

**E2SSB 6162 - H AMD 1299**

By Representative Slatter

ADOPTED 03/01/2018

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

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

5 For the purposes of sections 2 through 6 of this act, "dyslexia"  
6 means a specific learning disorder that is neurological in origin and  
7 that is characterized by unexpected difficulties with accurate or  
8 fluent word recognition and by poor spelling and decoding abilities  
9 that are not consistent with the person's intelligence, motivation,  
10 and sensory capabilities. These difficulties typically result from a  
11 deficit in the phonological components of language that is often  
12 unexpected in relation to other cognitive abilities. In addition, the  
13 difficulties are not typically a result of ineffective classroom  
14 instruction. Secondary consequences may include problems in reading  
15 comprehension and reduced reading experience that can impede growth  
16 of vocabulary and background knowledge.

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

19 (1) Beginning in the 2021-22 school year, and as provided in this  
20 section, each school district must use multitiered systems of support  
21 to provide interventions to students in kindergarten through second  
22 grade who display indications of, or areas of weakness associated  
23 with, dyslexia. In order to provide school districts with the  
24 opportunity to intervene before a student's performance falls  
25 significantly below grade level, school districts must screen  
26 students in kindergarten through second grade for indications of, or  
27 areas associated with, dyslexia as provided in this section.

28 (2)(a) School districts must use screening tools and resources  
29 that exemplify best practices, as described under section 3 of this  
30 act.

1 (b) School districts may use the screening tools and resources  
2 identified by the superintendent of public instruction in accordance  
3 with section 3 of this act.

4 (3)(a) If a student shows indications of below grade level  
5 literacy development or indications of, or areas of weakness  
6 associated with, dyslexia, the school district must provide  
7 interventions using evidence-based multitiered systems of support,  
8 consistent with the recommendations of the dyslexia advisory council  
9 under section 4 of this act and as required under this subsection  
10 (3).

11 (b) The interventions must be evidence-based multisensory  
12 structured literacy interventions and must be provided by an educator  
13 trained in instructional methods specifically targeting students'  
14 areas of weakness.

15 (c) Whenever possible, a school district must begin by providing  
16 student supports in the general education classroom. If screening  
17 tools and resources indicate that, after receiving the initial tier  
18 of student support, a student requires interventions, the school  
19 district may provide the interventions in either the general  
20 education classroom or a learning assistance program setting. If  
21 after receiving interventions, further screening tools and resources  
22 indicate that a student continues to have indications of, or areas of  
23 weakness associated with, dyslexia, the school district must  
24 recommend to the student's parents and family that the student be  
25 evaluated for dyslexia or a specific learning disability.

26 (4) For a student who shows indications of, or areas of weakness  
27 associated with, dyslexia, each school district must notify the  
28 student's parents and family of the identified indicators and areas  
29 of weakness, as well as the plan for using multitiered systems of  
30 support to provide supports and interventions. The initial notice  
31 must also include information relating to dyslexia and resources for  
32 parental support developed by the superintendent of public  
33 instruction. The school district must regularly update the student's  
34 parents and family of the student's progress.

35 (5) School districts may use state funds provided under chapter  
36 28A.165 RCW to meet the requirements of this section.

37 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
38 RCW to read as follows:

1 (1) By September 1, 2019, the superintendent of public  
2 instruction, after considering recommendations from the dyslexia  
3 advisory council convened under section 4 of this act, must identify  
4 screening tools and resources that, at a minimum, meet the following  
5 best practices to:

6 (a) Satisfy developmental and academic criteria, including  
7 considerations of validity and reliability, that indicate typical  
8 literacy development or dyslexia, taking into account typical child  
9 neurological development; and

10 (b) Identify indicators and areas of weakness that are highly  
11 predictive of future reading difficulty, including phonological  
12 awareness, phonemic awareness, rapid naming skills, letter sound  
13 knowledge, and family history of difficulty with reading and language  
14 acquisition.

