

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 5919

Chapter 27, Laws of 2011

(partial veto)

62nd Legislature
2011 1st Special Session

EDUCATION FUNDING

EFFECTIVE DATE: 06/07/11 - Except sections 1-3, which become effective 09/01/11; and section 7, which becomes effective 08/24/11.

Passed by the Senate May 25, 2011
YEAS 34 NAYS 11

BRAD OWEN

President of the Senate

Passed by the House May 25, 2011
YEAS 57 NAYS 39

FRANK CHOPP

Speaker of the House of Representatives

Approved June 7, 2011, 3:20 p.m., with
the exception of Section 6 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5919** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

June 8, 2011

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5919

Passed Legislature - 2011 1st Special Session

State of Washington 62nd Legislature 2011 1st Special Session

By Senate Ways & Means (originally sponsored by Senators Murray and Zarelli)

READ FIRST TIME 05/24/11.

1 AN ACT Relating to education funding; amending RCW 28A.150.220,
2 28A.150.260, 28A.160.192, 28A.300.380, 28A.630.016, and 28A.655.061;
3 repealing 2010 c 236 s 1 (uncodified); providing an effective date;
4 providing an expiration date; and declaring an emergency.

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

6 **Sec. 1.** RCW 28A.150.220 and 2009 c 548 s 104 are each amended to
7 read as follows:

8 (1) In order for students to have the opportunity to develop the
9 basic education knowledge and skills under RCW 28A.150.210, school
10 districts must provide instruction of sufficient quantity and quality
11 and give students the opportunity to complete graduation requirements
12 that are intended to prepare them for postsecondary education, gainful
13 employment, and citizenship. The program established under this
14 section shall be the minimum instructional program of basic education
15 offered by school districts.

16 (2) Each school district shall make available to students the
17 following minimum instructional offering each school year:

18 (a) For students enrolled in grades one through twelve, at least a
19 district-wide annual average of one thousand hours, which shall be

1 increased to at least one thousand eighty instructional hours for
2 students enrolled in each of grades seven through twelve and at least
3 one thousand instructional hours for students in each of grades one
4 through six according to an implementation schedule adopted by the
5 legislature, but not before the 2014-15 school year; and

6 (b) For students enrolled in kindergarten, at least four hundred
7 fifty instructional hours, which shall be increased to at least one
8 thousand instructional hours according to the implementation schedule
9 under RCW 28A.150.315.

10 (3) The instructional program of basic education provided by each
11 school district shall include:

12 (a) Instruction in the essential academic learning requirements
13 under RCW 28A.655.070;

14 (b) Instruction that provides students the opportunity to complete
15 twenty-four credits for high school graduation, subject to a phased-in
16 implementation of the twenty-four credits as established by the
17 legislature. Course distribution requirements may be established by
18 the state board of education under RCW 28A.230.090;

19 (c) If the essential academic learning requirements include a
20 requirement of languages other than English, the requirement may be met
21 by students receiving instruction in one or more American Indian
22 languages;

23 (d) Supplemental instruction and services for underachieving
24 students through the learning assistance program under RCW 28A.165.005
25 through 28A.165.065;

26 (e) Supplemental instruction and services for eligible and enrolled
27 students whose primary language is other than English through the
28 transitional bilingual instruction program under RCW 28A.180.010
29 through 28A.180.080;

30 (f) The opportunity for an appropriate education at public expense
31 as defined by RCW 28A.155.020 for all eligible students with
32 disabilities as defined in RCW 28A.155.020; and

33 (g) Programs for highly capable students under RCW 28A.185.010
34 through 28A.185.030.

35 (4) Nothing contained in this section shall be construed to require
36 individual students to attend school for any particular number of hours
37 per day or to take any particular courses.

