
SUBSTITUTE SENATE BILL 5758

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)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to increasing college and career readiness and
2 graduation rates in public schools; and adding a new chapter to Title
3 28A RCW.

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

5 NEW SECTION. **Sec. 1.** DEFINITIONS. The definition in this
6 section applies throughout this chapter unless the context clearly
7 requires otherwise.

8 "Career and technical education" has the definition in RCW
9 28A.700.010.

10 NEW SECTION. **Sec. 2.** ACCOUNT ESTABLISHMENT. The high school
11 graduation and college and career readiness account is created in the
12 state treasury. All receipts from federal funds, state
13 appropriations, and private donations and gifts must be deposited in
14 the account. Moneys in the account may be spent only after
15 appropriation. Expenditures from the account may be used only for the
16 purposes in this chapter.

17 NEW SECTION. **Sec. 3.** LEGISLATIVE APPROPRIATION. (1) Beginning
18 in the 2017-2019 biennium, the state legislature shall, at each
19 regular session in an odd-numbered year, appropriate from the account

1 established in section 2 of this act amounts equaling not less than
2 four hundred dollars per full-time equivalent student enrolled in a
3 public middle school and high school per school year, for state
4 support of the requirements of this chapter during the ensuing
5 biennium.

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

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

17 NEW SECTION. **Sec. 4.** USE OF FUNDS. (1) The funds provided in
18 accordance with this section may not be used for purposes or
19 requirements established before the effective date of this section
20 except for programs to replace federal or time-bound grant dollars
21 lost between June 2013 and June 2017.

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

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

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

4 (i) Purchasing new or upgraded equipment;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (i) Implementing activities to reduce chronic absenteeism;

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

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

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

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

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

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

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

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

36 (6) Indirect cost charges by school districts may not exceed five
37 percent of the amounts received under this section. The districts
38 must use a portion of these funds to conduct and report to the office
39 of the superintendent of public instruction an analysis of: (a)
40 Student attendance in middle school and high school grades; and (b)

1 disciplinary referrals, suspensions, and expulsions in middle school
2 and high school grades, disaggregated by race and ethnicity.

3 NEW SECTION. **Sec. 5.** REQUIREMENTS FOR RECEIPT OF FUNDING.
4 School districts receiving amounts distributed under section 4 of
5 this act must:

- 6 (1) Comply with eligibility requirements established by the
7 superintendent of public instruction under section 7 of this act; and
8 (2) Obtain approval from the superintendent of public instruction
9 of the district's two-year plan for use of the appropriated funds.

10 NEW SECTION. **Sec. 6.** PROMOTED ACTIONS. School districts
11 receiving amounts appropriated under section 3 of this act are
12 encouraged to:

- 13 (1) Cooperate, coordinate, or act jointly with other school
14 districts, educational service districts, professional learning
15 communities, nonprofit programs, community-based organizations, and
16 local and regional employers to maximize the benefits of the
17 appropriated amounts;
18 (2) Use evidence-based criteria to determine appropriate staffing
19 ratios and class sizes to comply with or otherwise support the
20 provisions of section 4 of this act; and
21 (3) Identify and pursue opportunities for federal, state, and
22 local funds that may be for purposes that comply with or otherwise
23 support the provisions of section 4 of this act.

24 NEW SECTION. **Sec. 7.** STATE AGENCY DUTIES. Before the 2019-20
25 school year, the superintendent of public instruction must adopt
26 rules necessary for the implementation of this chapter, including
27 rules defining "evidence-based high-quality college preparation
28 programs" under section 4 of this act. The rules must require school
29 districts to submit a two-year plan for use of the funds distributed
30 in accordance with section 4 of this act. The rules must also
31 include, but are not limited to, additional provisions governing
32 school district eligibility for the receipt of funds, approval
33 criteria by the superintendent of the district two-year plans, and
34 school district reporting requirements. The eligibility requirements
35 must require that districts:

- 36 (1) Provide sufficient time for teachers and staff of students in
37 grade six to review data on students' grades, absences, and

1 discipline, by school and course, and to develop strategies to ensure
2 that at-risk students stay on-track to graduate;

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

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

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

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

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

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

23 NEW SECTION. **Sec. 8.** RULE-MAKING AUTHORITY. The state board of
24 education shall adopt rules for school district appeals of decisions
25 of the superintendent under section 9 of this act to not transmit
26 funding to a school district.

27 NEW SECTION. **Sec. 9.** DISTRICTS NOT RECEIVING FUNDING. (1) If a
28 school district applies for but does not receive amounts appropriated
29 under section 3 of this act, the superintendent of public instruction
30 must prepare a corrective action plan for the district. The
31 superintendent of public instruction may use a portion of the amount
32 the district would have been eligible to receive to assist the school
33 district with the implementation of the corrective action plan.

34 (2) If a school district qualifies for funding distributed under
35 section 4 of this act the year immediately following an unsuccessful
36 application for funding, the superintendent of public instruction
37 must distribute to the district an amount equaling the amount the
38 district would have received in the prior year if it had qualified

1 for funding, less any amounts used by the superintendent under
2 subsection (1) of this section.

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

9 NEW SECTION. **Sec. 10.** REVIEW AND REPORTING. (1) The joint
10 legislative audit and review committee must review and report on the
11 performance of school districts receiving amounts under section 4 of
12 this act. Items that the committee must review include, but are not
13 limited to disaggregate data in the following areas:

- 14 (a) Student attendance in middle school and high school grades;
- 15 (b) Disciplinary referrals, suspensions, and expulsions in middle
16 school and high school grades;
- 17 (c) Beginning with grade nine, student progress toward
18 graduation;
- 19 (d) Graduation rates;
- 20 (e) Rates of college attendance by high school graduates; and
- 21 (f) The need for remedial courses in college.

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

28 NEW SECTION. **Sec. 11.** STATE AUDITOR DUTIES. The state auditor
29 must conduct financial and program audits of the uses and
30 effectiveness of funds appropriated under section 3 of this act in
31 complying with the provisions of this chapter. Reports required by
32 this section must be provided to the superintendent of public
33 instruction, the governor, and the appropriate committees of the
34 house of representatives and the senate on or before December 1,
35 2021, and December 1st of each odd-numbered year thereafter. Reports
36 submitted to the house of representatives and the senate must comply
37 with RCW 43.01.036.

1 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act
2 constitute a new chapter in Title 28A RCW.

3 NEW SECTION. **Sec. 13.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

--- END ---