
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; and adding new sections to chapter 28A.300 RCW.

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

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

8 For the purposes of sections 2 through 6 of this act and RCW
9 28A.710.040 "dyslexia" means a specific learning disorder that is
10 neurological in origin and that is characterized by unexpected
11 difficulties with accurate or fluent word recognition and by poor
12 spelling and decoding abilities not consistent with the person's
13 intelligence, motivation, and sensory capabilities, which
14 difficulties typically result from a deficit in the phonological
15 component of language.

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

18 (1) Beginning in the 2020-21 school year, each school district
19 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 **Sec. 5.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
18 read as follows:

19 (1) Use of best practices that have been demonstrated through
20 research to be associated with increased student achievement
21 magnifies the opportunities for student success. To the extent they
22 are included as a best practice or strategy in one of the state menus
23 or an approved alternative under this section or RCW 28A.655.235, the
24 following are services and activities that may be supported by the
25 learning assistance program:

26 (a) Extended learning time opportunities occurring:

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

28 (ii) On Saturday; and

29 (iii) Beyond the regular school year;

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

31 (c) Professional development for certificated and classified
32 staff that focuses on:

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

34 (ii) Specific literacy and mathematics content and instructional
35 strategies; and

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

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

1 (e) Tutoring support for participating students;

2 (f) Outreach activities and support for parents of participating
3 students, including employing parent and family engagement
4 coordinators; and

5 (g) Up to five percent of a district's learning assistance
6 program allocation may be used for development of partnerships with
7 community-based organizations, educational service districts, and
8 other local agencies to deliver academic and nonacademic supports to
9 participating students who are significantly at risk of not being
10 successful in school to reduce barriers to learning, increase student
11 engagement, and enhance students' readiness to learn. The school
12 board must approve in an open meeting any community-based
13 organization or local agency before learning assistance funds may be
14 expended.

15 (2) In addition to the state menu developed under RCW
16 28A.655.235, the office of the superintendent of public instruction
17 shall convene a panel of experts, including the Washington state
18 institute for public policy, to develop additional state menus of
19 best practices and strategies for use in the learning assistance
20 program to assist struggling students at all grade levels in English
21 language arts and mathematics and reduce disruptive behaviors in the
22 classroom. The office of the superintendent of public instruction
23 shall publish the state menus by July 1, 2015, and update the state
24 menus by each July 1st thereafter.

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

29 (b) Beginning in the 2016-17 school year, school districts may
30 use a practice or strategy that is not on a state menu developed
31 under subsection (2) of this section for two school years initially.
32 If the district is able to demonstrate improved outcomes for
33 participating students over the previous two school years at a level
34 commensurate with the best practices and strategies on the state
35 menu, the office of the superintendent of public instruction shall
36 approve use of the alternative practice or strategy by the district
37 for one additional school year. Subsequent annual approval by the
38 superintendent of public instruction to use the alternative practice
39 or strategy is dependent on the district continuing to demonstrate
40 increased improved outcomes for participating students.

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

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

9 (5) In addition to the services and activities that can be
10 supported by the learning assistance program as specified in this
11 section, learning assistance program funds may also be used by school
12 districts to cover the costs of the required dyslexia screenings
13 under section 2 of this act, even if the student being screened is
14 not currently eligible to participate in the learning assistance
15 program.

16 NEW SECTION. Sec. 6. A new section is added to chapter 28A.300
17 RCW to read as follows:

18 (1) The superintendent of public instruction may adopt rules to
19 implement sections 1 through 5 of this act.

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

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

23 (b) The frequency for conducting the screenings;

24 (c) The knowledge and skills that must be assessed; and

25 (d) The members and scope of work for the dyslexia advisory
26 council.

27 **Sec. 7.** RCW 28A.710.040 and 2016 c 241 s 104 are each amended to
28 read as follows:

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

31 (2) A charter school must:

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

37 (b) Provide a program of basic education, that meets the goals in
38 RCW 28A.150.210, including instruction in the essential academic

1 learning requirements, and participate in the statewide student
2 assessment system as developed under RCW 28A.655.070;

3 (c) Comply with the dyslexia screening requirements of section 2
4 of this act;

5 (d) Employ certificated instructional staff as required in RCW
6 28A.410.025. Charter schools, however, may hire noncertificated
7 instructional staff of unusual competence and in exceptional cases as
8 specified in RCW 28A.150.203(7);

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

11 ~~((e))~~ (f) Adhere to generally accepted accounting principles
12 and be subject to financial examinations and audits as determined by
13 the state auditor, including annual audits for legal and fiscal
14 compliance;

15 ~~((f))~~ (g) Comply with the annual performance report under RCW
16 28A.655.110;

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

19 ~~((h))~~ (i) Comply with the open public meetings act in chapter
20 42.30 RCW and public records requirements in chapter 42.56 RCW; and

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

24 (3) Charter public schools must comply with all state statutes
25 and rules made applicable to the charter school in the school's
26 charter contract, and are subject to the specific state statutes and
27 rules identified in subsection (2) of this section. For the purpose
28 of allowing flexibility to innovate in areas such as scheduling,
29 personnel, funding, and educational programs to improve student
30 outcomes and academic achievement, charter schools are not subject
31 to, and are exempt from, all other state statutes and rules
32 applicable to school districts and school district boards of
33 directors. Except as provided otherwise by this chapter or a charter
34 contract, charter schools are exempt from all school district
35 policies.

36 (4) A charter school may not engage in any sectarian practices in
37 its educational program, admissions or employment policies, or
38 operations.

39 (5) Charter schools are subject to the supervision of the
40 superintendent of public instruction and the state board of

1 education, including accountability measures, to the same extent as
2 other public schools, except as otherwise provided in this chapter.

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