the superintendent of public instruction shall
6 incorporate the annual collection of information about nutrition
7 delivery models into existing data systems and make the information
8 publicly available.

9 **PART III**
10 **STUDENT DISCIPLINE**

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

13 (1) The office of the superintendent of public instruction shall
14 convene a discipline task force to develop standard definitions for
15 causes of student disciplinary actions taken at the discretion of the
16 school district. The task force must also develop data collection
17 standards for disciplinary actions that are discretionary and for
18 disciplinary actions that result in the exclusion of a student from
19 school. The data collection standards must include data about
20 education services provided while a student is subject to a
21 disciplinary action, the status of petitions for readmission to the
22 school district when a student has been excluded from school, credit
23 retrieval during a period of exclusion, and school dropout as a
24 result of disciplinary action.

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

31 (3) The office of the superintendent of public instruction and
32 the K-12 data governance group shall revise the statewide student
33 data system to incorporate the student discipline data collection
34 standards recommended by the discipline task force, and begin
35 collecting data based on the revised standards in the 2015-16 school
36 year.

1 NEW SECTION. **Sec. 302.** A new section is added to chapter
2 28A.320 RCW to read as follows:

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

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

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

11 NEW SECTION. **Sec. 303.** A new section is added to chapter
12 28A.345 RCW to read as follows:

13 (1) The Washington state school directors' association shall
14 create model school district discipline policies and procedures and
15 post these models publicly by December 1, 2016. In developing these
16 model policies and procedures, the association shall request
17 technical assistance and guidance from the equity and civil rights
18 office within the office of the superintendent of public instruction
19 and the Washington state human rights commission. The model policies
20 and procedures shall be updated as necessary.

21 (2) School districts shall adopt discipline policies and
22 procedures consistent with the model policy by April 1, 2017.

23 **Sec. 304.** RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each
24 amended to read as follows:

25 (1) The superintendent of public instruction shall adopt and
26 distribute to all school districts lawful and reasonable rules
27 prescribing the substantive and procedural due process guarantees of
28 pupils in the common schools. Such rules shall authorize a school
29 district to use informal due process procedures in connection with
30 the short-term suspension of students to the extent constitutionally
31 permissible: PROVIDED, That the superintendent of public instruction
32 deems the interest of students to be adequately protected. When a
33 student suspension or expulsion is appealed, the rules shall
34 authorize a school district to impose the suspension or expulsion
35 temporarily after an initial hearing for no more than ten consecutive
36 school days or until the appeal is decided, whichever is earlier. Any
37 days that the student is temporarily suspended or expelled before the
38 appeal is decided shall be applied to the term of the student

1 suspension or expulsion and shall not limit or extend the term of the
2 student suspension or expulsion. An expulsion or suspension of a
3 student may not be for an indefinite period of time.

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

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

11 (4) School districts shall not impose long-term suspension or
12 expulsion as a form of discretionary discipline.

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

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

19 (b) An offense in RCW 13.04.155; or

20 (c) Two or more violations of RCW 9A.46.120, 9.41.280,
21 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period.

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

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

33 **Sec. 305.** RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each
34 amended to read as follows:

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

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

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

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

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

38 (i) Engages in two or more violations within a three-year period
39 of RCW 9A.46.120, ((28A.320.135,)) 28A.600.455, ((28A.600.460,))

1 28A.635.020, ((~~28A.600.020,~~) 28A.635.060, or 9.41.280(~~(,~~—~~or~~
2 ~~28A.320.140)~~)); or

3 (ii) Engages in one or more of the offenses listed in RCW
4 13.04.155.

5 (b) The principal shall communicate the disciplinary action taken
6 by the principal to the school personnel who referred the student to
7 the principal for disciplinary action.

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

26 (7) Nothing in this section prevents a public school district,
27 educational service district, the Washington state center for
28 childhood deafness and hearing loss, or the state school for the
29 blind if it has suspended or expelled a student from the student's
30 regular school setting from providing educational services to the
31 student in an alternative setting or modifying the suspension or
32 expulsion on a case-by-case basis. An alternative setting should be
33 comparable and appropriate to the regular education services a
34 student would have received without the exclusionary discipline.
35 Example alternative settings include alternative high schools, one-
36 on-one tutoring, and online learning.

37 **PART IV**
38 **RECRUITMENT AND RETENTION OF EDUCATORS**

1 **Sec. 401.** RCW 28A.300.507 and 2009 c 548 s 203 are each amended
2 to read as follows:

3 (1) A K-12 data governance group shall be established within the
4 office of the superintendent of public instruction to assist in the
5 design and implementation of a K-12 education data improvement system
6 for financial, student, and educator data. It is the intent that the
7 data system reporting specifically serve requirements for teachers,
8 parents, superintendents, school boards, the office of the
9 superintendent of public instruction, the legislature, and the
10 public.