15 (2) Beginning September 1, 2019, the superintendent of public  
16 instruction must maintain on the agency's web site the list of  
17 screening tools and resources identified under this section and must  
18 include links to the tools and resources, when available.

19 (3) The superintendent of public instruction must review and  
20 update the list of screening tools and resources identified under  
21 this section as appropriate.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300  
23 RCW to read as follows:

24 (1) The superintendent of public instruction shall convene a  
25 dyslexia advisory council to advise the superintendent on matters  
26 relating to dyslexia in an academic setting. The council must include  
27 interested stakeholders including, but not limited to, literacy and  
28 dyslexia experts, special education experts, primary school teachers,  
29 school administrators, school psychologists, representatives of  
30 school boards, and representatives of nonprofit organizations with  
31 expertise in dyslexia. Members of the council must serve without  
32 compensation.

33 (2) By June 1, 2019, the council must identify and describe  
34 screening tools and resources that satisfy developmental and academic  
35 criteria, including considerations of validity and reliability, that  
36 indicate typical literacy development or dyslexia, taking into  
37 account typical child neurological development, and report this  
38 information to the superintendent of public instruction.

1 (3) By June 1, 2020, the council must develop recommendations and  
2 report to the superintendent of public instruction regarding:

3 (a) Best practices for school district implementation of  
4 screenings as required under section 2 of this act, including  
5 trainings for school district staff conducting the screenings;

6 (b) Best practices for using multitiered systems of support to  
7 provide interventions as required under section 2 of this act,  
8 including trainings for school district staff in instructional  
9 methods specifically targeting students' areas of weakness;

10 (c) Sample educational information for parents and families  
11 related to dyslexia that includes a list of resources for parental  
12 support; and

13 (d) Best practices to address the needs of students above grade  
14 two who show indications of, or areas of weakness associated with,  
15 dyslexia.

16 (4) By January 15, 2022, the council must review school district  
17 implementation of screenings and their use of multitiered systems of  
18 support to provide interventions as required under section 2 of this  
19 act, and report to the superintendent of public instruction with  
20 updates on its recommendations for the best practices and sample  
21 educational information required under subsection (3) of this  
22 section.

23 (5) This section expires August 1, 2023.

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300  
25 RCW to read as follows:

26 (1) By June 1, 2021, the superintendent of public instruction  
27 must review the dyslexia advisory council's recommendations required  
28 under section 4 of this act and make available to school districts:

29 (a) Best practices for school district implementation of  
30 screenings as required under section 2 of this act, including  
31 trainings for school district staff conducting the screenings;

32 (b) Best practices for using multitiered systems of support to  
33 provide interventions as required under section 2 of this act,  
34 including trainings for school district staff in instructional  
35 methods specifically targeting students' areas of weakness;

36 (c) Sample educational information for parents and families  
37 related to dyslexia that includes a list of resources for parental  
38 support; and

1 (d) Best practices to address the needs of students above grade  
2 two who show indications of, or areas of weakness associated with,  
3 dyslexia.

4 (2) By February 15, 2022, the superintendent of public  
5 instruction must review the dyslexia advisory council's updated  
6 report required under section 4 of this act and revise the best  
7 practices and sample educational information made available to school  
8 districts required under subsection (1) of this section.

9 (3) By November 1, 2022, and in compliance with RCW 43.01.036,  
10 the superintendent of public instruction must report to the house of  
11 representatives and senate education committees with the following  
12 information from the 2021-22 school year:

13 (a) The number of students: (i) Screened pursuant to section 2 of  
14 this act; (ii) with indications of, or areas of weakness associated  
15 with, dyslexia identified under section 3 of this act; and (iii)  
16 provided interventions pursuant to section 2 of this act;

17 (b) Descriptions from school districts of the types of  
18 interventions used in accordance with section 2 of this act and rates  
19 of student progress, when available; and

