AN ACT Relating to early literacy; amending RCW 28A.165.035, 28A.165.100, 28A.320.202, 28A.320.203, 28A.415.400, 28A.655.110, and 28A.655.235; adding new sections to chapter 28A.165 RCW; and adding new sections to chapter 28A.300 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.165 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 11 of this act unless the context clearly requires otherwise.

(1) "Diagnostic literacy assessment" means an assessment given to students suspected of being below grade level in literacy in order to determine what specific literacy strengths and challenges a student may have and to inform the selection of instructional practices and supports appropriate for the student's specific literacy strengths and challenges. A diagnostic literacy assessment should identify students who have a significant literacy challenge as defined in this section.

(2) "Dyslexia" means a specific learning disability that is neurobiological in origin, characterized by difficulties with either accurate or fluent word recognition, or both, and by poor spelling and decoding abilities. These difficulties typically result from a
deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

(3) "Evidence-based" means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on:
   (a) Strong evidence from at least one well-designed and well-implemented experimental study;
   (b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or
   (c) Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias.

(4) "Literacy coach" means an educator holding a valid Washington state reading endorsement who provides professional development, mentoring, and other professional learning practices in evidence-based literacy assessment, instruction, and interventions that are age, developmentally, and culturally appropriate. Literacy coaches should have training on evidence-based practices in literacy coaching, including effective use of time and effective strategies for working with educators, and should adhere to the professional learning standards and definitions outlined in RCW 28A.415.432 and 28A.415.434.

(5) "Literacy screening assessment" means an assessment used to assess all students to determine whether a student may be below grade level in literacy achievement. The literacy screening assessment should identify students who may have significant literacy challenges or less severe literacy challenges, which then requires the use of a diagnostic literacy assessment for such students.

(6) "Literacy specialist" means an educator holding a valid Washington state reading endorsement who: Conducts literacy diagnostic assessments; implements tier two and tier three supports, as defined in subsections (9) and (10) of this section, for students with significant literacy challenges and other less severe literacy challenges; advises teachers and administrators on aligning supports with the literacy needs of specific students or groups of students;
and oversees other adults in implementing evidence-based literacy assessments, instruction, and supports.

(7) "Significant literacy challenges" means specific reading, writing, or other literacy challenges, identified through literacy diagnostic assessments that indicate performance significantly below grade level for the student's grade on one or more specific standards in the English language arts and literacy standards as provided in the superintendent of public instruction's guidance developed under section 2 of this act.

(8) "Tier one support" means high quality, evidence-based instruction or practices designed to benefit all students, while still differentiated to meet their needs. Generally, these supports are implemented across larger groups of students, such as across the entire school or a specific grade.

(9) "Tier two support" means high quality, evidence-based instruction or practices designed to support students who are not making adequate progress or have been identified as at risk. These supports should offer increasingly intensive instruction matched to the students' specific identified needs based on their achievement levels and rates of progress. Generally, these supports are implemented with small groups of students with common needs.

(10) "Tier three support" means high quality, evidence-based instruction or practices designed to deliver individualized, intensive supports to students whose specific identified needs require more intensive supports than tier two supports. These supports are matched to a student's specific identified needs based on the student's achievement levels and rates of progress. Generally, these supports are implemented with individual students.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.165 RCW to read as follows:

(1) Beginning with the 2019-20 school year, each school district must use one or more of the literacy screening and diagnostic literacy assessments compiled by the superintendent of public instruction in accordance with section 5 of this act, to identify students in grades kindergarten through four who are eligible for English language arts and literacy services provided in the learning assistance program. These assessments must be used to determine the literacy achievement of each student, the student's specific literacy
strengths and challenges, and whether the student has a significant literacy challenge.

(2) At least once every nine weeks, school districts must use formative assessments to measure the progress of students identified with either significant literacy challenges or students in grade four who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year. The formative assessment progress results must be reported to the student's parents or guardians.