1 (5) Each school district's kindergarten through twelfth grade basic
2 educational program shall be accessible to all students who are five
3 years of age, as provided by RCW 28A.225.160, and less than twenty-one
4 years of age and shall consist of a minimum of one hundred eighty
5 school days per school year in such grades as are conducted by a school
6 district, and one hundred eighty half-days of instruction, or
7 equivalent, in kindergarten, to be increased to a minimum of one
8 hundred eighty school days per school year according to the
9 implementation schedule under RCW 28A.150.315. However, effective May
10 1, 1979, a school district may schedule the last five school days of
11 the one hundred and eighty day school year for noninstructional
12 purposes in the case of students who are graduating from high school,
13 including, but not limited to, the observance of graduation and early
14 release from school upon the request of a student, and all such
15 students may be claimed as a full-time equivalent student to the extent
16 they could otherwise have been so claimed for the purposes of RCW
17 28A.150.250 and 28A.150.260.

18 (6) Nothing in this section precludes a school district from
19 enriching the instructional program of basic education, such as
20 offering additional instruction or providing additional services,
21 programs, or activities that the school district determines to be
22 appropriate for the education of the school district's students.

23 (7) The state board of education shall adopt rules to implement and
24 ensure compliance with the program requirements imposed by this
25 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
26 program approval requirements as the state board may establish.

27 **Sec. 2.** RCW 28A.150.260 and 2010 c 236 s 2 are each amended to
28 read as follows:

29 The purpose of this section is to provide for the allocation of
30 state funding that the legislature deems necessary to support school
31 districts in offering the minimum instructional program of basic
32 education under RCW 28A.150.220. The allocation shall be determined as
33 follows:

34 (1) The governor shall and the superintendent of public instruction
35 may recommend to the legislature a formula for the distribution of a
36 basic education instructional allocation for each common school
37 district.

1 (2) The distribution formula under this section shall be for
2 allocation purposes only. Except as may be required under chapter
3 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and
4 regulations, nothing in this section requires school districts to use
5 basic education instructional funds to implement a particular
6 instructional approach or service. Nothing in this section requires
7 school districts to maintain a particular classroom teacher-to-student
8 ratio or other staff-to-student ratio or to use allocated funds to pay
9 for particular types or classifications of staff. Nothing in this
10 section entitles an individual teacher to a particular teacher planning
11 period.

12 (3)(a) To the extent the technical details of the formula have been
13 adopted by the legislature and except when specifically provided as a
14 school district allocation, the distribution formula for the basic
15 education instructional allocation shall be based on minimum staffing
16 and nonstaff costs the legislature deems necessary to support
17 instruction and operations in prototypical schools serving high,
18 middle, and elementary school students as provided in this section.
19 The use of prototypical schools for the distribution formula does not
20 constitute legislative intent that schools should be operated or
21 structured in a similar fashion as the prototypes. Prototypical
22 schools illustrate the level of resources needed to operate a school of
23 a particular size with particular types and grade levels of students
24 using commonly understood terms and inputs, such as class size, hours
25 of instruction, and various categories of school staff. It is the
26 intent that the funding allocations to school districts be adjusted
27 from the school prototypes based on the actual number of annual average
28 full-time equivalent students in each grade level at each school in the
29 district and not based on the grade-level configuration of the school
30 to the extent that data is available. The allocations shall be further
31 adjusted from the school prototypes with minimum allocations for small
32 schools and to reflect other factors identified in the omnibus
33 appropriations act.

34 (b) For the purposes of this section, prototypical schools are
35 defined as follows:

36 (i) A prototypical high school has six hundred average annual full-
37 time equivalent students in grades nine through twelve;

1 (ii) A prototypical middle school has four hundred thirty-two
2 average annual full-time equivalent students in grades seven and eight;
3 and

4 (iii) A prototypical elementary school has four hundred average
5 annual full-time equivalent students in grades kindergarten through
6 six.

7 (4)(a) The minimum allocation for each level of prototypical school
8 shall be based on the number of full-time equivalent classroom teachers
9 needed to provide instruction over the minimum required annual
10 instructional hours under RCW 28A.150.220 and provide at least one
11 teacher planning period per school day, and based on the following
12 general education average class size of full-time equivalent students
13 per teacher:

	General education average class size
14	
15	
16	
17	Grades K-3 25.23
18	Grade 4 27.00
19	Grades 5-6 27.00
20	Grades 7-8 28.53
21	Grades 9-12 28.74

22 (b) During the 2011-2013 biennium and beginning with schools with
23 the highest percentage of students eligible for free and reduced-price
24 meals in the prior school year, the general education average class
25 size for grades K-3 shall be reduced until the average class size
26 funded under this subsection (4) is no more than 17.0 full-time
27 equivalent students per teacher beginning in the 2017-18 school year.

