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**SUBSTITUTE HOUSE BILL 2167**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Education (originally sponsored by Representatives Maxwell, Priest, Green, Quall, Moeller, White, Orwall, Sullivan, Van De Wege, Lias, and Probst)

READ FIRST TIME 02/23/09.

1            AN ACT Relating to flexibility in the education system; amending  
2 RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.040, 28A.210.080,  
3 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.118,  
4 28A.300.525, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061,  
5 28A.655.075, 17.21.415, 43.09.475, and 28A.650.015; reenacting and  
6 amending RCW 28A.230.125; repealing RCW 28A.220.050, 28A.220.080,  
7 28A.220.085, 28A.230.092, 28A.230.185, 28A.300.412, 28A.600.320,  
8 28A.600.415, 28A.630.045, and 28A.630.881; and providing an expiration  
9 date.

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

11            **Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read  
12 as follows:

13            (~~By July 1st of each year,~~) (1) A participating school district  
14 shall submit the district's plan for using learning assistance funds to  
15 the office of the superintendent of public instruction for approval, to  
16 the extent required under subsection (2) of this section. (~~For the~~  
17 ~~2004-05 school year, school districts must identify the program~~  
18 ~~activities to be implemented from RCW 28A.165.035 and are encouraged to~~  
19 ~~implement the elements in subsections (1) through (8) of this section.~~

1 ~~Beginning in the 2005-06 school year,~~) The program plan must identify  
2 the program activities to be implemented from RCW 28A.165.035 and  
3 implement all of the elements in ~~((subsections—(1)))~~ (a) through  
4 ~~((+8))~~ (h) of this ~~((section))~~ subsection. The school district plan  
5 shall include the following:

6 ~~((+1))~~ (a) District and school-level data on reading, writing, and  
7 mathematics achievement as reported pursuant to chapter 28A.655 RCW and  
8 relevant federal law;

9 ~~((+2))~~ (b) Processes used for identifying the underachieving  
10 students to be served by the program, including the identification of  
11 school or program sites providing program activities;

12 ~~((+3))~~ (c) How accelerated learning plans are developed and  
13 implemented for participating students. Accelerated learning plans may  
14 be developed as part of existing student achievement plan process such  
15 as student plans for achieving state high school graduation standards,  
16 individual student academic plans, or the achievement plans for groups  
17 of students. Accelerated learning plans shall include:

18 ~~((+a))~~ (i) Achievement goals for the students;

19 ~~((+b))~~ (ii) Roles of the student, parents, or guardians and  
20 teachers in the plan;

21 ~~((+c))~~ (iii) Communication procedures regarding student  
22 accomplishment; and

23 ~~((+d))~~ (iv) Plan reviews and adjustments processes;

24 ~~((+4))~~ (d) How state level and classroom assessments are used to  
25 inform instruction;

26 ~~((+5))~~ (e) How focused and intentional instructional strategies  
27 have been identified and implemented;

28 ~~((+6))~~ (f) How highly qualified instructional staff are developed  
29 and supported in the program and in participating schools;

30 ~~((+7))~~ (g) How other federal, state, district, and school  
31 resources are coordinated with school improvement plans and the  
32 district's strategic plan to support underachieving students; and

33 ~~((+8))~~ (h) How a program evaluation will be conducted to determine  
34 direction for the following school year.

35 (2) If a school district has received approval of its plan once, it  
36 is not required to submit a plan for approval under RCW 28A.165.045 or  
37 this section unless the district has made a significant change to the  
38 plan. If a district has made a significant change to only a portion of

1 the plan the district need only submit a description of the changes  
2 made and not the entire plan. Plans or descriptions of changes to the  
3 plan must be submitted by July 1st as required under this section. The  
4 office of the superintendent of public instruction shall establish  
5 guidelines for what a "significant change" is.

6 **Sec. 2.** RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read  
7 as follows:

8 A participating school district shall (~~annually~~) submit a program  
9 plan to the office of the superintendent of public instruction for  
10 approval to the extent required by RCW 28A.165.025. The program plan  
11 must address all of the elements in RCW 28A.165.025 and identify the  
12 program activities to be implemented from RCW 28A.165.035.

13 School districts achieving state reading and mathematics goals as  
14 prescribed in chapter 28A.655 RCW shall have their program approved  
15 once the program plan and activities submittal is completed.

16 School districts not achieving state reading and mathematics goals  
17 as prescribed in chapter 28A.655 RCW and that are not in a state or  
18 federal program of school improvement shall be subject to program  
19 approval once the plan components are reviewed by the office of the  
20 superintendent of public instruction for the purpose of receiving  
21 technical assistance in the final development of the plan.

22 School districts with one or more schools in a state or federal  
23 program of school improvement shall have their plans and activities  
24 reviewed and approved in conjunction with the state or federal program  
25 school improvement program requirements.