Sec. 3. RCW 28A.165.035 and 2016 c 72 s 803 are each amended to read as follows:

(1) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. With the exception of the requirements in subsection (4) of this section, to the extent they are included as (a) best) an evidence-based practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:
   (i) Before or after the regular school day;
   (ii) On Saturday; and
   (iii) Beyond the regular school year;
(b) Services under RCW 28A.320.190;
(c) Professional development for certificated and classified staff that focuses on:
   (i) The needs of a diverse student population;
   (ii) Specific literacy and mathematics content and instructional strategies; and
   (iii) The use of student work to guide effective instruction and appropriate assistance;
(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;
(e) Tutoring support for participating students;
(f) Outreach activities and support for (parents) families of participating students, including employing parent and family engagement coordinators; and
(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with
community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

(2)(a) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of evidence-based practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and literacy, and mathematics and reduce disruptive behaviors in the classroom.

(b) The state menus developed under RCW 28A.655.235, and this subsection (2) must distinguish between practices and strategies showing strong, moderate, and promising evidence as defined in the definition of "evidence-based" in section 1 of this act and must provide research informed guidance on whether the practices and strategies are most effective as one or more of tier one, tier two, or tier three supports, as defined in section 1 of this act, in a multitiered system of supports.

(c) The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

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

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

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

(4) ([School districts are encouraged to implement best practices
and strategies from the state menus developed under this section and
RCW 28A.655.235 before the use is required]) Beginning in the 2019-20
school year, to the extent they are included as an evidence-based
practice or strategy on the state menu developed under RCW
28A.655.235, the learning assistance program may provide the
following services, educators, and activities to support students in
grades kindergarten through four in literacy:

(a) Valid and reliable, standards-aligned literacy assessments
approved by the superintendent of public instruction in accordance
with section 5 of this act or other evaluative services needed to
identify a student's specific literacy strengths and challenges,
including but not limited to dyslexia;

(b) Literacy specialists as defined in section 1 of this act;

(c) Literacy coaches as defined in section 1 of this act;

(d) Paraeducators or other instructional support staff who have
received training in evidence-based, standards-aligned literacy
assessments, instruction, and supports and receive ongoing support
and guidance from literacy coaches and literacy specialists;

(e) Professional development and coaching conducted by literacy
coaches in evidence-based, standards-aligned literacy assessment,
instruction, and supports that are age, developmentally, and
culturally appropriate;

(f) Purchase and maintenance of evidence-based, standards-aligned
instructional resources designed to provide targeted literacy
supports in specific components of literacy as well as professional
development in how to utilize such instructional resources;

(g) Community and family engagement focused on:

(i) Evidence-based ways families can support literacy development
as required in RCW 28A.320.202 and 28A.320.203; and
(ii) Interpretation or translation services required for meeting the purposes of RCW 28A.320.203 and 28A.655.230;

(h) Literacy instruction through summer school programming or other extended learning opportunities using evidence-based, standards-aligned literacy instructional and support practices provided by educators who have received professional development in these practices; and

(i) Evidence-based instructional and support practices and strategies within a multitiered system of supports that are identified on the state menu developed under RCW 28A.655.235 including school-wide or grade-wide tier one supports. Tier two and tier three supports must be delivered by literacy specialists or under the guidance of literacy specialists by educators trained in evidence-based, standards-aligned literacy assessment, instruction, and supports.

Sec. 4. RCW 28A.165.100 and 2013 2nd sp.s. c 18 s 204 are each amended to read as follows:

(1) Beginning with the 2014-15 school year, school districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2)(a) By August 1st, ((and each August 1st thereafter,)) school districts shall annually report the following to the office of the superintendent of public instruction, using a common format prepared by the office:

1. The amount of academic growth gained by students participating in the learning assistance program;
2. The number of students who gain at least one year of academic growth; and
3. The specific practices, activities, and programs used by each school building that received learning assistance program funding.

(b) To account for students served by the learning assistance program multiple times during a single year, the superintendent of public instruction must allow school districts to record growth by submitting the total number of days in the learning assistance program, rather than the dates they entered and exited the program.
(c) The superintendent of public instruction must ensure the learning assistance program reporting processes can capture the learning that happens over the summer through summer school or other programs funded with state learning assistance program funds outside of the school year.

(3) The office of the superintendent of public instruction shall compile the school district data and report annual and longitudinal gains for the specific practices, activities, and programs used by the school districts to show which are the most effective. The data must be disaggregated by student subgroups.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must review and approve literacy screening and diagnostic literacy assessments for school districts to use to identify the literacy achievement of students in grades kindergarten through four and students with specific literacy challenges as required in RCW 28A.320.202. The superintendent of public instruction must ensure these assessments are valid and reliable and aligned with the English language arts and literacy standards adopted in accordance with RCW 28A.655.070, the Washington kindergarten inventory of developing skills administered in accordance with RCW 28A.655.080, and the second grade reading assessment administered in accordance with RCW 28A.300.320.

