S-1397.1

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**SECOND SUBSTITUTE SENATE BILL 5147**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hawkins, Wellman, Billig, Dhingra, Frockt, Hasegawa, Kuderer, Muzzall, Nobles, Rivers, Saldaña, and Wilson, C.)

AN ACT Relating to addressing learning stabilization, recovery, and acceleration; adding a new section to chapter 28A.630 RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  INTENT. The COVID-19 pandemic has created a unique set of challenges and circumstances that have tested the K-12 education system. Due to reduced instructional time, educational inequities, and the inability to access technology and educational services, many students have suffered learning loss and a disruption to their educational experience. As a result, the legislature finds that additional academic programs may help students to obtain the knowledge and skills needed to prevent negative educational outcomes. By utilizing a series of optional programs, including additional instructional days, opening various school facilities, extra academic opportunities, and an alternative school calendar, selected school districts will be better able to address the negative outcomes of the pandemic in a flexible and locally responsive manner while reengaging students to meet their social, physical, and academic needs.

NEW SECTION. **Sec.**  FUNDING FOR ADDITIONAL INSTRUCTIONAL DAYS. (1) Subject to the availability of amounts appropriated for this specific purpose, school districts that provide additional instructional days beyond the minimum number required under RCW 28A.150.220 during the 2021-22 school year may receive additional funding to assist in providing these instructional days.

(2) Funding allocated under this section is limited to a maximum of three additional instructional days per school district, in alignment with RCW 28A.330.100.

(3) The office of the superintendent of public instruction shall administer the funding allocated for the purposes of this section and may adopt rules necessary for the effective and efficient implementation of this section.

(4) This section expires August 31, 2022.

NEW SECTION. **Sec.**  SUMMER REENGAGEMENT GRANT PROGRAM. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create and administer a grant program for the purpose of assisting school districts in facilitating a week-long program in schools for students to reengage in learning, physical activity, and social interaction prior to the start of the 2021-22 school year.

(2)(a) A school district participating in the program shall open facilities in at least one school in the district for structured activities for students, under staff supervision.

(b) School facilities to be opened under this program may include, but are not limited to, school libraries, cafeterias, gymnasiums, and playgrounds.

(c) School districts participating in this program shall prioritize activities or programs that:

(i) Promote students connecting socially with their classmates;

(ii) Encourage students to engage in physical activity; and

(iii) Support families who have struggled with child care needs.

(3) Grants allocated for the purposes of this section must be allocated in proportion to student enrollment.

(4) In allocating grants under this program, the office of the superintendent of public instruction is encouraged to collaborate with the no child left inside program of the Washington state recreation and conservation office, as applicable.

(5) Nothing in this section modifies instructional requirements under RCW 28A.150.220 nor shall any activity or program provided under this section count towards meeting minimum instructional requirements under state law.

(6) The office of the superintendent of public instruction may adopt rules necessary for the effective and efficient implementation of this section.

(7) This section expires August 31, 2022.

NEW SECTION. **Sec.**  ADDITIONAL EDUCATIONAL OPPORTUNITIES GRANT PROGRAM. (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create and administer a grant program for the purpose of providing funds for accelerating learning in certain districts to address learning loss resulting from the COVID-19 pandemic.

(2)(a) A school district receiving a grant under this section shall provide up to five days of additional educational opportunities for students to review educational concepts, subjects, and materials under staff supervision in preparation for the 2021-22 school year.

(b) Programs offered as part of these reviews may include, but are not limited to:

(i) Enrichment and learning activities that support the arts;

(ii) Civic engagement;

(iii) Service learning;

(iv) Science, technology, engineering, and mathematics.

(3) Grants allocated for the purposes of this section shall be limited to school districts that had enrollment of 50 percent or more students eligible for free or reduced-price meals in the 2019-20 school year or used the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 (P.L. 111-296) to provide universal meals in all district schools during the 2019-20 school year.

(4) Nothing in this section shall be construed to modify instructional requirements under RCW 28A.150.220 nor shall any activity or program provided under this section count towards meeting minimum instructional requirements under state law.

(5) The office of the superintendent of public instruction may adopt rules that are necessary for the effective and efficient implementation of this program.

(6) This section expires August 31, 2022.

NEW SECTION. **Sec.**  21st CENTURY COMMUNITY LEARNING CENTERS PROGRAM (1) In creating, administering, and disbursing awards for the grant programs created in sections 3 and 4 of this act, the office of the superintendent of public instruction is encouraged, to the greatest extent possible, to use funding disbursed under the federal 21st century community learning centers program in Title IV, part B of the elementary and secondary education act (20 U.S.C. Sec. 7171-7176).