26 **Sec. 3.** RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read  
27 as follows:

28 The state board of health, after consultation with the  
29 superintendent of public instruction, shall adopt reasonable rules  
30 (~~and regulations~~) regarding the presence of persons on or about any  
31 school premises who have, or who have been exposed to, contagious  
32 diseases deemed by the state board of health as dangerous to the public  
33 health. Such rules (~~and regulations~~) shall specify reasonable and  
34 precautionary procedures as to such presence and/or readmission of such  
35 persons and may include the requirement for a certificate from a  
36 licensed physician that there is no danger of contagion. The

1 superintendent of public instruction shall (~~print and distribute the~~)  
2 provide to appropriate school officials and personnel, access and  
3 notice of these rules (~~and regulations~~) of the state board of health  
4 (~~above provided to appropriate school officials and personnel~~).  
5 Providing online access to these rules satisfies the requirements of  
6 this section. The superintendent of public instruction is required to  
7 provide this notice only when there are significant changes to the  
8 rules.

9 **Sec. 4.** RCW 28A.210.040 and 1990 c 33 s 189 are each amended to  
10 read as follows:

11 The superintendent of public instruction shall (~~print and~~  
12 ~~distribute~~) provide access to appropriate school officials the rules  
13 (~~and regulations~~) adopted by the state board of health pursuant to  
14 RCW 28A.210.020 and the recommended records and forms to be used in  
15 making and reporting such screenings. Providing online access to the  
16 materials satisfies the requirements of this section.

17 **Sec. 5.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to  
18 read as follows:

19 (1) The attendance of every child at every public and private  
20 school in the state and licensed day care center shall be conditioned  
21 upon the presentation before or on each child's first day of attendance  
22 at a particular school or center, of proof of either (a) full  
23 immunization, (b) the initiation of and compliance with a schedule of  
24 immunization, as required by rules of the state board of health, or (c)  
25 a certificate of exemption as provided for in RCW 28A.210.090. The  
26 attendance at the school or the day care center during any subsequent  
27 school year of a child who has initiated a schedule of immunization  
28 shall be conditioned upon the presentation of proof of compliance with  
29 the schedule on the child's first day of attendance during the  
30 subsequent school year. Once proof of full immunization or proof of  
31 completion of an approved schedule has been presented, no further proof  
32 shall be required as a condition to attendance at the particular school  
33 or center.

34 (2)(a) Beginning with sixth grade entry, every public and private  
35 school in the state shall provide parents and guardians with access to  
36 information about meningococcal disease and its vaccine at the

1 beginning of every school year. Providing online access to the  
2 information satisfies the requirements of this section unless a parent  
3 or guardian specifically requests information to be provided in written  
4 form. The information about meningococcal disease shall include:

5 (i) Its causes and symptoms, how meningococcal disease is spread,  
6 and the places where parents and guardians may obtain additional  
7 information and vaccinations for their children; and

8 (ii) Current recommendations from the United States centers for  
9 disease control and prevention regarding the receipt of vaccines for  
10 meningococcal disease and where the vaccination can be received.

11 (b) This subsection shall not be construed to require the  
12 department of health or the school to provide meningococcal vaccination  
13 to students.

14 (c) The department of health shall prepare the informational  
15 materials and shall consult with the office of superintendent of public  
16 instruction.

17 (d) This subsection does not create a private right of action.

18 (3)(a) Beginning with sixth grade entry, every public school in the  
19 state shall provide parents and guardians with access to information  
20 about human papillomavirus disease and its vaccine at the beginning of  
21 every school year. Providing online access to the information  
22 satisfies the requirements of this section unless a parent or guardian  
23 specifically requests information to be provided in written form. The  
24 information about human papillomavirus disease shall include:

25 (i) Its causes and symptoms, how human papillomavirus disease is  
26 spread, and the places where parents and guardians may obtain  
27 additional information and vaccinations for their children; and

28 (ii) Current recommendations from the United States centers for  
29 disease control and prevention regarding the receipt of vaccines for  
30 human papillomavirus disease and where the vaccination can be received.

31 (b) This subsection shall not be construed to require the  
32 department of health or the school to provide human papillomavirus  
33 vaccination to students.

34 (c) The department of health shall prepare the informational  
35 materials and shall consult with the office of the superintendent of  
36 public instruction.

37 (d) This subsection does not create a private right of action.

1 (4) Private schools are required by state law to notify parents  
2 that information on the human papillomavirus disease prepared by the  
3 department of health is available.

4 **Sec. 6.** RCW 28A.225.005 and 1992 c 205 s 201 are each amended to  
5 read as follows:

6 Each school within a school district shall inform the students and  
7 the parents of the students enrolled in the school about the compulsory  
8 education requirements under this chapter. The school shall  
9 ~~((distribute))~~ provide access to the information at least annually.  
10 Providing online access to the information satisfies the requirements  
11 of this section unless a parent or guardian specifically requests  
12 information to be provided in written form.

