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**SUBSTITUTE SENATE BILL 5758**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Rivers, Rolfes, Keiser, Frockt, and Wellman)

AN ACT Relating to increasing college and career readiness and graduation rates in public schools; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. **Sec.**  DEFINITIONS. The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Career and technical education" has the definition in RCW 28A.700.010.

NEW SECTION. **Sec.**  ACCOUNT ESTABLISHMENT. The high school graduation and college and career readiness account is created in the state treasury. All receipts from federal funds, state appropriations, and private donations and gifts must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes in this chapter.

NEW SECTION. **Sec.**  LEGISLATIVE APPROPRIATION. (1) Beginning in the 2017-2019 biennium, the state legislature shall, at each regular session in an odd-numbered year, appropriate from the account established in section 2 of this act amounts equaling not less than four hundred dollars per full-time equivalent student enrolled in a public middle school and high school per school year, for state support of the requirements of this chapter during the ensuing biennium.

(2) The amount appropriated under this section shall be in addition to the total amount of state funding the legislature would otherwise appropriate or make available for the biennium for kindergarten through grade twelve public education and any local school funding provided from other sources. The amount must be adjusted annually for inflation.

(3) The enrollment of middle school and high school students of a school district under subsection (1) of this section is determined by the annual average number of full-time equivalent students enrolled in middle schools and high schools in the district on the first school day of each month.

NEW SECTION. **Sec.**  USE OF FUNDS. (1) The funds provided in accordance with this section may not be used for purposes or requirements established before the effective date of this section except for programs to replace federal or time-bound grant dollars lost between June 2013 and June 2017.

(2) Beginning in the 2019-20 school year, except as provided in subsection (1) of this section and section 9 of this act, the superintendent of public instruction must distribute from the amounts appropriated under section 3 of this act to each school district meeting the eligibility requirements determined under section 5 of this act and the rules adopted by the superintendent of public instruction, an amount based on the average number of full-time equivalent middle school and high school students in the district on the first school day each month. This distribution formula is for school district allocation purposes but the funds distributed to the school districts must be expended in each of the three programs listed in subsection (3) of this section, unless the district demonstrates in the application for funds that the district already provides equitable access across the district in one or more of the three programs and the programs are leading to desired outcomes.

(3) The amounts distributed to school districts under this section must be used to establish or expand:

(a) Career and technical education programs in middle schools, high schools, or skill centers. Authorized expenditures under this subsection (3)(a) may include:

(i) Purchasing new or upgraded equipment;

(ii) Constructing or modernizing facilities, including skill center facilities, used for the delivery of career and technical education instruction;

(iii) Recruiting, certifying, employing, and training personnel to provide career and technical education instruction;

(iv) Providing summer or after-school career and technical education, which may include industrial certification programs; and

(v) Providing for students on a career pathway, career and technical education, and career learning that results in the earning of or progress towards industrial certifications;

(b) College-level courses in high schools. Authorized expenditures under this subsection (3)(b) may include:

(i) Establishing or expanding advanced placement, international baccalaureate, or comparable college courses, or establishing or expanding dual credit programs offered in conjunction with a community college, public or private baccalaureate college, or career school;

(ii) Assisting students with the selection and successful completion of college-level educational opportunities;

(iii) Recruiting, certifying, employing, and training personnel to provide college-level educational opportunities in high schools;

(iv) Reimbursing test fees or tuition costs for students to receive dual credit;

(v) Supporting students in learning the academic skills required to succeed in dual-credit classes through programs such as advancement via individual determination (AVID);

(vi) Providing counselors to advise students on dual-credit programs; and

(vii) Offering evidence-based high-quality college preparation programs in middle schools;

(c) Drop-out prevention strategies in middle schools and high schools. Authorized expenditures under this subsection (3)(c) may include:

(i) Implementing activities to reduce chronic absenteeism;

(ii) Establishing and maintaining early warning data management systems that provide timely reports on students' grades, absences, and discipline by school and by course; and

(iii) Providing academic and social supports for students at risk of not graduating for the purpose of ensuring that the students will be and will remain, by the time they enter grade six, on track to accrue the necessary course credits to graduate. Academic and social supports provided under this subsection (3)(c)(iii) for qualifying students must begin after the completion of grade six and may include summer programs, additional instructional time before and after school hours, tutoring or small group instruction during the school day, and counseling services; and

(d) Providing courses, counseling, and coaching in middle school and high school for the purpose of providing early exposure for students to employment opportunities and requirements and options for postsecondary education.

(4) Beginning in the 2019-20 school year, school districts receiving amounts appropriated under section 3 of this act must provide all students in middle schools the opportunity to access career and technical education courses.

(5)(a) Beginning in the 2019-20 school year, the superintendent of public instruction may retain a maximum of one and one-half percent of the amount appropriated under section 3 of this act for administrative costs. Beginning with the 2020-21 school year, the superintendent of public instruction may retain a maximum of one and one-quarter percent of the amount appropriated under section 3 of this act for administrative costs.

(b) If deemed necessary by the superintendent of public instruction, the superintendent must:

(i) Intervene where necessary to ensure appropriate use of amounts distributed under this section; and

(ii) Facilitate continuous improvement of the use of the appropriated amounts by implementing strategies for school districts to share best practices for improving graduation rates and college and career readiness.