28 (c) The minimum allocation for each prototypical middle and high
29 school shall also provide for full-time equivalent classroom teachers
30 based on the following number of full-time equivalent students per
31 teacher in career and technical education:

	Career and technical education average class size
32	
33	
34	
35	Approved career and technical education offered at
36	the middle school and high school level 26.57
37	Skill center programs meeting the standards established

1 by the office of the superintendent of public
 2 instruction 22.76

3 (d) In addition, the omnibus appropriations act shall at a minimum
 4 specify:

5 (i) A high-poverty average class size in schools where more than
 6 fifty percent of the students are eligible for free and reduced-price
 7 meals; and

8 (ii) A specialty average class size for laboratory science,
 9 advanced placement, and international baccalaureate courses.

10 (5) The minimum allocation for each level of prototypical school
 11 shall include allocations for the following types of staff in addition
 12 to classroom teachers:

	Elementary	Middle	High
	School	School	School
17 Principals, assistant principals, and other certificated building-level			
18 administrators	1.253	1.353	1.880
19 Teacher librarians, a function that includes information literacy, technology,			
20 and media to support school library media programs	0.663	0.519	0.523
21 Health and social services:			
22 School nurses	0.076	0.060	0.096
23 Social workers	0.042	0.006	0.015
24 Psychologists	0.017	0.002	0.007
25 Guidance counselors, a function that includes parent outreach and			
26 graduation advising	0.493	1.116	1.909
27 Teaching assistance, including any aspect of educational instructional			
28 services provided by classified employees	0.936	0.700	0.652
29 Office support and other noninstructional aides	2.012	2.325	3.269
30 Custodians	1.657	1.942	2.965
31 Classified staff providing student and staff safety	0.079	0.092	0.141
32 Parent involvement coordinators	0.00	0.00	0.00

33 (6)(a) The minimum staffing allocation for each school district to
 34 provide district-wide support services shall be allocated per one

1 thousand annual average full-time equivalent students in grades K-12 as
2 follows:

	Staff per 1,000 K-12 students
3 Technology	0.628
4 Facilities, maintenance, and grounds	1.813
5 Warehouse, laborers, and mechanics	0.332

6
7
8 (b) The minimum allocation of staff units for each school district
9 to support certificated and classified staffing of central
10 administration shall be 5.30 percent of the staff units generated under
11 subsections (4)(a) and (b) and (5) of this section and (a) of this
12 subsection.

13 (7) The distribution formula shall include staffing allocations to
14 school districts for career and technical education and skill center
15 administrative and other school-level certificated staff, as specified
16 in the omnibus appropriations act.

17 (8)(a) Except as provided in (b) of this subsection, the minimum
18 allocation for each school district shall include allocations per
19 annual average full-time equivalent student for the following
20 materials, supplies, and operating costs, to be adjusted for inflation
21 from the 2008-09 school year:

	Per annual average full-time equivalent student in grades K-12
22 Technology	\$54.43
23 Utilities and insurance\$147.90
24 Curriculum and textbooks\$58.44
25 Other supplies and library materials	\$124.07
26 Instructional professional development for certified and 27 classified staff	\$9.04
28 Facilities maintenance\$73.27
29 Security and central office	\$50.76

30
31
32
33 (b) During the 2011-2013 biennium, the minimum allocation for
34 maintenance, supplies, and operating costs shall be increased as
35 specified in the omnibus appropriations act. The following
36 allocations, adjusted for inflation from the 2007-08 school year, are

1 provided in the 2015-16 school year, after which the allocations shall
2 be adjusted annually for inflation as specified in the omnibus
3 appropriations act:

	Per annual average full-time equivalent student in grades K-12
4	
5	
6	
7	Technology \$113.80
8	Utilities and insurance \$309.21
9	Curriculum and textbooks \$122.17
10	Other supplies and library materials \$259.39
11	Instructional professional development for certificated and
12	classified staff \$18.89
13	Facilities maintenance \$153.18
14	Security and central office administration \$106.12

15 (9) In addition to the amounts provided in subsection (8) of this
16 section, the omnibus appropriations act shall provide an amount based
17 on full-time equivalent student enrollment in each of the following:

18 (a) Exploratory career and technical education courses for students
19 in grades seven through twelve;

20 (b) Laboratory science courses for students in grades nine through
21 twelve;

22 (c) Preparatory career and technical education courses for students
23 in grades nine through twelve offered in a high school; and

24 (d) Preparatory career and technical education courses for students
25 in grades eleven and twelve offered through a skill center.