13 **Sec. 7.** RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each  
14 amended to read as follows:

15 (1) The superintendent of public instruction shall prepare and  
16 annually ~~((distribute an))~~ provide access to information ~~((booklet))~~  
17 outlining parents' and guardians' enrollment options for their  
18 children. Providing online access to the information satisfies the  
19 requirements of this section unless a parent or guardian specifically  
20 requests information to be provided in written form.

21 (2) ~~((Before the 1991-92 school year, the booklet shall be~~  
22 ~~distributed to all school districts by the office of the superintendent~~  
23 ~~of public instruction. School districts shall have a copy of the~~  
24 ~~information booklet available for public inspection at each school in~~  
25 ~~the district, at the district office, and in public libraries))~~ School  
26 districts shall provide access to the information in this section to  
27 the public. Providing online access to the information satisfies the  
28 requirements of this subsection unless a parent or guardian  
29 specifically requests the information be provided in written form.

30 (3) The booklet shall include:

31 (a) Information about enrollment options and program opportunities,  
32 including but not limited to programs in RCW 28A.225.220, 28A.185.040,  
33 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250,  
34 28A.175.090, 28A.340.010 through 28A.340.070 (small high school  
35 cooperative projects), and 28A.335.160.

1 (b) Information about the running start - community college or  
2 vocational-technical institute choice program under RCW 28A.600.300  
3 through (~~28A.600.395~~) 28A.600.390; and

4 (c) Information about the seventh and eighth grade choice program  
5 under RCW 28A.230.090.

6 **Sec. 8.** RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each  
7 amended to read as follows:

8 Each school district board of directors annually shall inform  
9 parents of the district's intradistrict and interdistrict enrollment  
10 options and parental involvement opportunities. Information on  
11 intradistrict enrollment options and interdistrict acceptance policies  
12 shall be provided to nonresidents on request. Providing online access  
13 to the information satisfies the requirements of this section unless a  
14 parent or guardian specifically requests information to be provided in  
15 written form.

16 **Sec. 9.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to  
17 read as follows:

18 (1) By the end of the 2008-09 school year, school districts shall  
19 have in place in elementary schools, middle schools, and high schools  
20 assessments or other strategies chosen by the district to assure that  
21 students have an opportunity to learn the essential academic learning  
22 requirements in social studies, the arts, and health and fitness.  
23 Social studies includes history, geography, civics, economics, and  
24 social studies skills. Beginning with the 2008-09 school year, school  
25 districts shall annually submit an implementation verification report  
26 to the office of the superintendent of public instruction. The office  
27 of the superintendent of public instruction may not require school  
28 districts to use a classroom-based assessment in social studies, the  
29 arts, and health and fitness to meet the requirements of this section  
30 and shall clearly communicate to districts their option to use other  
31 strategies chosen by the district.

32 (2) Beginning with the 2008-09 school year, school districts shall  
33 require students in (~~the fourth or fifth grades [grade],~~) the seventh  
34 or eighth (~~grades [grade]~~) grade, and the eleventh or twelfth  
35 (~~grades [grade]~~) grade to each complete at least one classroom-based  
36 assessment in civics. Beginning with the 2010-11 school year, school

1 districts shall require students in the fourth or fifth grade to  
2 complete at least one classroom-based assessment in civics. The civics  
3 assessment may be selected from a list of classroom-based assessments  
4 approved by the office of the superintendent of public instruction.  
5 Beginning with the 2008-09 school year, school districts shall annually  
6 submit implementation verification reports to the office of the  
7 superintendent of public instruction documenting the use of the  
8 classroom-based assessments in civics.

9 (3) Verification reports shall require school districts to report  
10 only the information necessary to comply with this section.

11 **Sec. 10.** RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6  
12 are each reenacted and amended to read as follows:

13 (1) The superintendent of public instruction, in consultation with  
14 the higher education coordinating board, the state board for community  
15 and technical colleges, and the workforce training and education  
16 coordinating board, shall develop for use by all public school  
17 districts a standardized high school transcript. The superintendent  
18 shall establish clear definitions for the terms "credits" and "hours"  
19 so that school programs operating on the quarter, semester, or  
20 trimester system can be compared.

21 (2) The standardized high school transcript shall include a  
22 notation of whether the student has earned a certificate of individual  
23 achievement or a certificate of academic achievement.

24 ~~((3) Transcripts are important documents to students who will~~  
25 ~~apply for admission to postsecondary institutions of higher education.~~  
26 ~~Transcripts are also important to students who will seek employment~~  
27 ~~upon or prior to graduation from high school. It is recognized that~~  
28 ~~student transcripts may be the only record available to employers in~~  
29 ~~their decision-making processes regarding prospective employees. The~~  
30 ~~superintendent of public instruction shall require school districts to~~  
31 ~~inform annually all high school students that prospective employers may~~  
32 ~~request to see transcripts and that the prospective employee's decision~~  
33 ~~to release transcripts can be an important part of the process of~~  
34 ~~applying for employment.))~~

35 **Sec. 11.** RCW 28A.300.118 and 2000 c 126 s 1 are each amended to  
36 read as follows:



1 (1) Beginning with the ((2000-01)) 2011-12 school year, the  
2 superintendent of public instruction shall notify senior high schools  
3 and any other public school that includes ninth grade of the names and  
4 contact information of public and private entities offering programs  
5 leading to college credit, including information about online advanced  
6 placement classes, if the superintendent has knowledge of such entities  
7 and if the cost of reporting these entities is minimal.