(6) Indirect cost charges by school districts may not exceed five percent of the amounts received under this section. The districts must use a portion of these funds to conduct and report to the office of the superintendent of public instruction an analysis of: (a) Student attendance in middle school and high school grades; and (b) disciplinary referrals, suspensions, and expulsions in middle school and high school grades, disaggregated by race and ethnicity.

NEW SECTION. **Sec.**  REQUIREMENTS FOR RECEIPT OF FUNDING. School districts receiving amounts distributed under section 4 of this act must:

(1) Comply with eligibility requirements established by the superintendent of public instruction under section 7 of this act; and

(2) Obtain approval from the superintendent of public instruction of the district's two-year plan for use of the appropriated funds.

NEW SECTION. **Sec.**  PROMOTED ACTIONS. School districts receiving amounts appropriated under section 3 of this act are encouraged to:

(1) Cooperate, coordinate, or act jointly with other school districts, educational service districts, professional learning communities, nonprofit programs, community-based organizations, and local and regional employers to maximize the benefits of the appropriated amounts;

(2) Use evidence-based criteria to determine appropriate staffing ratios and class sizes to comply with or otherwise support the provisions of section 4 of this act; and

(3) Identify and pursue opportunities for federal, state, and local funds that may be for purposes that comply with or otherwise support the provisions of section 4 of this act.

NEW SECTION. **Sec.**  STATE AGENCY DUTIES. Before the 2019-20 school year, the superintendent of public instruction must adopt rules necessary for the implementation of this chapter, including rules defining "evidence-based high-quality college preparation programs" under section 4 of this act. The rules must require school districts to submit a two-year plan for use of the funds distributed in accordance with section 4 of this act. The rules must also include, but are not limited to, additional provisions governing school district eligibility for the receipt of funds, approval criteria by the superintendent of the district two-year plans, and school district reporting requirements. The eligibility requirements must require that districts:

(1) Provide sufficient time for teachers and staff of students in grade six to review data on students' grades, absences, and discipline, by school and course, and to develop strategies to ensure that at-risk students stay on-track to graduate;

(2) Implement district-wide evidenced-based practices for reducing chronic absenteeism in middle school and high school grades;

(3) Assign high school students to advanced and dual-credit courses in accordance with RCW 28A.320.195 and 28A.320.196;

(4) Implement systems to ensure that high school students, including English learners, are taking courses required for on-time graduation;

(5) Demonstrate efforts to minimize administrative and indirect costs associated with expenditures authorized under section 4 of this act;

(6) Demonstrate their ability to provide the new or expanded programs and services for students authorized in accordance with section 4 of this act by the beginning of the 2019-20 school year; and

(7) Have established by the beginning of the 2019-20 school year early warning data management systems in their middle schools and high schools that provide timely reports on students' grades, absences, and discipline by school and by course; and are using the data to identify students not on track to graduate and to plan appropriate supports and interventions.

NEW SECTION. **Sec.**  RULE-MAKING AUTHORITY. The state board of education shall adopt rules for school district appeals of decisions of the superintendent under section 9 of this act to not transmit funding to a school district.

NEW SECTION. **Sec.**  DISTRICTS NOT RECEIVING FUNDING. (1) If a school district applies for but does not receive amounts appropriated under section 3 of this act, the superintendent of public instruction must prepare a corrective action plan for the district. The superintendent of public instruction may use a portion of the amount the district would have been eligible to receive to assist the school district with the implementation of the corrective action plan.

(2) If a school district qualifies for funding distributed under section 4 of this act the year immediately following an unsuccessful application for funding, the superintendent of public instruction must distribute to the district an amount equaling the amount the district would have received in the prior year if it had qualified for funding, less any amounts used by the superintendent under subsection (1) of this section.

(3) If a school district does not apply or does not qualify for funding distributed under section 4 of this act in either the first or second year of the biennium, the superintendent of public instruction must, on a prorated basis, use funds appropriated under section 3 of this act for those school districts that do qualify for funding.

NEW SECTION. **Sec.**  REVIEW AND REPORTING. (1) The joint legislative audit and review committee must review and report on the performance of school districts receiving amounts under section 4 of this act. Items that the committee must review include, but are not limited to disaggregate data in the following areas:

(a) Student attendance in middle school and high school grades;

(b) Disciplinary referrals, suspensions, and expulsions in middle school and high school grades;

(c) Beginning with grade nine, student progress toward graduation;

(d) Graduation rates;

(e) Rates of college attendance by high school graduates; and

(f) The need for remedial courses in college.

(2) Reports required by subsection (1) of this section must be provided to the superintendent of public instruction, the governor, and the appropriate committees of the house of representatives and the senate on or before December 1, 2021, and December 1st of each odd-numbered year thereafter. Reports submitted to the house of representatives and the senate must comply with RCW 43.01.036.

NEW SECTION. **Sec.**  STATE AUDITOR DUTIES. The state auditor must conduct financial and program audits of the uses and effectiveness of funds appropriated under section 3 of this act in complying with the provisions of this chapter. Reports required by this section must be provided to the superintendent of public instruction, the governor, and the appropriate committees of the house of representatives and the senate on or before December 1, 2021, and December 1st of each odd-numbered year thereafter. Reports submitted to the house of representatives and the senate must comply with RCW 43.01.036.

NEW SECTION. **Sec.**  Sections 1 through 11 of this act constitute a new chapter in Title 28A RCW.

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

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