20 (c) Descriptions from school districts of the issues districts  
21 had related to implementing the provisions of section 2 of this act.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320  
23 RCW to read as follows:

24 Beginning with the 2018-19 school year, as part of the annual  
25 student assessment inventory, school districts that screen students  
26 for indicators of, or areas of weakness associated with, dyslexia  
27 must report the number of students and grade levels of the students  
28 screened, disaggregated by student subgroups. Each school district  
29 must aggregate the school reports and submit the aggregated report to  
30 the office of the superintendent of public instruction. The office of  
31 the superintendent of public instruction and the dyslexia advisory  
32 council convened under section 4 of this act must use this data when  
33 developing best practice recommendations in accordance with sections  
34 4 and 5 of this act.

35 **Sec. 7.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to  
36 read as follows:

37 (1) Use of best practices that have been demonstrated through  
38 research to be associated with increased student achievement

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

6 (a) Extended learning time opportunities occurring:

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

8 (ii) On Saturday; and

9 (iii) Beyond the regular school year;

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

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

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

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

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

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

20 (e) Tutoring support for participating students;

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

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

34 (2) In addition to the state menu developed under RCW  
35 28A.655.235, the office of the superintendent of public instruction  
36 shall convene a panel of experts, including the Washington state  
37 institute for public policy, to develop additional state menus of  
38 best practices and strategies for use in the learning assistance  
39 program to assist struggling students at all grade levels in English  
40 language arts and mathematics and reduce disruptive behaviors in the

1 classroom. The office of the superintendent of public instruction  
2 shall publish the state menus by July 1, 2015, and update the state  
3 menus by each July 1st thereafter.

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

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

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

25 (4) School districts are encouraged to implement best practices  
26 and strategies from the state menus developed under this section and  
27 RCW 28A.655.235 before the use is required.

28 (5) School districts may use learning assistance program  
29 allocations to meet the screening and intervention requirements of  
30 section 2 of this act, even if the student being screened or provided  
31 with supports is not eligible to participate in the learning  
32 assistance program. The learning assistance program allocations may  
33 also be used for school district staff trainings necessary to  
34 implement the provisions of section 2 of this act.

35 NEW SECTION. Sec. 8. A new section is added to chapter 28A.300  
36 RCW to read as follows:

37 (1) The superintendent of public instruction may adopt rules to  
38 implement sections 1 through 6 of this act and RCW 28A.165.035.

39 (2) The rules may include, but are not limited to, the following:

1 (a) A timeline for school districts and charter schools to  
2 implement the screenings required under section 2 of this act;

3 (b) The frequency of conducting the screenings;

4 (c) Best practices for identifying screening tools and resources  
5 in accordance with section 3 of this act;

6 (d) Training for school district staff conducting the screenings;  
7 and

8 (e) The members and scope of work for the dyslexia advisory  
9 council convened under section 4 of this act.

10 **Sec. 9.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to  
11 read as follows:

12 (1) A charter school must operate according to the terms of its  
13 charter contract and the provisions of this chapter.

14 (2) A charter school must:

15 (a) Comply with local, state, and federal health, safety,  
16 parents' rights, civil rights, and nondiscrimination laws applicable  
17 to school districts and to the same extent as school districts,  
18 including but not limited to chapter 28A.642 RCW (discrimination  
19 prohibition) and chapter 28A.640 RCW (sexual equality);

20 (b) Provide a program of basic education, that meets the goals in  
21 RCW 28A.150.210, including instruction in the essential academic  
22 learning requirements, and participate in the statewide student  
23 assessment system as developed under RCW 28A.655.070;

24 (c) Comply with the screening and intervention requirements under  
25 section 2 of this act;

26 (d) Employ certificated instructional staff as required in RCW  
27 28A.410.025. Charter schools, however, may hire noncertificated  
28 instructional staff of unusual competence and in exceptional cases as  
29 specified in RCW 28A.150.203(7);