26 (10) In addition to the allocations otherwise provided under this
27 section, amounts shall be provided to support the following programs
28 and services:

29 (a) To provide supplemental instruction and services for
30 underachieving students through the learning assistance program under
31 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
32 district percentage of students in grades K-12 who were eligible for
33 free or reduced-price meals in the prior school year. The minimum
34 allocation for the program shall provide for each level of prototypical
35 school resources to provide, on a statewide average, 1.5156 hours per
36 week in extra instruction with a class size of fifteen learning
37 assistance program students per teacher.

1 (b) To provide supplemental instruction and services for students
2 whose primary language is other than English, allocations shall be
3 based on the head count number of students in each school who are
4 eligible for and enrolled in the transitional bilingual instruction
5 program under RCW 28A.180.010 through 28A.180.080. The minimum
6 allocation for each level of prototypical school shall provide
7 resources to provide, on a statewide average, 4.7780 hours per week in
8 extra instruction with fifteen transitional bilingual instruction
9 program students per teacher. Notwithstanding other provisions of this
10 subsection (10), the actual per-student allocation may be scaled to
11 provide a larger allocation for students needing more intensive
12 intervention and a commensurate reduced allocation for students needing
13 less intensive intervention, as detailed in the omnibus appropriations
14 act.

15 (c) To provide additional allocations to support programs for
16 highly capable students under RCW 28A.185.010 through 28A.185.030,
17 allocations shall be based on two and three hundred fourteen one-
18 thousandths percent of each school district's full-time equivalent
19 basic education enrollment. The minimum allocation for the programs
20 shall provide resources to provide, on a statewide average, 2.1590
21 hours per week in extra instruction with fifteen highly capable program
22 students per teacher.

23 (11) The allocations under subsections (4)(a) and (b), (5), (6),
24 and (8) of this section shall be enhanced as provided under RCW
25 28A.150.390 on an excess cost basis to provide supplemental
26 instructional resources for students with disabilities.

27 (12)(a) For the purposes of allocations for prototypical high
28 schools and middle schools under subsections (4) and (10) of this
29 section that are based on the percent of students in the school who are
30 eligible for free and reduced-price meals, the actual percent of such
31 students in a school shall be adjusted by a factor identified in the
32 omnibus appropriations act to reflect underreporting of free and
33 reduced-price meal eligibility among middle and high school students.

34 (b) Allocations or enhancements provided under subsections (4),
35 (7), and (9) of this section for exploratory and preparatory career and
36 technical education courses shall be provided only for courses approved
37 by the office of the superintendent of public instruction under chapter
38 28A.700 RCW.

1 (13)(a) This formula for distribution of basic education funds
2 shall be reviewed biennially by the superintendent and governor. The
3 recommended formula shall be subject to approval, amendment or
4 rejection by the legislature.

5 (b) In the event the legislature rejects the distribution formula
6 recommended by the governor, without adopting a new distribution
7 formula, the distribution formula for the previous school year shall
8 remain in effect.

9 (c) The enrollment of any district shall be the annual average
10 number of full-time equivalent students and part-time students as
11 provided in RCW 28A.150.350, enrolled on the first school day of each
12 month, including students who are in attendance pursuant to RCW
13 28A.335.160 and 28A.225.250 who do not reside within the servicing
14 school district. The definition of full-time equivalent student shall
15 be determined by rules of the superintendent of public instruction and
16 shall be included as part of the superintendent's biennial budget
17 request. The definition shall be based on the minimum instructional
18 hour offerings required under RCW 28A.150.220. Any revision of the
19 present definition shall not take effect until approved by the house
20 ways and means committee and the senate ways and means committee.