(2) Nothing in this section affects previous grant awards or supersedes federal requirements under the 21st century community learning centers program (20 U.S.C. Sec. 7171-7176).

(3) This section expires August 31, 2022.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

BALANCED SCHOOL CALENDAR GRANT PROGRAM.

(1) The office of the superintendent of public instruction shall select a limited number of school districts for a program to implement a year-round school calendar. In doing so, the office of the superintendent of public instruction may select up to 20 school districts to provide a minimum of 180 school days throughout the entire school year.

(2) School districts selected under the program shall provide a year-round school year instructional schedule beginning in the 2022-23 school year and through the 2025-26 school year in all schools in their district.

(3)(a) Each school district participating in the alternative school year calendar program must have:

(i) Except as provided under (c)(i)(B) of this subsection, had enrollment of 35 percent or more students eligible for free or reduced-price meals in the 2019-20 school year or used the community eligibility provision under section 104(a) of the federal healthy, hunger-free kids act of 2010 (P.L. 111-296) to provide universal meals in all district schools during the 2019-20 school year; and

(ii) A maximum district-wide enrollment of 10,000 students in the 2019-20 school year.

(b) In selecting districts for participation in the program, the office of the superintendent of public instruction shall select districts on a first-come, first-served basis based on the application date of eligible districts, except as provided under (c) and (d) of this subsection.

(c) The office of the superintendent of public instruction may select up to 20 school districts for participation in this program under the following parameters:

(i)(A) Up to 10 school districts with a maximum district-wide enrollment of 2,000 students in the 2019-20 school year.

(B) Additional school districts of this size may be selected, subject to amounts appropriated for this specific purpose, for any openings that may remain under (c)(ii) and (iii) of this subsection upon the closure of the application window;

(ii) Up to seven school districts with a minimum district-wide enrollment of 2,001 students and a maximum district-wide enrollment of 6,000 students in the 2019-20 school year; and

(iii) Up to three school districts with a minimum district-wide enrollment of 6,001 students and a maximum district-wide enrollment of 10,000 students in the 2019-20 school year.

(d) From all applicants, the office of the superintendent of public instruction may select up to 10 school districts located west of the crest of the Cascade mountains and up to 10 school districts east of the crest of the Cascade mountains.

(4) Prior to applying to participate in the program, school districts must convene at least two public meetings to solicit public comments and must consult with any bargaining units.

(5) In addition to other program requirements established by the office of the superintendent of public instruction, school districts participating in the program shall adopt a school calendar that provides instructional days in at least 11 months of the year and in which breaks in scheduled instructional days for students are limited to a maximum of four consecutive weeks throughout the school year.

(6) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds to each participating school district in an amount equal to the school district's base allocation per full-time equivalent student, multiplied by the school's annual average full-time equivalent student enrollment, multiplied by 0.025.

(7) The office of the superintendent of public instruction shall notify districts of their selection in the program by no later than March 1, 2022. The notification to districts of their selection must also include an estimate of funds to be received under subsection (5) of this section. Districts shall have 90 days from the date of notification to accept or deny participation in the program.

(8) By December 31, 2026, the office of the superintendent of public instruction shall provide a report to the education committees of the legislature on the following:

(a) Participation in the program, including demographic information of the participating school districts;

(b) Outcomes of the program, including student growth and academic performance between districts; and

(c) Recommendations based on the experiences of the school district, including any relevant policy and fiscal recommendations for the statewide application of a year-round school year.

(9) The office of the superintendent of public instruction may adopt rules necessary for the implementation of this section.

(10) This section expires July 31, 2027.

NEW SECTION. **Sec.**  The legislature recognizes that additional resources from the federal government may be forthcoming that could be used to fund the activities and purposes of this act. To ensure the efficient uses of state resources and to maximize the use of federal funds, the office should use any anticipated or unanticipated federal funding allocated to the state through July 1, 2022, that is available to supplant the amounts appropriated for the purpose of implementing this act. If the office submits a request to the governor pursuant to RCW 43.79.270 for an allotment revision to spend unanticipated revenue that could be used for the purposes of this act, the request must contain a proposal to use the unanticipated moneys for the sole purpose of reducing allotments of appropriations made to implement this act and to place such moneys in unallotted reserve status.

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