(2) After reviewing the assessments in accordance with subsection (1) of this section, the superintendent of public instruction must identify and post approved literacy assessments on the office of the superintendent of public instruction's web site for school districts to use.

(3) The superintendent of public instruction must consult with the English language arts panel of experts established in RCW 28A.655.235 and literacy assessment experts in selecting the assessments in accordance with subsections (1) and (2) of this section and provide the opportunity for public feedback on proposed assessments before approval.

(4) For grade kindergarten, the superintendent of public instruction shall ensure the assessments approved in subsections (1) and (2) of this section are selected to obtain information not covered by the Washington kindergarten inventory of developing skills.
(5) The superintendent of public instruction must develop recommended conversions for calculating growth for the recommended literacy screening assessments to the extent the literacy screening assessment design allows for such calculations.

(6) The superintendent of public instruction must provide guidance on how student performance levels on the approved diagnostic literacy assessments and different sections of those assessments correlate with grade level performance. The superintendent of public instruction's guidance must include when performance indicates the student has significant literacy challenges on a level commensurate with the lowest level on the statewide student assessment in English language arts, below basic, or is likely to score at this level on the third grade statewide student assessment in English language arts.

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

The superintendent of public instruction must align the categories of interventions in Washington's education data system maintained by the superintendent with the evidence-based practices and strategies in the state menus developed in accordance with RCW 28A.165.035 and 28A.655.235. The superintendent of public instruction must collect and report data on all allowed evidence-based practices and strategies on the state menus. The purpose of the superintendent of public instruction's alignment is to determine the impacts on student learning of the evidence-based practices and strategies in the state menus.

Sec. 7. RCW 28A.320.202 and 2013 2nd sp.s. c 18 s 102 are each amended to read as follows:

(1)(a) School districts are responsible for providing a comprehensive system of instruction and services in (reading and) early literacy to kindergarten through fourth grade students that is based on the degree of student need for additional support. (Reading and)

(b) Early literacy systems provided by school districts must include(,+ (1)) the annual use of literacy screening assessments ((and other tools to identify at-risk readers)) for all students in kindergarten through fourth grade((, such as)) to determine their
literacy achievement levels and to identify students who should be given a diagnostic literacy assessment because they may have a significant literacy challenge. The literacy screening assessments must be those approved by the superintendent of public instruction in accordance with section 5 of this act.

(i) For kindergarten students, the Washington kindergarten inventory of developing skills (the Washington state early learning and development guidelines for birth through third grade) satisfies this literacy screening assessment requirement.

(ii) For second grade students, the second grade reading assessment under RCW (28A.300.310, and locally used assessments and other tools; and) 28A.300.320 satisfies this literacy screening assessment requirement.

(2) Early literacy systems provided by school districts must also include research-based family involvement and engagement strategies, including strategies to help families and guardians assist in improving students' (reading and) early literacy skills at home.

(3) For any student identified as potentially having a significant literacy challenge on a literacy screening assessment required under subsection (1) of this section, the school district must use a diagnostic literacy assessment from the approved list of assessments compiled by the superintendent of public instruction in accordance with section 5 of this act to determine whether the student has a significant literacy challenge and the student's specific literacy strengths and challenges. School districts may also use other evaluative methods to determine the student's specific literacy strengths and challenges, including but not limited to dyslexia.

Sec. 8. RCW 28A.320.203 and 2013 2nd sp.s. c 18 s 104 are each amended to read as follows:

(1) Each school district shall require that report cards for students in kindergarten through fourth grade include information regarding how the student is progressing on acquiring (reading) literacy skills and whether the student is (at) on grade level in reading and writing.

(2)(a) Except as provided in (b) of this subsection, if a student is not (reading at) on or above grade level (7) in literacy achievement then the teacher, with the support of other school personnel as appropriate, must explain to the parent or guardian
which interventions and strategies will be used to help improve the student's reading literacy skills and must provide strategies for parents or guardians to assist with improving the student's reading skills at home.