21 (d) The office of financial management shall make a monthly review
22 of the superintendent's reported full-time equivalent students in the
23 common schools in conjunction with RCW 43.62.050.

24 **Sec. 3.** RCW 28A.160.192 and 2010 c 236 s 8 are each amended to
25 read as follows:

26 (1) The superintendent of public instruction shall phase-in the
27 implementation of the distribution formula under this chapter for
28 allocating state funds to school districts for the transportation of
29 students to and from school. The phase-in shall begin no later than
30 the 2011-2013 biennium and be fully implemented by the 2013-2015
31 biennium.

32 (a) The formula must be developed and revised on an ongoing basis
33 using the major cost factors in student transportation, including basic
34 and special student loads, school district land area, average distance
35 to school, roadway miles, and number of locations served. Factors must
36 include all those site characteristics that are statistically

1 significant after analysis of the data required by the revised
2 reporting process.

3 (b) The formula must allocate funds to school districts based on
4 the average predicted costs of transporting students to and from
5 school, using a regression analysis. Only factors that are
6 statistically significant shall be used in the regression analysis.
7 Employee compensation costs included in the allowable transportation
8 expenditures used for the purpose of establishing each school
9 district's independent variable in the regression analysis shall be
10 limited to the base salary or hourly wage rates, fringe benefit rates,
11 and applicable health care rates provided in the omnibus appropriations
12 act.

13 (2) During the phase-in period, funding provided to school
14 districts for student transportation operations shall be distributed on
15 the following basis:

16 (a) Annually, each school district shall receive the lesser of the
17 previous school year's pupil transportation operations allocation, or
18 the total of allowable pupil transportation expenditures identified on
19 the previous school year's final expenditure report to the state plus
20 district indirect expenses using the ~~((state-recovery))~~ federal
21 restricted indirect rate ~~((identified-by-the-superintendent))~~ as
22 calculated in the district annual financial report; ((and))

23 (b) Annually, the amount identified in (a) of this subsection shall
24 be adjusted for any budgeted increases provided in the omnibus
25 appropriations act for salaries or fringe benefits;

26 (c) Annually, any funds appropriated by the legislature in excess
27 of the maintenance level funding amount for student transportation
28 shall be distributed among school districts on a prorated basis using
29 the difference between the amount identified in (a) adjusted by (b) of
30 this subsection and the amount determined under the formula in RCW
31 28A.160.180; and

32 (d) Allocations provided to recognize the cost of depreciation to
33 districts contracting with private carriers for student transportation
34 shall be deducted from the allowable transportation expenditures in (a)
35 of this subsection.

36 **Sec. 4.** RCW 28A.300.380 and 2010 1st sp.s. c 37 s 913 are each
37 amended to read as follows:

1 (1) To the extent funds are available, the superintendent of public
2 instruction shall maintain support for statewide coordination for
3 career and technical student organizations by providing program staff
4 support that is available to assist in meeting the needs of career and
5 technical student organizations and their members and students. The
6 superintendent may provide additional support to the organizations
7 through contracting with independent coordinators.

8 (2) Career and technical student organizations eligible for
9 technical assistance and other support services under this section are
10 organizations recognized as career and technical student organizations
11 by:

12 (a) The United States department of education; or

13 (b) The superintendent of public instruction, if such recognition
14 is recommended by the Washington association for career and technical
15 education.

16 (3) Career and technical student organizations eligible for
17 technical assistance and other support services under this section
18 include, but are not limited to: The national FFA organization;
19 family, career, and community leaders of America; skillsUSA;
20 distributive education clubs of America; future business leaders of
21 America; and the technology student association.

22 **Sec. 5.** RCW 28A.630.016 and 2007 c 522 s 959 are each amended to
23 read as follows:

24 (1)(a) Research has shown that early, intensive interventions can
25 significantly improve reading, written language, and mathematics skills
26 for children who are struggling academically. This early research-
27 based assistance has been successful in reducing the number of children
28 who require specialized programs. Research further suggests that the
29 disabilities of many students with mild and moderate disabilities are
30 correctable through strategic early intervention and the students do
31 not necessitate special education eligibility. However, by being
32 effective in reducing the number of students eligible for these
33 programs, school district funding is reduced.