8 (2) Beginning with the ((2000-01)) 2011-12 school year, each senior  
9 high school and any other public school that includes ninth grade shall  
10 publish annually and deliver to each parent with children enrolled in  
11 ninth through twelfth grades, information concerning the entrance  
12 requirements and the availability of programs in the local area that  
13 lead to college credit, including classes such as advanced placement,  
14 running start, tech-prep, skill centers, college in the high school,  
15 and international baccalaureate programs. The information may be  
16 included with other information the school regularly mails to parents.  
17 In addition, each senior high school and any other public school that  
18 includes ninth grade shall enclose information of the names and contact  
19 information of other public or private entities offering such programs,  
20 including online advanced placement programs, to its ninth through  
21 twelfth grade students if the school has knowledge of such entities.

22 **Sec. 12.** RCW 28A.300.525 and 2008 c 297 s 2 are each amended to  
23 read as follows:

24 (1) The superintendent of public instruction shall provide an  
25 annual aggregate report to the legislature on the educational  
26 experiences and progress of students in children's administration out-  
27 of-home care. This data should be disaggregated in the smallest units  
28 allowable by law that do not identify an individual student, in order  
29 to learn which school districts are experiencing the greatest success  
30 and challenges in achieving quality educational outcomes with students  
31 in children's administration out-of-home care.

32 (2) This section is suspended until July 1, 2011.

33 **Sec. 13.** RCW 28A.320.165 and 2001 c 333 s 4 are each amended to  
34 read as follows:

35 Schools as defined in RCW 17.21.415 shall provide notice of

1 pesticide use to parents or guardians of students and employees  
2 pursuant to chapter 17.21 RCW, upon the request of the parent or  
3 guardian.

4 **Sec. 14.** RCW 28A.320.180 and 2007 c 396 s 11 are each amended to  
5 read as follows:

6 (1) Subject to funding appropriated for this purpose and beginning  
7 in the fall of 2009, school districts shall provide all high school  
8 students enrolled in the district the option of taking the mathematics  
9 college readiness test developed under RCW 28B.10.679 once at no cost  
10 to the students. Districts shall encourage, but not require, students  
11 to take the test in their junior or senior year of high school.

12 (2) Subject to funding appropriated for this purpose, the office of  
13 the superintendent of public instruction shall reimburse each district  
14 for the costs incurred by the district in providing students the  
15 opportunity to take the mathematics placement test.

16 (3) This section is suspended until July 1, 2011.

17 **Sec. 15.** RCW 28A.600.160 and 1998 c 225 s 2 are each amended to  
18 read as follows:

19 Any middle school, junior high school, or high school using  
20 educational pathways shall ensure that all participating students will  
21 continue to have access to the courses and instruction necessary to  
22 meet admission requirements at baccalaureate institutions. Students  
23 shall be allowed to enter the educational pathway of their choice.  
24 Before accepting a student into an educational pathway, the school  
25 shall inform the student's parent of the pathway chosen, the  
26 opportunities available to the student through the pathway, and the  
27 career objectives the student will have exposure to while pursuing the  
28 pathway. Providing online access to the information satisfies the  
29 requirements of this section unless a parent or guardian specifically  
30 request information to be provided in written form. Parents and  
31 students dissatisfied with the opportunities available through the  
32 selected educational pathway shall be provided with the opportunity to  
33 transfer the student to any other pathway provided in the school.  
34 Schools may not develop educational pathways that retain students in  
35 high school beyond the date they are eligible to graduate, and may not  
36 require students who transfer between pathways to complete pathway

1 requirements beyond the date the student is eligible to graduate.  
2 Educational pathways may include, but are not limited to, programs such  
3 as work-based learning, (~~(school-to-work-transition,)~~) tech prep,  
4 (~~(vocational-technical)~~) career and technical education, running start,  
5 and preparation for technical college, community college, or university  
6 education.

7 **Sec. 16.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to  
8 read as follows:

9 (1) The high school assessment system shall include but need not be  
10 limited to the Washington assessment of student learning, opportunities  
11 for a student to retake the content areas of the assessment in which  
12 the student was not successful, and if approved by the legislature  
13 pursuant to subsection (10) of this section, one or more objective  
14 alternative assessments for a student to demonstrate achievement of  
15 state academic standards. The objective alternative assessments for  
16 each content area shall be comparable in rigor to the skills and  
17 knowledge that the student must demonstrate on the Washington  
18 assessment of student learning for each content area.

