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SECOND SUBSTITUTE SENATE BILL 6244

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State of Washington

64th Legislature

2016 Regular Session

By Senate Ways & Means (originally sponsored by Senators Litzow, Fain, Dammeier, Rivers, Becker, Hill, and Bailey)

READ FIRST TIME 02/09/16.

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) "High-needs school" means any public school that: (a) Has  
36 enrollment of seventy percent or more students eligible for free or  
37 reduced-price meals in the prior school year; or (b) is using  
38 provision two of the national school lunch act or the community

1 eligibility provision under section 104(a) of the federal healthy,  
2 hunger-free kids act of 2010 to provide universal meals and that has  
3 a claiming percentage for free or reduced-price meals of seventy  
4 percent or more.

5 (2) "Public school" has the same meaning as provided in RCW  
6 28A.150.010.

7 NEW SECTION. **Sec. 202.** A new section is added to chapter  
8 28A.235 RCW to read as follows:

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

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

21 (c) All public schools are encouraged to expand nutrition  
22 opportunities.

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

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

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

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

34 (b) If all students in a high-needs school are provided the  
35 opportunity to engage in educational activity planned by and under  
36 the direction of school district staff concurrently with the  
37 consumption of food, the period of time designated for the  
38 consumption of food may be provided during instructional hours under  
39 RCW 28A.150.205.

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

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

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

11 NEW SECTION. **Sec. 203.** A new section is added to chapter  
12 28A.235 RCW to read as follows:

13 The superintendent of public instruction subject to funds  
14 appropriated specifically for this purpose shall:

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

22 (2) Dedicate staff within the office to offer training and  
23 technical and marketing assistance to all public schools and school  
24 districts related to providing nutrition during the school day,  
25 including assistance with various funding options available to high-  
26 needs schools, including the community eligibility provision under 42  
27 U.S.C. Sec. 1759a(a)(1), programs under provision two of the national  
28 school lunch act, and claims for reimbursement under 42 U.S.C. Sec.  
29 1773.

30 (3) In fulfilling its responsibilities under this section,  
31 collaborate with nonprofit organizations knowledgeable about equity,  
32 the opportunity gap, hunger and food security issues, and best  
33 practices for improving student access to nutrition during the school  
34 day. The office shall maintain a list of opportunities for  
35 philanthropic support of school meal programs and make the list  
36 available to schools interested in expanding nutrition opportunities.

37 (4) Incorporate the annual collection of information about  
38 nutrition delivery models into existing data systems and make the  
39 information publicly available.

**PART III**  
**STUDENT DISCIPLINE**

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

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

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

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

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

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

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

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



1        NEW SECTION.        **Sec. 303.**        A new section is added to chapter  
2 28A.345 RCW to read as follows:

3        (1) The Washington state school directors' association shall  
4 create model school district discipline policies and procedures and  
5 post these models publicly by December 1, 2016. In developing these  
6 model policies and procedures, the association shall request  
7 technical assistance and guidance from the equity and civil rights  
8 office within the office of the superintendent of public instruction  
9 and the Washington state human rights commission. The model policies  
10 and procedures shall be updated as necessary.

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

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

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

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

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

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

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

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

9 (b) An offense in RCW 13.04.155; or

10 (c) Two or more violations of RCW 9A.46.120, 9.41.280,  
11 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period.

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

17 (7) School districts shall not suspend the provision of  
18 educational services to a student as a disciplinary action. A student  
19 may be excluded from a particular classroom or instructional or  
20 activity area for the period of suspension or expulsion, but the  
21 school district must provide an opportunity for a student to receive  
22 educational services during a period of suspension or expulsion.

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

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

30 (2) Any student who creates a disruption of the educational  
31 process in violation of the building disciplinary standards while  
32 under a teacher's immediate supervision may be excluded by the  
33 teacher from his or her individual classroom and instructional or  
34 activity area for all or any portion of the balance of the school  
35 day, or up to the following two days, or until the principal or  
36 designee and teacher have conferred, whichever occurs first. Except  
37 in emergency circumstances, the teacher first must attempt one or  
38 more alternative forms of corrective action. In no event without the  
39 consent of the teacher may an excluded student return to the class

1 during the balance of that class or activity period or up to the  
2 following two days, or until the principal or his or her designee and  
3 the teacher have conferred.