30 ~~((d))~~ (e) Comply with the employee record check requirements in  
31 RCW 28A.400.303;

32 ~~((e))~~ (f) Adhere to generally accepted accounting principles  
33 and be subject to financial examinations and audits as determined by  
34 the state auditor, including annual audits for legal and fiscal  
35 compliance;

36 ~~((f))~~ (g) Comply with the annual performance report under RCW  
37 28A.655.110;

38 ~~((g))~~ (h) Be subject to the performance improvement goals  
39 adopted by the state board of education under RCW 28A.305.130;



1        (~~(h)~~) (i) Comply with the open public meetings act in chapter  
2 42.30 RCW and public records requirements in chapter 42.56 RCW; and  
3        (~~(i)~~) (j) Be subject to and comply with legislation enacted  
4 after December 6, 2012, that governs the operation and management of  
5 charter schools.

6        (3) Charter public schools must comply with all state statutes  
7 and rules made applicable to the charter school in the school's  
8 charter contract, and are subject to the specific state statutes and  
9 rules identified in subsection (2) of this section. For the purpose  
10 of allowing flexibility to innovate in areas such as scheduling,  
11 personnel, funding, and educational programs to improve student  
12 outcomes and academic achievement, charter schools are not subject  
13 to, and are exempt from, all other state statutes and rules  
14 applicable to school districts and school district boards of  
15 directors. Except as provided otherwise by this chapter or a charter  
16 contract, charter schools are exempt from all school district  
17 policies.

18        (4) A charter school may not engage in any sectarian practices in  
19 its educational program, admissions or employment policies, or  
20 operations.

21        (5) Charter schools are subject to the supervision of the  
22 superintendent of public instruction and the state board of  
23 education, including accountability measures, to the same extent as  
24 other public schools, except as otherwise provided in this chapter."

25        Correct the title.

EFFECT: Makes numerous changes to the underlying bill, including:  
(1) Revises the definition of dyslexia;  
(2) Delays by one year, to the 2021-22 school year, school district implementation of dyslexia screenings for students in kindergarten through second grade and interventions for those who display indications of, or areas of weakness associated with, dyslexia;  
(3) Requires districts to provide these interventions using multitiered systems of support that meet certain requirements;  
(4) Requires districts to provide educational materials to parents and families of students who display indications of, or areas of weakness associated with, dyslexia, and regular updates of student progress;  
(5) Specifies that the screening tools used by districts and identified by the Superintendent of Public Instruction (SPI) must meet best practices, such as satisfying developmental and academic criteria that indicate typical literacy development or dyslexia, and identifying highly predictive indicators of dyslexia;

(6) Requires that the list of screening tools and resources identified by the SPI must be updated as appropriate;

(7) Expires the Dyslexia Advisory Council (Council) on August 1, 2023 and removes provisions specifying the number of annual meetings and limiting members' term of service;

(8) Expands the content of the Council's report, which must be submitted to the SPI rather than the Legislature, to include best practices for implementing multitiered systems of support, sample educational materials, and best practices for meeting the needs of students above grade two;

(9) Directs the SPI to review the Council's recommendations and make its own recommendations available to school districts by June 1, 2021 (before district implementation is required);

(10) Requires the Council and the SPI to update their recommendations after reviewing the first year of school district implementation of the required screenings and interventions;

(11) Directs the SPI to, by November 1, 2022, report certain information from the first year of school district implementation of the required screenings and interventions, rather than requiring an annual report from the Council;

(12) Adds that Learning Assistance Program (LAP) allocations may be used for staff trainings to implement the required screenings and to provide interventions; and

(13) Makes grammar, structure, and other nonsubstantive changes, for example, uses consistent terms when describing students who require interventions under the act, moves school district requirements from the chapter on Special Education to the School District chapter, and deletes a redundant provision allowing LAP allocations to cover the costs of required screenings.

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