34 (b) The purpose of the program in this section is to continue
35 support to the existing pilot districts and to encourage other school
36 districts to participate as pilot districts to improve the
37 implementation of high quality general education research-based core

1 instructional programs to meet the needs of students struggling
2 academically, while reducing the number of students inappropriately
3 referred and placed in special education under the specific learning
4 disability eligibility category because of ineffective instructional
5 practices. This will allow special education programs to concentrate
6 specially designed instruction on students who truly require special
7 education services. The goal of this assistance is to effectively
8 address reading, written language, and mathematics difficulties
9 resulting in a substantially greater proportion of students meeting the
10 progressively increasing performance standards for both the aggregate
11 and disaggregated subgroups under federal law.

12 (c) The participating pilot districts implementing the special
13 services pilot program have met the goals of the pilot program
14 resulting in (i) a substantial number of underachieving students
15 meeting the progressively increasing reading performance standards and
16 (ii) a reduction in the number of children who require special
17 education.

18 (2) Seven school districts may participate in the special services
19 pilot program, including two school districts already participating and
20 five additional school districts. The special services pilot program
21 shall begin in the 2007-08 school year and conclude in the 2010-11
22 school year.

23 (3) School districts participating in the pilot program shall
24 receive state special education funding in accordance with state
25 special education funding formulas and a separate pilot program
26 appropriation from sources other than special education funds. The
27 separate appropriation shall be: (a) The school district's estimated
28 state special education funding for the current year based on the
29 school district's average percentage of students age three through
30 twenty-one who were eligible for special education services for the
31 school year before participation as a pilot program as reported to the
32 office of the superintendent of public instruction; minus (b) the
33 school district's actual state special education funding based on the
34 district's current percentage of students age three through twenty-one
35 eligible for special education services as reported to (~~the office~~
36 ~~of~~) the office of the superintendent of public instruction.

37 The superintendent shall adjust the factors in (a) of this

1 subsection for one or more participating school districts, where
2 legislative changes to the special education funding formula impact the
3 funding mechanism of this program.

4 (4) Participation in the pilot program shall not increase or
5 decrease a district's ability to access the safety net for high-cost
6 students by virtue of the district's participation in the program.
7 Districts participating in the pilot program shall have access to the
8 special education safety net using a modified application approach for
9 the office of the superintendent of public instruction demonstration of
10 financial need. The superintendent shall create a modified application
11 to include all special education revenues received by the district, all
12 pilot program funding, expenditures for students with individual
13 education programs, and expenditures for students generating pilot
14 program revenue. Districts participating in the pilot program that
15 seek safety net funding shall convincingly demonstrate to the safety
16 net committee that any change in demonstrated need is not attributable
17 to their participation in this pilot program.

18 (5) School districts participating in the program must agree to:

19 (a) Implement the program as part of the school district's general
20 education curriculum for all students;

21 (b) Use a multitiered service delivery system to provide scientific
22 research-based instructional interventions addressing individual
23 student needs in the areas of reading, written language, or
24 mathematics;

25 (c) Develop and implement an assessment system to conduct universal
26 screening, progress monitoring, targeted assessments, and outcome
27 assessments to identify the reading, written language, or mathematics
28 needs of each student and to monitor student progress;

29 (d) Incorporate student-specific data obtained through the pilot
30 program when conducting an evaluation to determine if the student has
31 a disability;

32 (e) Assure that parents are informed of: The amount and nature of
33 student performance data that is collected and the general education
34 services that are provided; the strategies for increasing the student's
35 rate of learning; the parents' right to make a referral for special
36 education evaluation if they suspect the student has a disability; and
37 the parents' right to have input into designed interventions;

1 (f) Assure that parents are provided assessments of achievement at
2 reasonable intervals addressing student progress during instruction;

3 (g) Actively engage parents as partners in the learning process;

4 (h) Comply with state special education requirements; and

5 (i) Participate and provide staff expertise in the design and
6 implementation of an evaluation of the program as determined by the
7 superintendent of public instruction. Districts shall annually review
8 and report progress, including objective measures or indicators that
9 show the progress towards achieving the purpose and goal of the
10 program, to the office of the superintendent of public instruction.