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

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

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

28 (i) Engages in two or more violations within a three-year period  
29 of RCW 9A.46.120, ((28A.320.135,)) 28A.600.455, ((28A.600.460,))  
30 28A.635.020, ((28A.600.020,)) 28A.635.060, or 9.41.280((,~~—~~~~or~~  
31 ~~28A.320.140~~)); or

32 (ii) Engages in one or more of the offenses listed in RCW  
33 13.04.155.

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

37 (6) Any corrective action involving a suspension or expulsion  
38 from school for more than ten days must have an end date of not more  
39 than one calendar year from the time of corrective action. Districts  
40 shall make reasonable efforts to assist students and parents in

1 returning to an educational setting prior to and no later than the  
2 end date of the corrective action. Where warranted based on public  
3 health or safety, a school may petition the superintendent of the  
4 school district, pursuant to policies and procedures adopted by the  
5 office of the superintendent of public instruction, for authorization  
6 to exceed the one calendar year limitation provided in this  
7 subsection. The superintendent of public instruction shall adopt  
8 rules outlining the limited circumstances in which a school may  
9 petition to exceed the one calendar year limitation, including  
10 safeguards to ensure that the school district has made every effort  
11 to plan for the student's return to school. School districts shall  
12 report to the office of the superintendent of public instruction the  
13 number of petitions made to the school board and the number of  
14 petitions granted on an annual basis.

15 (7) Nothing in this section prevents a public school district,  
16 educational service district, the Washington state center for  
17 childhood deafness and hearing loss, or the state school for the  
18 blind if it has suspended or expelled a student from the student's  
19 regular school setting from providing educational services to the  
20 student in an alternative setting or modifying the suspension or  
21 expulsion on a case-by-case basis. An alternative setting should be  
22 comparable and appropriate to the regular education services a  
23 student would have received without the exclusionary discipline.  
24 Example alternative settings include alternative high schools, one-  
25 on-one tutoring, and online learning.

#### 26 PART IV

#### 27 RECRUITMENT AND RETENTION OF EDUCATORS

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

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

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

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

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

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

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

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

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

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

1 (i) Defining and maintaining standards for privacy and  
2 confidentiality;

3 (ii) Setting data collection priorities;

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

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

6 (v) Ensuring data accuracy; and

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

18 (g) Analyze the ability of data to move between school districts  
19 when a student with an individualized education program or a plan  
20 developed under section 504 of the rehabilitation act of 1973 moves  
21 between districts and consider ways to improve the movement of this  
22 data.

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

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

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

34 (a) The percentage of data compliance and data accuracy by school  
35 district;

36 (b) The magnitude of spending per student, by student estimated  
37 by the following algorithm and reported as the detailed summation of  
38 the following components:

39 (i) An approximate, prorated fraction of each teacher or human  
40 resource element that directly serves the student. Each human

1 resource element must be listed or accessible through online  
2 tunneling in the report;

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

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

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

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

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

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

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

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

26 (h) Percentage of a classroom teacher per student on a per  
27 student basis; ((and))

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

31 (j) Average length of service of classroom teachers per school  
32 district and per school disaggregated as described in RCW  
33 28A.300.042(1) for student-level data; and

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

36 (6) The superintendent of public instruction shall submit a  
37 preliminary report to the legislature by November 15, 2009, including  
38 the analyses by the K-12 data governance group under subsection (3)  
39 of this section and preliminary options for addressing identified  
40 gaps. A final report, including a proposed phase-in plan and

1 preliminary cost estimates for implementation of a comprehensive data  
2 improvement system for financial, student, and educator data shall be  
3 submitted to the legislature by September 1, 2010.

4 (7) The superintendent of public instruction shall submit a  
5 report to the education committees of the legislature by September 1,  
6 2017, with the analyses by the K-12 data governance group under  
7 subsection (3)(g) of this section.

8 (8) All reports and data referenced in this section and RCW  
9 43.41.400 and 28A.655.210 shall be made available in a manner  
10 consistent with the technical requirements of the legislative  
11 evaluation and accountability program committee and the education  
12 data center so that selected data can be provided to the legislature,  
13 governor, school districts, and the public.