19 (2) Subject to the conditions in this section, a certificate of  
20 academic achievement shall be obtained by most students at about the  
21 age of sixteen, and is evidence that the students have successfully met  
22 the state standard in the content areas included in the certificate.  
23 With the exception of students satisfying the provisions of RCW  
24 28A.155.045 or 28A.655.0611, acquisition of the certificate is required  
25 for graduation from a public high school but is not the only  
26 requirement for graduation.

27 (3) Beginning with the graduating class of 2008, with the exception  
28 of students satisfying the provisions of RCW 28A.155.045, a student who  
29 meets the state standards on the reading, writing, and mathematics  
30 content areas of the high school Washington assessment of student  
31 learning shall earn a certificate of academic achievement. If a  
32 student does not successfully meet the state standards in one or more  
33 content areas required for the certificate of academic achievement,  
34 then the student may retake the assessment in the content area up to  
35 four times at no cost to the student. If the student successfully  
36 meets the state standards on a retake of the assessment then the  
37 student shall earn a certificate of academic achievement. Once

1 objective alternative assessments are authorized pursuant to subsection  
2 (10) of this section, a student may use the objective alternative  
3 assessments to demonstrate that the student successfully meets the  
4 state standards for that content area if the student has taken the  
5 Washington assessment of student learning at least once. If the  
6 student successfully meets the state standards on the objective  
7 alternative assessments then the student shall earn a certificate of  
8 academic achievement.

9 (4) Beginning no later than with the graduating class of 2013, a  
10 student must meet the state standards in science in addition to the  
11 other content areas required under subsection (3) of this section on  
12 the Washington assessment of student learning or the objective  
13 alternative assessments in order to earn a certificate of academic  
14 achievement. The state board of education may adopt a rule that  
15 implements the requirements of this subsection (4) beginning with a  
16 graduating class before the graduating class of 2013, if the state  
17 board of education adopts the rule by September 1st of the freshman  
18 school year of the graduating class to which the requirements of this  
19 subsection (4) apply. The state board of education's authority under  
20 this subsection (4) does not alter the requirement that any change in  
21 performance standards for the tenth grade assessment must comply with  
22 RCW 28A.305.130.

23 (5) The state board of education may not require the acquisition of  
24 the certificate of academic achievement for students in home-based  
25 instruction under chapter 28A.200 RCW, for students enrolled in private  
26 schools under chapter 28A.195 RCW, or for students satisfying the  
27 provisions of RCW 28A.155.045.

28 (6) A student may retain and use the highest result from each  
29 successfully completed content area of the high school assessment.

30 (7) School districts must make available to students the following  
31 options:

32 (a) To retake the Washington assessment of student learning up to  
33 four times in the content areas in which the student did not meet the  
34 state standards if the student is enrolled in a public school; or

35 (b) To retake the Washington assessment of student learning up to  
36 four times in the content areas in which the student did not meet the  
37 state standards if the student is enrolled in a high school completion  
38 program at a community or technical college. The superintendent of

1 public instruction and the state board for community and technical  
2 colleges shall jointly identify means by which students in these  
3 programs can be assessed.

4 (8) Students who achieve the standard in a content area of the high  
5 school assessment but who wish to improve their results shall pay for  
6 retaking the assessment, using a uniform cost determined by the  
7 superintendent of public instruction.

8 (9) Opportunities to retake the assessment at least twice a year  
9 shall be available to each school district.

10 (10)(a) The office of the superintendent of public instruction  
11 shall develop options for implementing objective alternative  
12 assessments, which may include an appeals process for students' scores,  
13 for students to demonstrate achievement of the state academic  
14 standards. The objective alternative assessments shall be comparable  
15 in rigor to the skills and knowledge that the student must demonstrate  
16 on the Washington assessment of student learning and be objective in  
17 its determination of student achievement of the state standards.  
18 Before any objective alternative assessments in addition to those  
19 authorized in RCW 28A.655.065 or (b) of this subsection are used by a  
20 student to demonstrate that the student has met the state standards in  
21 a content area required to obtain a certificate, the legislature shall  
22 formally approve the use of any objective alternative assessments  
23 through the omnibus appropriations act or by statute or concurrent  
24 resolution.

25 (b)(i) A student's score on the mathematics, reading or English, or  
26 writing portion of the (~~scholastic assessment test~~(-))SAT((+)) or the  
27 (~~American college test~~(-))ACT((+)) may be used as an objective  
28 alternative assessment under this section for demonstrating that a  
29 student has met or exceeded the state standards for the certificate of  
30 academic achievement. The state board of education shall identify the  
31 scores students must achieve on the relevant portion of the SAT or ACT  
32 to meet or exceed the state standard in the relevant content area on  
33 the Washington assessment of student learning. The state board of  
34 education shall identify the first scores by December 1, 2007. After  
35 the first scores are established, the state board may increase but not  
36 decrease the scores required for students to meet or exceed the state  
37 standards.