11 (2) The K-12 data governance group shall include representatives
12 of the education data center, the office of the superintendent of
13 public instruction, the legislative evaluation and accountability
14 program committee, the professional educator standards board, the
15 state board of education, and school district staff, including
16 information technology staff. Additional entities with expertise in
17 education data may be included in the K-12 data governance group.

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

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

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

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

29 (d) Conduct a gap analysis of current and planned information
30 compared to the needs requirement document, including an analysis of
31 the strengths and limitations of an education data system and
32 programs currently used by school districts and the state, and
33 specifically the gap analysis must look at the extent to which the
34 existing data can be transformed into canonical form and where
35 existing software can be used to meet the needs requirement document;

36 (e) Focus on financial and cost data necessary to support the new
37 K-12 financial models and funding formulas, including any necessary
38 changes to school district budgeting and accounting, and on assuring
39 the capacity to link data across financial, student, and educator
40 systems; (~~and~~)

1 (f) Define the operating rules and governance structure for K-12
2 data collections, ensuring that data systems are flexible and able to
3 adapt to evolving needs for information, within an objective and
4 orderly data governance process for determining when changes are
5 needed and how to implement them. Strong consideration must be made
6 to the current practice and cost of migration to new requirements.
7 The operating rules should delineate the coordination, delegation,
8 and escalation authority for data collection issues, business rules,
9 and performance goals for each K-12 data collection system,
10 including:

11 (i) Defining and maintaining standards for privacy and
12 confidentiality;

13 (ii) Setting data collection priorities;

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

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

16 (v) Ensuring data accuracy; and

17 (vi) Establishing minimum standards for school, student,
18 financial, and teacher data systems. Data elements may be specified
19 "to the extent feasible" or "to the extent available" to collect more
20 and better data sets from districts with more flexible software.
21 Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be
22 construed to require that a data dictionary or reporting should be
23 hobbled to the lowest common set. The work of the K-12 data
24 governance group must specify which data are desirable. Districts
25 that can meet these requirements shall report the desirable data.
26 Funding from the legislature must establish which subset data are
27 absolutely required; and

28 (g) Analyze the ability of data to move between school districts
29 when a student with an individualized education program or a plan
30 developed under section 504 of the rehabilitation act of 1973 moves
31 between districts and consider ways to improve the movement of this
32 data.

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

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

39 (5) To the extent data is available, the office of the
40 superintendent of public instruction shall make the following minimum

1 reports available on the internet. The reports must either be run on
2 demand against current data, or, if a static report, must have been
3 run against the most recent data:

4 (a) The percentage of data compliance and data accuracy by school
5 district;

6 (b) The magnitude of spending per student, by student estimated
7 by the following algorithm and reported as the detailed summation of
8 the following components:

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

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

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

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

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

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

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

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

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

36 (h) Percentage of a classroom teacher per student on a per
37 student basis; ((and))

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

1 (j) Average length of service of classroom teachers per school
2 district and per school disaggregated as described in RCW
3 28A.300.042(1) for student-level data; and

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

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

14 (7) The superintendent of public instruction shall submit a
15 report to the education committees of the legislature by September 1,
16 2017, with the analyses by the K-12 data governance group under
17 subsection (3)(g) of this section.

18 (8) All reports and data referenced in this section and RCW
19 43.41.400 and 28A.655.210 shall be made available in a manner
20 consistent with the technical requirements of the legislative
21 evaluation and accountability program committee and the education
22 data center so that selected data can be provided to the legislature,
23 governor, school districts, and the public.

24 ~~((+8))~~ (9) Reports shall contain data to the extent it is
25 available. All reports must include documentation of which data are
26 not available or are estimated. Reports must not be suppressed
27 because of poor data accuracy or completeness. Reports may be
28 accompanied with documentation to inform the reader of why some data
29 are missing or inaccurate or estimated.

30 PART V

31 EDUCATOR CULTURAL COMPETENCE

32 NEW SECTION. Sec. 501. A new section is added to chapter
33 28A.345 RCW to read as follows:

34 The Washington state school directors' association, in
35 consultation with the office of the superintendent of public
36 instruction, the professional educator standards board, the steering
37 committee established in RCW 28A.405.100, and the educational
38 opportunity gap oversight and accountability committee, must develop

1 a plan for the creation and delivery of cultural competency training
2 for school board directors and superintendents. The training program
3 must also include the foundational elements of cultural competence,
4 focusing on multicultural education and principles of English
5 language acquisition, including information regarding best practices
6 to implement the tribal history and culture curriculum. The content
7 of the training must be aligned with the standards for cultural
8 competence developed by the professional educator standards board
9 under RCW 28A.410.270.