(b) If the student has a significant literacy challenge, this communication must happen through a meeting with the parent or guardian. Schools that have regularly scheduled parent teacher conferences may use those meetings to comply with (a) of this subsection. At the meeting, schools must try to provide translation or interpretation services, if necessary. If no meeting occurs despite efforts, schools must provide the information in writing to the parent or guardian.

(i) Students participating in the transitional bilingual instruction program are exempt from (a) of this subsection, unless the student has participated in the transitional bilingual instruction program for three school years and receives a score of below basic on the third grade statewide student assessment in English language arts.

(ii) Students with disabilities whose individualized education program includes specially designed instruction in literacy or English language arts are exempt from (a) of this subsection. Communication and consultation with parents or guardians of such students shall occur through the individualized education program process required under chapter 28A.155 RCW.

(3)(a) Each school shall report to the school district the number of students in grades kindergarten through four who are performing below grade level in literacy achievement, including how many have a significant literacy challenge, and the interventions that are being provided to improve the literacy skills of the students. This information must be disaggregated by subgroups of students.

(b) The school district shall aggregate the reports from the schools and provide the reports to the office of the superintendent of public instruction.

(c) The office of the superintendent of public instruction shall submit a statewide report annually to the education committees of the legislature and the educational opportunity gap oversight and accountability committee.
Sec. 9. RCW 28A.415.400 and 2013 2nd sp.s. c 18 s 103 are each amended to read as follows:

(1) High-quality professional development is essential for educators to keep abreast of the important advances in research that are occurring regarding instructional strategies and curriculum. Professional development in early literacy is especially important to support the instruction of young readers since reading proficiency is a crucial element for student academic success.

(2) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall create partnerships with the educational service districts and public or private institutions of higher education with approved educator preparation programs to develop and deliver (research) evidence-based professional development learning opportunities in (reading) literacy instruction (and early literacy) for teachers of kindergarten through fourth grade students, with an emphasis on coaching classroom teachers in tier one supports, as defined in section 1 of this act.

Sec. 10. RCW 28A.655.110 and 2010 c 235 s 703 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years, student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to
the previous year's performance, and information regarding school-
level plans to achieve the goals.

(2)(a) The annual performance report shall include, but not be
limited to: ((a)) (i) A brief statement of the mission of the
school and the school district; ((a)) (ii) enrollment statistics
including student demographics; ((a)) (iii) expenditures per pupil
for the school year; ((a)) (iv) a summary of student scores on all
mandated tests; ((a)) (v) a concise annual budget report; ((a))
(vi) student attendance, graduation, and dropout rates; ((a)) (vii)
information regarding the use and condition of the school building or
buildings; ((a)) (viii) a brief description of the learning
improvement plans for the school; ((a)) (ix) a summary of the
feedback from parents and community members obtained under RCW
28A.655.115; and ((a)) (x) an invitation to all parents and
citizens to participate in school activities.

(b) Beginning with the 2018-19 school year, school districts must
include in the annual performance report the number of students in
grades kindergarten through four who have a significant literacy
challenge and the number who are below grade level in literacy
achievement at the school, district, and state level, disaggregated
by subgroups of students.

(3)(a) The superintendent of public instruction shall develop by
June 30, 1994, and update periodically, a model report form, which
shall also be adapted for computers, that schools may use to meet the
requirements of subsections (1) and (2) of this section. In order to
make school performance reports broadly accessible to the public, the
superintendent of public instruction, to the extent feasible, shall
make information on each school's report available on or through the
superintendent's internet web site.

(b) In time for school districts to report the information
required in subsection (2)(b) of this section for the 2018-19 school
year, the superintendent of public instruction shall update the model
report form to enable school districts to include the number of
students in grades kindergarten through four who have a significant
literacy challenge and the number who are below grade level in
literacy achievement at the school, district, and state level, disagggregated by subgroups of students.

 Sec. 11.  RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each
amended to read as follows:
(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this section, for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from the state menu of evidence-based practices established in accordance with subsection (4) of this section or an alternative strategy in accordance with subsection (5) of this section.

(b) Beginning in the 2019-20 school year, except as otherwise provided in this section, for any student in grades kindergarten through third who is identified as having a significant literacy challenge on the diagnostic literacy assessments required in section 2 of this act, the school district must implement an intensive literacy improvement strategy supporting the student from the state menu of evidence-based practices established in accordance with subsection (4) of this section or an alternative strategy in accordance with subsection (5) of this section.