1 (ii) Until August 31, 2008, a student's score on the mathematics  
2 portion of the (~~(preliminary scholastic assessment test (-))~~)PSAT(~~(+)~~)  
3 may be used as an objective alternative assessment under this section  
4 for demonstrating that a student has met or exceeded the state standard  
5 for the certificate of academic achievement. The state board of  
6 education shall identify the score students must achieve on the  
7 mathematics portion of the PSAT to meet or exceed the state standard in  
8 that content area on the Washington assessment of student learning.

9 (iii) A student who scores at least a three on the grading scale of  
10 one to five for selected AP examinations may use the score as an  
11 objective alternative assessment under this section for demonstrating  
12 that a student has met or exceeded state standards for the certificate  
13 of academic achievement. A score of three on the AP examinations in  
14 calculus or statistics may be used as an alternative assessment for the  
15 mathematics portion of the Washington assessment of student learning.  
16 A score of three on the AP examinations in English language and  
17 composition may be used as an alternative assessment for the writing  
18 portion of the Washington assessment of student learning. A score of  
19 three on the AP examinations in English literature and composition,  
20 macroeconomics, microeconomics, psychology, United States history,  
21 world history, United States government and politics, or comparative  
22 government and politics may be used as an alternative assessment for  
23 the reading portion of the Washington assessment of student learning.

24 (11) By December 15, 2004, the house of representatives and senate  
25 education committees shall obtain information and conclusions from  
26 recognized, independent, national assessment experts regarding the  
27 validity and reliability of the high school Washington assessment of  
28 student learning for making individual student high school graduation  
29 determinations.

30 (~~((12) To help assure continued progress in academic achievement as  
31 a foundation for high school graduation and to assure that students are  
32 on track for high school graduation, each school district shall prepare  
33 plans for and notify students and their parents or legal guardians as  
34 provided in this subsection (12).~~

35 (~~(a) Student learning plans are required for eighth through twelfth  
36 grade students who were not successful on any or all of the content  
37 areas of the Washington assessment for student learning during the  
38 previous school year or who may not be on track to graduate due to~~

1 ~~credit deficiencies or absences. The parent or legal guardian shall be~~  
2 ~~notified about the information in the student learning plan, preferably~~  
3 ~~through a parent conference and at least annually. To the extent~~  
4 ~~feasible, schools serving English language learner students and their~~  
5 ~~parents shall translate the plan into the primary language of the~~  
6 ~~family. The plan shall include the following information as~~  
7 ~~applicable:~~

8 ~~(i) The student's results on the Washington assessment of student~~  
9 ~~learning;~~

10 ~~(ii) If the student is in the transitional bilingual program, the~~  
11 ~~score on his or her Washington language proficiency test II;~~

12 ~~(iii) Any credit deficiencies;~~

13 ~~(iv) The student's attendance rates over the previous two years;~~

14 ~~(v) The student's progress toward meeting state and local~~  
15 ~~graduation requirements;~~

16 ~~(vi) The courses, competencies, and other steps needed to be taken~~  
17 ~~by the student to meet state academic standards and stay on track for~~  
18 ~~graduation;~~

19 ~~(vii) Remediation strategies and alternative education options~~  
20 ~~available to students, including informing students of the option to~~  
21 ~~continue to receive instructional services after grade twelve or until~~  
22 ~~the age of twenty-one;~~

23 ~~(viii) The alternative assessment options available to students~~  
24 ~~under this section and RCW 28A.655.065;~~

25 ~~(ix) School district programs, high school courses, and career and~~  
26 ~~technical education options available for students to meet graduation~~  
27 ~~requirements; and~~

28 ~~(x) Available programs offered through skill centers or community~~  
29 ~~and technical colleges.~~

30 ~~(b) All fifth grade students who were not successful in one or more~~  
31 ~~of the content areas of the fourth grade Washington assessment of~~  
32 ~~student learning shall have a student learning plan.~~

33 ~~(i) The parent or guardian of the student shall be notified,~~  
34 ~~preferably through a parent conference, of the student's results on the~~  
35 ~~Washington assessment of student learning, actions the school intends~~  
36 ~~to take to improve the student's skills in any content area in which~~  
37 ~~the student was unsuccessful, and provide strategies to help them~~  
38 ~~improve their student's skills.~~

1       ~~(ii) Progress made on the student plan shall be reported to the~~  
2 ~~student's parents or guardian at least annually and adjustments to the~~  
3 ~~plan made as necessary.))~~

4       **Sec. 17.** RCW 28A.655.075 and 2007 c 396 s 16 are each amended to  
5 read as follows:

6       (1) Within funds specifically appropriated therefor, by December 1,  
7 2008, the superintendent of public instruction shall develop essential  
8 academic learning requirements and grade level expectations for  
9 educational technology literacy and technology fluency that identify  
10 the knowledge and skills that all public school students need to know  
11 and be able to do in the areas of technology and technology literacy.  
12 The development process shall include a review of current standards  
13 that have been developed or are used by other states and national and  
14 international technology associations. To the maximum extent possible,  
15 the superintendent shall integrate goal four and the knowledge and  
16 skill areas in the other goals in the technology essential academic  
17 learning requirements.