10 **Sec. 502.** RCW 28A.405.106 and 2012 c 35 s 5 are each amended to
11 read as follows:

12 (1) Subject to funds appropriated for this purpose, the office of
13 the superintendent of public instruction must develop and make
14 available a professional development program to support the
15 implementation of the evaluation systems required by RCW 28A.405.100.
16 The program components may be organized into professional development
17 modules for principals, administrators, and teachers. The
18 professional development program shall include a comprehensive online
19 training package.

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

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

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

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

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

29 (e) Strategies for achieving maximum rater agreement;

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

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

32 (h) Methods to link the evaluation process to ongoing educator
33 professional development.

34 (3) The training program must also include the foundational
35 elements of cultural competence, focusing on multicultural education
36 and principles of English language acquisition, including information
37 regarding best practices to implement the tribal history and culture
38 curriculum. The content of the training must be aligned with the
39 standards for cultural competence developed by the professional

1 educator standards board under RCW 28A.410.270. The office of the
2 superintendent of public instruction, in consultation with the
3 professional educator standards board, the steering committee
4 established in RCW 28A.405.100, and the educational opportunity gap
5 oversight and accountability committee, must integrate the content
6 for cultural competence into the overall training for principals,
7 administrators, and teachers to support the revised evaluation
8 systems.

9 (4) To the maximum extent feasible, the professional development
10 program must incorporate or adapt existing online training or
11 curriculum, including securing materials or curriculum under contract
12 or purchase agreements within available funds. Multiple modes of
13 instruction should be incorporated including videos of classroom
14 teaching, participatory exercises, and other engaging combinations of
15 online audio, video, and print presentation.

16 ((+4)) (5) The professional development program must be
17 developed in modules that allow:

18 (a) Access to material over a reasonable number of training
19 sessions;

20 (b) Delivery in person or online; and

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

22 ((+5)) (6) The office of the superintendent of public
23 instruction must maintain a web site that includes the online
24 professional development materials along with sample evaluation forms
25 and templates, links to relevant research on evaluation and on high
26 quality teaching and leadership, samples of contract and collective
27 bargaining language on key topics, examples of multiple measures of
28 teacher and principal performance, suggestions for data to measure
29 student growth, and other tools that will assist school districts in
30 implementing the revised evaluation systems.

31 ((+6)) (7) The office of the superintendent of public
32 instruction must identify the number of in-service training hours
33 associated with each professional development module and develop a
34 way for users to document their completion of the training.
35 Documented completion of the training under this section is
36 considered approved in-service training for the purposes of RCW
37 28A.415.020.

38 ((+7)) (8) The office of the superintendent of public
39 instruction shall periodically update the modules to reflect new
40 topics and research on performance evaluation so that the training

1 serves as an ongoing source of continuing education and professional
2 development.

3 ~~((+8))~~ (9) The office of the superintendent of public
4 instruction shall work with the educational service districts to
5 provide clearinghouse services for the identification and publication
6 of professional development opportunities for teachers and principals
7 that align with performance evaluation criteria.

8 **Sec. 503.** RCW 28A.405.120 and 2012 c 35 s 2 are each amended to
9 read as follows:

10 (1) School districts shall require each administrator, each
11 principal, or other supervisory personnel who has responsibility for
12 evaluating classroom teachers or principals to have training in
13 evaluation procedures.

14 (2) Before school district implementation of the revised
15 evaluation systems required under RCW 28A.405.100, principals and
16 administrators who have evaluation responsibilities must engage in
17 professional development designed to implement the revised systems
18 and maximize rater agreement. The professional development to support
19 the revised evaluation systems must also include foundational
20 elements of cultural competence, focusing on multicultural education
21 and principles of English language acquisition.

22 NEW SECTION. **Sec. 504.** A new section is added to chapter
23 28A.415 RCW to read as follows:

24 (1) The office of the superintendent of public instruction, in
25 collaboration with the educational opportunity gap oversight and
26 accountability committee, the professional educator standards board,
27 colleges of education, and representatives from diverse communities
28 and community-based organizations, must develop a content outline for
29 professional development and training in cultural competence for
30 school staff.

31 (2) The content of the cultural competence professional
32 development and training must be aligned with the standards developed
33 by the professional educator standards board under RCW 28A.410.270.
34 The training program must also include the foundational elements of
35 cultural competence, focusing on multicultural education and
36 principles of English language acquisition, including information
37 regarding best practices to implement the tribal history and culture
38 curriculum.