(c) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of evidence-based practices established in accordance with subsection (4) of this section or an alternative strategy in accordance with subsection (5) of this section for all students in grades kindergarten through four at the school.

(b) Also beginning in the 2019-20 school year, in any school where more than twenty percent of students, as calculated under this subsection (2), in grades kindergarten through third are identified as having a significant literacy challenge through the assessments required in RCW 28A.320.202, the school district must implement an intensive literacy improvement strategy from the state menu of evidence-based practices established in accordance with subsection...
(4) of this section or an alternative strategy in accordance with subsection (5) of this section for all students in grades kindergarten through third at the school for the rest of the school year and the following school year.

(c) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in ((third)) the relevant grade.

(3) (a) Any school identified as needing to implement a school-wide intensive literacy improvement strategy under subsection (2) of this section must submit to the superintendent of public instruction a school level literacy improvement plan that incorporates the latest assessment results and targets early literacy development through evidence-based assessments, instruction, and supports that are age, developmentally, and culturally appropriate and are aligned with state standards. These supports must include literacy coaching and other professional development for teachers.

(b) The literacy improvement plan must address specifically how the learning assistance program will facilitate an increase in literacy rates.

(c) The literacy improvement plan must include provisions on how the school will differentiate tier one, tier two, and tier three supports to address the various reasons students are not reading or writing at grade level. The differentiated tiers must be high quality, evidence-based supports and instruction with embedded, periodic, formative assessments.

(d) The literacy improvement plan must be developed in consultation with the school's literacy coach, literacy specialist, librarian, and classroom teachers. The plan must be shared with all school staff and the implementation progress reviewed regularly with relevant staff.
(e) Schools are encouraged to utilize the needs assessment in the Washington integrated student supports protocol developed in accordance with RCW 28A.300.139 and specific early literacy needs assessments to inform the development of the literacy improvement plan.

(f) Literacy improvement plans may address both academic and nonacademic issues, such as reducing disruptive behaviors or chronic absenteeism.

(g) The superintendent of public instruction shall adopt rules necessary to implement the development and submittal of literacy improvement plans required by this subsection (3). The rules must include methods to reduce duplication with other school improvement plans.

(4)(a) The office of the superintendent of public instruction shall convene a panel of experts (including the Washington state institute for public policy) to develop a state menu of (best) evidence-based practices and strategies for intensive (reading and) literacy improvement designed to assist struggling students in reaching grade level in (reading) literacy by the end of fourth grade. The state menu must also be used to advise the superintendent on the selection of approved assessments in accordance with section 5 of this act.

(b) The panel of experts must include a representative from the Washington state institute for public policy, a literacy specialist, literacy coach, an active researcher in early literacy education, an active researcher in early childhood education, a current administrator with authority over kindergarten to fourth grade classrooms, and a current kindergarten to fourth grade certificated classroom teacher.

(c) The state menu must also include (best) evidence-based practices and strategies to improve the (reading and) literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve (reading) literacy instruction for all students.

(d) Following RCW 28A.165.035, the state menus developed under this subsection (4) must be organized by strong, moderate, and promising evidence and must provide research-informed guidance on whether the practices and strategies are most effective as one or more of tier one, tier two, or tier three supports in a multitiered system of supports. The superintendent should also provide guidance...
in the state menu on key lessons derived from research that
distinguish between effective and ineffective implementation of the
approved practices and rubrics for schools to use to assess the
quality of practices.

(e) The office of the superintendent of public instruction shall
publish the state menu by July 1, 2014, and update the state menu by
each July 1st thereafter. The superintendent of public instruction
must provide the opportunity for public comment on any proposed state
menu prior to the annual update of a state menu.

((4+)) (5) School districts may use an alternative practice or
strategy that is not on a state menu developed under subsection
((3+)) (4) of this section for two school years initially. If the
district is able to demonstrate improved outcomes for participating
students over the previous two school years at a level commensurate
with the best practices and strategies on the state menu, the office
of the superintendent of public instruction must approve use of the
alternative practice or strategy by the district for one additional
school year. Subsequent annual approval by the superintendent of
public instruction to use the alternative practice or strategy is
dependent on the district continuing to demonstrate an increase in
improved outcomes for participating students.

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