11 (6) By December 15, 2010, the superintendent of public instruction
12 shall submit a report to the governor and appropriate committees of the
13 legislature that summarizes the effectiveness of the pilot program in
14 this section. The report shall also include a recommendation as to
15 whether or not the pilot program should be continued, expanded, or
16 otherwise modified.

17 (7) This section expires (~~June 30~~) March 1, 2011.

18 ***Sec. 6. RCW 28A.655.061 and 2010 c 244 s 1 are each amended to**
19 **read as follows:**

20 **(1) The high school assessment system shall include but need not be**
21 **limited to the Washington assessment of student learning, opportunities**
22 **for a student to retake the content areas of the assessment in which**
23 **the student was not successful, and if approved by the legislature**
24 **pursuant to subsection (10) of this section, one or more objective**
25 **alternative assessments for a student to demonstrate achievement of**
26 **state academic standards. The objective alternative assessments for**
27 **each content area shall be comparable in rigor to the skills and**
28 **knowledge that the student must demonstrate on the Washington**
29 **assessment of student learning for each content area.**

30 **(2) Subject to the conditions in this section, a certificate of**
31 **academic achievement shall be obtained by most students at about the**
32 **age of sixteen, and is evidence that the students have successfully met**
33 **the state standard in the content areas included in the certificate.**
34 **With the exception of students satisfying the provisions of RCW**
35 **28A.155.045 or 28A.655.0611, acquisition of the certificate is required**
36 **for graduation from a public high school but is not the only**
37 **requirement for graduation.**

1 (3) Beginning with the graduating class of 2008, with the exception
2 of students satisfying the provisions of RCW 28A.155.045, a student who
3 meets the state standards on the reading, writing, and mathematics
4 content areas of the high school Washington assessment of student
5 learning shall earn a certificate of academic achievement. If a
6 student does not successfully meet the state standards in one or more
7 content areas required for the certificate of academic achievement,
8 then the student may retake the assessment in the content area up to
9 four times at no cost to the student. If the student successfully
10 meets the state standards on a retake of the assessment then the
11 student shall earn a certificate of academic achievement. Once
12 objective alternative assessments are authorized pursuant to subsection
13 (10) of this section, a student may use the objective alternative
14 assessments to demonstrate that the student successfully meets the
15 state standards for that content area if the student has taken the
16 Washington assessment of student learning at least once. If the
17 student successfully meets the state standards on the objective
18 alternative assessments then the student shall earn a certificate of
19 academic achievement.

20 (4) Beginning (~~((no-later-than))~~) with the graduating class of
21 (~~((2013))~~) 2015, a student must meet the state standards in science in
22 addition to the other content areas required under subsection (3) of
23 this section on the Washington assessment of student learning or the
24 objective alternative assessments in order to earn a certificate of
25 academic achievement. The state board of education may adopt a rule
26 that implements the requirements of this subsection (4) beginning with
27 a graduating class before the graduating class of 2013, if the state
28 board of education adopts the rule by September 1st of the freshman
29 school year of the graduating class to which the requirements of this
30 subsection (4) apply. The state board of education's authority under
31 this subsection (4) does not alter the requirement that any change in
32 performance standards for the tenth grade assessment must comply with
33 RCW 28A.305.130.

34 (5) The state board of education may not require the acquisition of
35 the certificate of academic achievement for students in home-based
36 instruction under chapter 28A.200 RCW, for students enrolled in private
37 schools under chapter 28A.195 RCW, or for students satisfying the
38 provisions of RCW 28A.155.045.

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

3 (7) School districts must make available to students the following
4 options:

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

8 (b) To retake the Washington assessment of student learning up to
9 four times in the content areas in which the student did not meet the
10 state standards if the student is enrolled in a high school completion
11 program at a community or technical college. The superintendent of
12 public instruction and the state board for community and technical
13 colleges shall jointly identify means by which students in these
14 programs can be assessed.