14 ~~((+8))~~ (9) Reports shall contain data to the extent it is  
15 available. All reports must include documentation of which data are  
16 not available or are estimated. Reports must not be suppressed  
17 because of poor data accuracy or completeness. Reports may be  
18 accompanied with documentation to inform the reader of why some data  
19 are missing or inaccurate or estimated.

## 20 PART V

### 21 EDUCATOR CULTURAL COMPETENCE

22 NEW SECTION. **Sec. 501.** A new section is added to chapter  
23 28A.345 RCW to read as follows:

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



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

3       (1) Subject to funds appropriated for this purpose, the office of  
4 the superintendent of public instruction must develop and make  
5 available a professional development program to support the  
6 implementation of the evaluation systems required by RCW 28A.405.100.  
7 The program components may be organized into professional development  
8 modules for principals, administrators, and teachers. The  
9 professional development program shall include a comprehensive online  
10 training package.

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

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

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

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

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

20       (e) Strategies for achieving maximum rater agreement;

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

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

23       (h) Methods to link the evaluation process to ongoing educator  
24 professional development.

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

39       (4) To the maximum extent feasible, the professional development  
40 program must incorporate or adapt existing online training or

1 curriculum, including securing materials or curriculum under contract  
2 or purchase agreements within available funds. Multiple modes of  
3 instruction should be incorporated including videos of classroom  
4 teaching, participatory exercises, and other engaging combinations of  
5 online audio, video, and print presentation.

6 ~~((4))~~ (5) The professional development program must be  
7 developed in modules that allow:

8 (a) Access to material over a reasonable number of training  
9 sessions;

10 (b) Delivery in person or online; and

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

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

21 ~~((6))~~ (7) The office of the superintendent of public  
22 instruction must identify the number of in-service training hours  
23 associated with each professional development module and develop a  
24 way for users to document their completion of the training.  
25 Documented completion of the training under this section is  
26 considered approved in-service training for the purposes of RCW  
27 28A.415.020.

28 ~~((7))~~ (8) The office of the superintendent of public  
29 instruction shall periodically update the modules to reflect new  
30 topics and research on performance evaluation so that the training  
31 serves as an ongoing source of continuing education and professional  
32 development.

33 ~~((8))~~ (9) The office of the superintendent of public  
34 instruction shall work with the educational service districts to  
35 provide clearinghouse services for the identification and publication  
36 of professional development opportunities for teachers and principals  
37 that align with performance evaluation criteria.

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

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

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

13 NEW SECTION. **Sec. 504.** A new section is added to chapter  
14 28A.415 RCW to read as follows:

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

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

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

38 (4) The legislature encourages educational service districts and  
39 school districts to use the cultural competence professional

1 development and training developed under this section and provide  
2 opportunities for all school and school district staff to gain  
3 knowledge and skills in cultural competence, including in partnership  
4 with their local communities.

5 NEW SECTION. **Sec. 505.** A new section is added to chapter  
6 28A.657 RCW to read as follows:

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

19 **PART VI**  
20 **INSTRUCTING ENGLISH LANGUAGE LEARNERS**

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

- 23 (1) Every school district board of directors shall:
- 24 (a) Make available to each eligible pupil transitional bilingual  
25 instruction to achieve competency in English, in accord with rules of  
26 the superintendent of public instruction;
- 27 (b) Wherever feasible, ensure that communications to parents  
28 emanating from the schools shall be appropriately bilingual for those  
29 parents of pupils in the bilingual instruction program;
- 30 (c) Determine, by administration of an English test approved by  
31 the superintendent of public instruction the number of eligible  
32 pupils enrolled in the school district at the beginning of a school  
33 year and thereafter during the year as necessary in individual cases;
- 34 (d) Ensure that a student who is a child of a military family in  
35 transition and who has been assessed as in need of, or enrolled in, a  
36 bilingual instruction program, the receiving school shall initially  
37 honor placement of the student into a like program.

1 (i) The receiving school shall determine whether the district's  
2 program is a like program when compared to the sending school's  
3 program; and

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

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

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

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

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

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

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

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

33 (1) Require school districts to assess potentially eligible  
34 pupils within ten days of registration using an English proficiency  
35 assessment or assessments as specified by the superintendent of  
36 public instruction. Results of these assessments shall be made  
37 available to both the superintendent of public instruction and the  
38 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 (4) ~~((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. 603. 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 504 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  
10

**PART VII**  
**SHORT TITLE**

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

--- END ---