18       (a) As used in this section, "technology literacy" means the  
19 ability to responsibly, creatively, and effectively use appropriate  
20 technology to communicate; access, collect, manage, integrate, and  
21 evaluate information; solve problems and create solutions; build and  
22 share knowledge; and improve and enhance learning in all subject areas  
23 and experiences.

24       (b) Technology fluency builds upon technology literacy and is  
25 demonstrated when students:     Apply technology to real-world  
26 experiences; adapt to changing technologies; modify current and create  
27 new technologies; and personalize technology to meet personal needs,  
28 interests, and learning styles.

29       (2)(a) Within funds specifically appropriated therefor, the  
30 superintendent shall obtain or develop education technology assessments  
31 that may be administered in the elementary, middle, and high school  
32 grades to assess the essential academic learning requirements for  
33 technology. The assessments shall be designed to be classroom or  
34 project-based so that they can be embedded in classroom instruction and  
35 be administered and scored by school staff throughout the regular  
36 school year using consistent scoring criteria and procedures. By the  
37 2010-11 school year, these assessments shall be made available to



1 school districts for the districts' voluntary use. If a school  
2 district uses the assessments created under this section, then the  
3 school district shall notify the superintendent of public instruction  
4 of the use. The superintendent shall report annually to the  
5 legislature on the number of school districts that use the assessments  
6 each school year.

7 (b) Beginning December 1, 2010, and annually thereafter, the  
8 superintendent of public instruction shall provide a report to the  
9 relevant legislative committees regarding the use of the assessments.

10 (3) This section is suspended until July 1, 2011.

11 **Sec. 18.** RCW 17.21.415 and 2001 c 333 s 3 are each amended to read  
12 as follows:

13 (1) As used in this section, "school" means a licensed day care  
14 center or a public kindergarten or a public elementary or secondary  
15 school.

16 (2) A school shall provide written notification (~~(annually or upon~~  
17 ~~enrollment)~~), upon request, to parents or guardians of students and  
18 employees describing the school's pest control policies and methods,  
19 including the posting and notification requirements of this section.

20 (3) A school shall establish a notification system that, as a  
21 minimum, notifies interested parents or guardians of students and  
22 employees at least forty-eight hours before a pesticide application to  
23 a school facility. The notification system shall include posting of  
24 the notification in a prominent place in the main office of the school.

25 (4) All notifications to parents, guardians, and employees shall  
26 include the heading "Notice: Pesticide Application" and, at a minimum,  
27 shall state:

28 (a) The product name of the pesticide to be applied;

29 (b) The intended date and time of application;

30 (c) The location to which the pesticide is to be applied;

31 (d) The pest to be controlled; and

32 (e) The name and phone number of a contact person at the school.

33 (5) A school facility application must be made within forty-eight  
34 hours following the intended date and time stated in the notification  
35 or the notification process shall be repeated.

36 (6) A school shall, at the time of application, post notification

1 signs for all pesticide applications made to school facilities unless  
2 the application is otherwise required to be posted by a certified  
3 applicator under the provisions of RCW 17.21.410(1)(d).

4 (a) Notification signs for applications made to school grounds by  
5 school employees shall be placed at the location of the application and  
6 at each primary point of entry to the school grounds. The signs shall  
7 be a minimum of four inches by five inches and shall include the words:  
8 "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY  
9 YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as  
10 the footer. The footer shall provide the name and telephone number of  
11 a contact person at the school.

12 (b) Notification signs for applications made to school facilities  
13 other than school grounds shall be posted at the location of the  
14 application. The signs shall be a minimum of eight and one-half by  
15 eleven inches and shall include the heading "Notice: Pesticide  
16 Application" and, at a minimum, shall state:

- 17 (i) The product name of the pesticide applied;
- 18 (ii) The date and time of application;
- 19 (iii) The location to which the pesticide was applied;
- 20 (iv) The pest to be controlled; and
- 21 (v) The name and phone number of a contact person at the school.

22 (c) Notification signs shall be printed in colors contrasting to  
23 the background.

24 (d) Notification signs shall remain in place for at least  
25 twenty-four hours from the time the application is completed. In the  
26 event the pesticide label requires a restricted entry interval greater  
27 than twenty-four hours, the notification sign shall remain in place  
28 consistent with the restricted entry interval time as required by the  
29 label.

30 (7) A school facility application does not include the application  
31 of antimicrobial pesticides or the placement of insect or rodent baits  
32 that are not accessible to children.