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

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

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

36 (b)(i) A student's score on the mathematics, reading or English, or
37 writing portion of the SAT or the ACT may be used as an objective
38 alternative assessment under this section for demonstrating that a

1 student has met or exceeded the state standards for the certificate of
2 academic achievement. The state board of education shall identify the
3 scores students must achieve on the relevant portion of the SAT or ACT
4 to meet or exceed the state standard in the relevant content area on
5 the Washington assessment of student learning. The state board of
6 education shall identify the first scores by December 1, 2007. After
7 the first scores are established, the state board may increase but not
8 decrease the scores required for students to meet or exceed the state
9 standards.

10 (ii) Until August 31, 2008, a student's score on the mathematics
11 portion of the PSAT may be used as an objective alternative assessment
12 under this section for demonstrating that a student has met or exceeded
13 the state standard for the certificate of academic achievement. The
14 state board of education shall identify the score students must achieve
15 on the mathematics portion of the PSAT to meet or exceed the state
16 standard in that content area on the Washington assessment of student
17 learning.

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

33 (11) By December 15, 2004, the house of representatives and senate
34 education committees shall obtain information and conclusions from
35 recognized, independent, national assessment experts regarding the
36 validity and reliability of the high school Washington assessment of
37 student learning for making individual student high school graduation
38 determinations.

1 (12) To help assure continued progress in academic achievement as
2 a foundation for high school graduation and to assure that students are
3 on track for high school graduation, each school district shall prepare
4 plans for and notify students and their parents or legal guardians as
5 provided in this subsection. Student learning plans are required for
6 eighth grade students who were not successful on any or all of the
7 content areas of the state assessment during the previous school year
8 or who may not be on track to graduate due to credit deficiencies or
9 absences. The parent or legal guardian shall be notified about the
10 information in the student learning plan, preferably through a parent
11 conference and at least annually. To the extent feasible, schools
12 serving English language learner students and their parents shall
13 translate the plan into the primary language of the family. The plan
14 shall include the following information as applicable:

- 15 (a) The student's results on the state assessment;
- 16 (b) If the student is in the transitional bilingual program, the
17 score on his or her Washington language proficiency test II;
- 18 (c) Any credit deficiencies;
- 19 (d) The student's attendance rates over the previous two years;
- 20 (e) The student's progress toward meeting state and local
21 graduation requirements;
- 22 (f) The courses, competencies, and other steps needed to be taken
23 by the student to meet state academic standards and stay on track for
24 graduation;
- 25 (g) Remediation strategies and alternative education options
26 available to students, including informing students of the option to
27 continue to receive instructional services after grade twelve or until
28 the age of twenty-one;
- 29 (h) The alternative assessment options available to students under
30 this section and RCW 28A.655.065;
- 31 (i) School district programs, high school courses, and career and
32 technical education options available for students to meet graduation
33 requirements; and
- 34 (j) Available programs offered through skill centers or community
35 and technical colleges, including the college high school diploma
36 options under RCW 28B.50.535.

**Sec. 6 was vetoed. See message at end of chapter.*

37 NEW SECTION. Sec. 7. 2010 c 236 s 1 (uncodified) is repealed.

1 NEW SECTION. **Sec. 8.** Sections 1 through 3 of this act take effect
2 September 1, 2011.

3 NEW SECTION. **Sec. 9.** Sections 4 and 5 of this act are necessary
4 for the immediate preservation of the public peace, health, or safety,
5 or support of the state government and its existing public
6 institutions, and take effect immediately.

 Passed by the Senate May 25, 2011.

 Passed by the House May 25, 2011.

 Approved by the Governor June 7, 2011, with the exception of
 certain items that were vetoed.

 Filed in Office of Secretary of State June 8, 2011.

 Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 6,
Engrossed Substitute Senate Bill 5919 entitled:

 "AN ACT Relating to education funding."

Section 6 requires students in the graduating class of 2015, rather
than 2013, to meet the state standard on the high school assessment in
order to earn a certificate of academic achievement or certificate of
individual achievement.

The House of Representatives delivered Engrossed Substitute House
Bill 1410 containing a similar provision on May 25, 2011. That bill
is among those I sign today.

For this reason, I have vetoed Section 6 of Engrossed Substitute
Senate Bill 5919.

With the exception of Section 6, Engrossed Substitute Senate Bill 5919
is approved."