1 (3) The cultural competence professional development and training
2 must contain components that are appropriate for classified school
3 staff and district administrators as well as certificated
4 instructional staff and principals at the building level. The
5 professional development and training must also contain components
6 suitable for delivery by individuals from the local community or
7 community-based organizations with appropriate expertise.

8 (4) The legislature encourages educational service districts and
9 school districts to use the cultural competence professional
10 development and training developed under this section and provide
11 opportunities for all school and school district staff to gain
12 knowledge and skills in cultural competence, including in partnership
13 with their local communities.

14 NEW SECTION. **Sec. 505.** A new section is added to chapter
15 28A.657 RCW to read as follows:

16 Required action districts as provided in RCW 28A.657.030, and
17 districts with schools that receive the federal school improvement
18 grant under the American recovery and reinvestment act of 2009, and
19 districts with schools identified by the superintendent of public
20 instruction as priority or focus are strongly encouraged to provide
21 the cultural competence professional development and training
22 developed under RCW 28A.405.106, 28A.405.120, and section 504 of this
23 act for classified, certificated instructional, and administrative
24 staff of the school. The professional development and training may be
25 delivered by an educational service district, through district in-
26 service, or by another qualified provider, including in partnership
27 with the local community.

28 **PART VI**

29 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

30 **Sec. 601.** RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each
31 amended to read as follows:

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

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

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

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

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

12 (i) The receiving school shall determine whether the district's
13 program is a like program when compared to the sending school's
14 program; and

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

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

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

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

31 (2) Beginning in the 2020-21 school year, all classroom teachers
32 assigned using funds for the transitional bilingual instruction
33 program to provide supplemental instruction for eligible pupils must
34 hold an endorsement in bilingual education or English language
35 learner, or both.

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

38 **Sec. 602.** RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each
39 amended to read as follows:

1 The superintendent of public instruction shall develop an
2 evaluation system designed to measure increases in the English and
3 academic proficiency of eligible pupils. When developing the system,
4 the superintendent shall:

5 (1) Require school districts to assess potentially eligible
6 pupils within ten days of registration using an English proficiency
7 assessment or assessments as specified by the superintendent of
8 public instruction. Results of these assessments shall be made
9 available to both the superintendent of public instruction and the
10 school district;

11 (2) Require school districts to annually assess all eligible
12 pupils at the end of the school year using an English proficiency
13 assessment or assessments as specified by the superintendent of
14 public instruction. Results of these assessments shall be made
15 available to both the superintendent of public instruction and the
16 school district;

17 (3) Develop a system to evaluate increases in the English and
18 academic proficiency of students who are, or were, eligible pupils.
19 This evaluation shall include students when they are in the program
20 and after they exit the program until they finish their K-12 career
21 or transfer from the school district. The purpose of the evaluation
22 system is to inform schools, school districts, parents, and the state
23 of the effectiveness of the transitional bilingual programs in school
24 and school districts in teaching these students English and other
25 content areas, such as mathematics and writing; and

26 ~~((Report to the education and fiscal committees of the~~
27 ~~legislature by November 1, 2002, regarding the development of the~~
28 ~~systems described in this section and a timeline for the full~~
29 ~~implementation of those systems. The legislature shall approve and~~
30 ~~provide funding for the evaluation system in subsection (3) of this~~
31 ~~section before any implementation of the system developed under~~
32 ~~subsection (3) of this section may occur.)) Provide school districts
33 with technical assistance and support in selecting research-based
34 program models, instructional materials, and professional development
35 for program staff, including disseminating information about best
36 practices and innovative programs. The information must include
37 research about the differences between conversational language
38 proficiency, academic language proficiency, and subject-specific
39 language proficiency and the implications this research has on
40 instructional practices and evaluation of program effectiveness.~~

1 NEW SECTION. **Sec. 603.** A new section is added to chapter
2 28A.657 RCW to read as follows:

3 At the beginning of each school year, the office of the
4 superintendent of public instruction shall identify schools in the
5 top five percent of schools with the highest percent growth during
6 the previous two school years in enrollment of English language
7 learner students as compared to previous enrollment trends. The
8 office shall notify the identified schools, and the school districts
9 in which the schools are located are strongly encouraged to provide
10 the cultural competence professional development and training
11 developed under RCW 28A.405.106, 28A.405.120, and section 504 of this
12 act for classified, certificated instructional, and administrative
13 staff of the schools. The professional development and training may
14 be delivered by an educational service district, through district in-
15 service, or by another qualified provider, including in partnership
16 with the local community.

17 **PART VII**
18 **SHORT TITLE**

19 NEW SECTION. **Sec. 701.** This act may be known and cited as the
20 closing educational opportunity gap act.

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