33 (8) The prenotification requirements of this section do not apply  
34 if the school facility application is made when the school is not  
35 occupied by students for at least two consecutive days after the  
36 application.

37 (9) The prenotification requirements of this section do not apply  
38 to any emergency school facility application for control of any pest

1 that poses an immediate human health or safety threat, such as an  
2 application to control stinging insects. When an emergency school  
3 facility application is made, notification consistent with the school's  
4 notification system shall occur as soon as possible after the  
5 application. The notification shall include information consistent  
6 with subsection (6)(b) of this section.

7 (10) A school shall make the records of all pesticide applications  
8 to school facilities required under this chapter, including an annual  
9 summary of the records, readily accessible to interested persons.

10 (11) A school is not liable for the removal of signs by  
11 unauthorized persons. A school that complies with this section may not  
12 be held liable for personal property damage or bodily injury resulting  
13 from signs that are placed as required.

14 **Sec. 19.** RCW 43.09.475 and 2006 c 1 s 5 are each amended to read  
15 as follows:

16 The performance audits of government account is hereby created in  
17 the custody of the state treasurer. Revenue identified in RCW  
18 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money  
19 in the account shall be used to fund the performance audits and follow-  
20 up performance audits under RCW 43.09.470 and shall be expended by the  
21 state auditor in accordance with chapter 1, Laws of 2006. Money in the  
22 account shall also be used to reimburse school districts and  
23 educational service districts for the documented costs of a performance  
24 audit and for the documented costs of complying with a performance  
25 audit. Only the state auditor or the state auditor's designee may  
26 authorize expenditures from the account. The account is subject to  
27 allotment procedures under chapter 43.88 RCW, but an appropriation is  
28 not required for expenditures.

29 **Sec. 20.** RCW 28A.650.015 and 2006 c 263 s 917 are each amended to  
30 read as follows:

31 (1) The superintendent of public instruction, to the extent funds  
32 are appropriated, shall develop and implement a Washington state K-12  
33 education technology plan. The technology plan shall be updated on at  
34 least a biennial basis, shall be developed to coordinate and expand the  
35 use of education technology in the common schools of the state. The

1 plan shall be consistent with applicable provisions of chapter 43.105  
2 RCW. The plan, at a minimum, shall address:

3 (a) The provision of technical assistance to schools and school  
4 districts for the planning, implementation, and training of staff in  
5 the use of technology in curricular and administrative functions;

6 (b) The continued development of a network to connect school  
7 districts, institutions of higher learning, and other sources of online  
8 information; and

9 (c) Methods to equitably increase the use of education technology  
10 by students and school personnel throughout the state.

11 (2) The superintendent of public instruction shall appoint an  
12 educational technology advisory committee to assist in the development  
13 and implementation of the technology plan in subsection (1) of this  
14 section. The committee shall include, but is not limited to, persons  
15 representing: The department of information services, educational  
16 service districts, school directors, school administrators, school  
17 principals, teachers, classified staff, higher education faculty,  
18 parents, students, business, labor, scientists and mathematicians, the  
19 higher education coordinating board, the workforce training and  
20 education coordinating board, and the state library.

21 (3) The plan adopted and implemented under this section may not  
22 impose on school districts any requirements that are not specifically  
23 required by federal law or regulation, including requirements to  
24 maintain eligibility for the federal schools and libraries program of  
25 the universal service fund.

26 NEW SECTION. Sec. 21. The following acts or parts of acts, as now  
27 existing or hereafter amended, are each repealed:

28 (1) RCW 28A.220.050 (Information on proper use of left-hand lane)  
29 and 1986 c 93 s 4;

30 (2) RCW 28A.220.080 (Information on motorcycle awareness) and 2007  
31 c 97 s 4 & 2004 c 126 s 1;

32 (3) RCW 28A.220.085 (Information on driving safely among bicyclists  
33 and pedestrians) and 2008 c 125 s 4;

34 (4) RCW 28A.230.092 (Washington state history and government--  
35 Course content) and 2008 c 190 s 2;

36 (5) RCW 28A.230.185 (Family preservation education program) and  
37 2005 c 491 s 2;

1 (6) RCW 28A.300.412 (Washington civil liberties public education  
2 program--Report) and 2000 c 210 s 6;

3 (7) RCW 28A.600.320 (High school students' options--Information on  
4 enrollment) and 2008 c 95 s 3, 1994 c 205 s 3, & 1990 1st ex.s. c 9 s  
5 403;

6 (8) RCW 28A.600.415 (Alternatives to suspension--Community service  
7 encouraged--Information provided to school districts) and 1992 c 155 s  
8 2;

9 (9) RCW 28A.630.045 (Local control and flexibility in assessments--  
10 Pilot project) and 2006 c 175 s 1; and

11 (10) RCW 28A.630.881 (School-to-work transition project--Findings--  
12 Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

13 NEW SECTION. **Sec. 22.** Sections 12, 14, and 17 of this act expire  
14 July 1, 2011.

--- END ---