
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6162

State of Washington

65th Legislature

2018 Regular Session

By Senate Ways & Means (originally sponsored by Senators Zeiger, Wellman, Palumbo, and Mullet)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to defining dyslexia as a specific learning
2 disability and requiring early screening for dyslexia; amending RCW
3 28A.165.035 and 28A.710.040; adding new sections to chapter 28A.155
4 RCW; adding new sections to chapter 28A.300 RCW; and adding a new
5 section to chapter 28A.320 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.155
8 RCW to read as follows:

9 For the purposes of sections 2 through 7 of this act and RCW
10 28A.710.040 "dyslexia" means a specific learning disorder that is
11 neurological in origin and that is characterized by unexpected
12 difficulties with accurate or fluent word recognition and by poor
13 spelling and decoding abilities not consistent with the person's
14 intelligence, motivation, and sensory capabilities, which
15 difficulties typically result from a deficit in the phonological
16 component of language.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.155
18 RCW to read as follows:

19 (1) Beginning in the 2020-21 school year, each school district
20 must screen every student in kindergarten, first, and second grade

1 for indications of dyslexia. The screening tools used must exemplify
2 best practices.

3 (2) School districts may, but are not required to, use the
4 screening tools and resources identified by the superintendent of
5 public instruction in accordance with section 3 of this act.

6 (3) A school district may use learning assistance program funds
7 to cover the costs of the required dyslexia screenings under this
8 section, even if the student being screened is not currently eligible
9 to participate in the learning assistance program.

10 (4) If a student shows indicators of below grade level literacy
11 development or indicators of dyslexia, the school must provide
12 interventions based on the school's system of support.

13 (5) Parents and families must be notified of the interventions
14 being offered to their student and whether the student continues to
15 show below grade level literacy development or indicators of
16 dyslexia. Upon parental consultation and consent, a student can be
17 referred for further evaluation.

18 (6) School districts may use state funds provided under RCW
19 28A.165.055 for the purposes of meeting the requirements of this
20 section.

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

23 (1) The superintendent of public instruction with input from the
24 dyslexia education advisory council that is reconvened in accordance
25 with section 4 of this act, must determine which screening tools meet
26 the developmental and academic criteria to indicate typical literacy
27 development and dyslexia.

28 (2) Starting at the beginning of the 2019-20 school year, the
29 superintendent of public instruction must host on the agency's web
30 site, literacy screeners that may be used by school districts to meet
31 the screening requirement under section 2 of this act.

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

34 (1) The superintendent of public instruction shall reconvene a
35 dyslexia advisory council to advise the superintendent on matters
36 relating to dyslexia. The council must include interested
37 stakeholders.

1 (2) The council must meet quarterly and serve without
2 compensation for a term of three years. When the council member's
3 term expires, the superintendent must appoint a replacement.

4 (3) Before the 2020-21 school year, the council must develop
5 options for the best way to implement the requirement under section
6 2(1) of this act to conduct screenings.

7 (4) The council must submit an annual report to the house of
8 representatives and senate education committees that:

9 (a) Includes the number of students screened and the number of
10 students identified with weakness in key areas that are associated
11 with characteristics of dyslexia or reading difficulties who were
12 provided with intervention services;

13 (b) Includes descriptions from school districts on types of
14 interventions used and rates of progress, when available; and

15 (c) Does not include identifying information on individual
16 students.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320
18 RCW to read as follows:

19 Beginning with the 2018-19 school year, as part of the annual
20 student assessment inventory, if a school is screening students for
21 indicators of dyslexia, then the school must report the number of
22 students and grade levels of the students screened. This data must be
23 disaggregated by subgroups of students. The school district shall
24 aggregate the reports from the schools and provide the reports to the
25 office of the superintendent of public instruction. The office of the
26 superintendent of public instruction and dyslexia advisory council
27 must use this data when developing options in accordance with section
28 4 of this act for the best way to implement dyslexia screenings. The
29 dyslexia advisory council must also use this data in its ongoing
30 advising of the office of the superintendent of public instruction on
31 dyslexia.

32 **Sec. 6.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
33 read as follows:

34 (1) Use of best practices that have been demonstrated through
35 research to be associated with increased student achievement
36 magnifies the opportunities for student success. To the extent they
37 are included as a best practice or strategy in one of the state menus
38 or an approved alternative under this section or RCW 28A.655.235, the

1 following are services and activities that may be supported by the
2 learning assistance program:

3 (a) Extended learning time opportunities occurring:

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

5 (ii) On Saturday; and

6 (iii) Beyond the regular school year;

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

8 (c) Professional development for certificated and classified
9 staff that focuses on:

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

11 (ii) Specific literacy and mathematics content and instructional
12 strategies; and

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

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

17 (e) Tutoring support for participating students;

18 (f) Outreach activities and support for parents of participating
19 students, including employing parent and family engagement
20 coordinators; and

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

31 (2) In addition to the state menu developed under RCW
32 28A.655.235, the office of the superintendent of public instruction
33 shall convene a panel of experts, including the Washington state
34 institute for public policy, to develop additional state menus of
35 best practices and strategies for use in the learning assistance
36 program to assist struggling students at all grade levels in English
37 language arts and mathematics and reduce disruptive behaviors in the
38 classroom. The office of the superintendent of public instruction
39 shall publish the state menus by July 1, 2015, and update the state
40 menus by each July 1st thereafter.

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

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

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

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

25 (5) In addition to the services and activities that can be
26 supported by the learning assistance program as specified in this
27 section, learning assistance program funds may also be used by school
28 districts to cover the costs of the required dyslexia screenings
29 under section 2 of this act, even if the student being screened is
30 not currently eligible to participate in the learning assistance
31 program.

32 NEW SECTION. Sec. 7. A new section is added to chapter 28A.300
33 RCW to read as follows:

34 (1) The superintendent of public instruction may adopt rules to
35 implement sections 1 through 6 of this act.

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

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

39 (b) The frequency for conducting the screenings;

- 1 (c) The knowledge and skills that must be assessed; and
2 (d) The members and scope of work for the dyslexia advisory
3 council.

4 **Sec. 8.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to
5 read as follows:

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

8 (2) A charter school must:

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

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

18 (c) Comply with the dyslexia screening requirements of section 2
19 of this act;

20 (d) Employ certificated instructional staff as required in RCW
21 28A.410.025. Charter schools, however, may hire noncertificated
22 instructional staff of unusual competence and in exceptional cases as
23 specified in RCW 28A.150.203(7);

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

26 ~~((e))~~ (f) Adhere to generally accepted accounting principles
27 and be subject to financial examinations and audits as determined by
28 the state auditor, including annual audits for legal and fiscal
29 compliance;

30 ~~((f))~~ (g) Comply with the annual performance report under RCW
31 28A.655.110;

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

34 ~~((h))~~ (i) Comply with the open public meetings act in chapter
35 42.30 RCW and public records requirements in chapter 42.56 RCW; and

36 ~~((i))~~ (j) Be subject to and comply with legislation enacted
37 after December 6, 2012, that governs the operation and management of
38 charter schools.

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

13 (4) A charter school may not engage in any sectarian practices in
14 its educational program, admissions or employment policies, or
15 operations.

16 (5) Charter schools are subject to the supervision of the
17 superintendent of public instruction and the state board of
18 education, including accountability measures, to the same extent as
19 other public schools, except as otherwise provided in this chapter.

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