
SUBSTITUTE SENATE BILL 6163

State of Washington

63rd Legislature

2014 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Billig, Litzow, Frockt, Dammeier, McAuliffe, Rolfes, King, Tom, Kohl-Welles, and Keiser)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to fostering expanded learning opportunities;
2 amending RCW 28A.150.392; adding new sections to chapter 28A.630 RCW;
3 adding a new chapter to Title 28A RCW; providing an expiration date;
4 and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that studies have
7 documented that many students experience learning losses when they do
8 not engage in educational activities during the summer. The
9 legislature further finds that research shows that summer learning loss
10 contributes to the educational opportunity gaps between students in
11 Washington's schools and that falling behind in academics can be a
12 predictor of whether a student will drop out of school. The
13 legislature recognizes that such academic regression has a
14 disproportionate impact on low-income students. The legislature
15 acknowledges that access to quality expanded learning opportunities
16 during the school year and summer helps mitigate summer learning loss
17 and improves academic performance, attendance, on-time grade
18 advancement, and classroom behaviors.

1 (2) The legislature intends to increase expanded learning
2 opportunities by authorizing a pilot program to combat summer learning
3 loss and provide an opportunity to evaluate the effectiveness of an
4 extended school year to improve student achievement, close the
5 educational opportunity gap, and provide successful models for other
6 districts to follow. The legislature further intends to build
7 capacity, identify best practices, leverage local resources, and
8 promote a sustainable expanded learning opportunities system for
9 students in early elementary through secondary schools by providing an
10 ongoing work group and infrastructure that helps coordinate expanded
11 learning opportunity efforts throughout the state.

12 **PART I**

13 **EXTENDED LEARNING COUNCIL**

14 NEW SECTION. **Sec. 101.** As used in this chapter, "expanded
15 learning opportunities" means:

16 (1) Culturally responsive enrichment and learning activities, which
17 may focus on academic and nonacademic areas; arts; civic engagement;
18 service-learning and science; technology, engineering, and mathematics;
19 and competencies for college and career readiness;

20 (2) School-based programs that provide extended learning and
21 enriching experiences for students beyond the traditional school day,
22 week, or calendar; and

23 (3) Structured, intentional, and creative learning environments
24 outside the traditional school day that build partnerships with
25 schools, align in-school and out-of-school learning, and create
26 enriching experiences for youth using activities that complement
27 classroom-based instruction. The opportunities may be provided before
28 or after school, during the summer, or as extended day, week, or year
29 programs.

30 NEW SECTION. **Sec. 102.** (1) The expanded learning opportunities
31 council is established to advise the governor, state legislature, and
32 the superintendent of public instruction regarding an expanded learning
33 opportunities system, with particular attention paid to solutions to
34 summer learning loss.

1 (2) The council shall also provide a vision, guidance, assistance,
2 and advice related to potential improvement and expansion of summer
3 learning opportunities, school year calendar modifications that will
4 help reduce summer learning loss, and an expanded learning
5 opportunities system, as well as other current or proposed programs and
6 initiatives across the spectrum of early elementary through secondary
7 education so that the needs and demands for a statewide coordinated
8 system of expanded learning opportunities are identified and an
9 expanded learning opportunities system is developed.

10 (3) The council shall identify fiscal, resource, and partnership
11 opportunities, coordinate policy development, set quality standards,
12 and develop a comprehensive expanded learning opportunities action plan
13 designed to implement expanded learning opportunities, address summer
14 learning loss, provide academic supports, build strong school-
15 community-based organization partnerships, and track performance of
16 expanded learning opportunities in closing the opportunity gap, so that
17 students receive maximum and direct benefit.

18 (4) The council shall serve as an advisor and resource for the
19 office of the superintendent of public instruction regarding the summer
20 knowledge improvement pilot program in sections 201 through 205, 207,
21 and 208 of this act and any other relevant state grant programs.

22 (5) When making recommendations regarding best practices, the
23 council shall consider the best practices on the state menus developed
24 in accordance with RCW 28A.165.035 and 28A.655.235.

25 (6) The governor's office, in consultation with the superintendent
26 of public instruction, shall convene the expanded learning
27 opportunities council. The members of the council must have experience
28 in expanded learning opportunities, and include groups and agencies
29 representing diverse student interests and geographical locations
30 across the state. Up to fifteen participants, agencies, organizations,
31 or individuals may be invited to participate in the expanded learning
32 opportunities council but the membership shall include the following:

33 (a) Two representatives from nonprofit community-based
34 organizations;

35 (b) One representative from regional work force development
36 councils;

37 (c) One representative from each of the following organizations or
38 agencies:

- 1 (i) The Washington state school directors' association;
- 2 (ii) The state-level association of school administrators;
- 3 (iii) The state-level association of school principals;
- 4 (iv) The state board of education;
- 5 (v) The statewide association representing certificated classroom
- 6 teachers and educational staff associates;
- 7 (vi) The office of the superintendent of public instruction;
- 8 (vii) The state-level parent-teacher association; and
- 9 (viii) Higher education.

10 (7) Staff support for the expanded learning opportunity council
11 shall be provided by the governor's office and the office of financial
12 management with support from the office of the superintendent of public
13 instruction and other state agencies as necessary. Appointees of the
14 council shall be selected by May 30, 2014. The council shall hold its
15 first meeting before August 1, 2014. At the first meeting, the council
16 shall determine regularly scheduled meeting times and locations. The
17 council shall provide a report to the governor and the legislature by
18 December 1, 2014, and by December 1st annually thereafter.

19 **PART II**

20 **SUMMER KNOWLEDGE IMPROVEMENT PROGRAM**

21 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
22 section apply throughout this section and sections 202 through 205,
23 207, and 208 of this act unless the context clearly requires otherwise.

24 (1) "Eligible school" means any school that provides instruction to
25 students in at least the grades kindergarten through five where at
26 least seventy-five percent of the enrolled students qualify for the
27 free and reduced-price lunch program.

28 (2) "Institute" means the Washington state institute for public
29 policy.

30 NEW SECTION. **Sec. 202.** PILOT PROGRAM CREATED. (1) The summer
31 knowledge improvement pilot program is created to provide state funding
32 for an additional twenty school days for three consecutive school years
33 for students at an approved school to receive academic instruction
34 outside of the school year established for other schools in the school
35 district.

1 (2) The purpose of the pilot program is to implement an extended
2 school year to combat summer learning loss and provide an opportunity
3 to evaluate the effectiveness of an extended school year to improve
4 student achievement, close the educational opportunity gap, and provide
5 successful models for other districts to follow.

6 NEW SECTION. **Sec. 203.** PLAN PROCESS AND COMPONENTS. (1) Any
7 school district in the state with an eligible school may submit a plan
8 to the office of the superintendent of public instruction by December
9 1, 2014, to participate in the summer knowledge improvement pilot
10 program. A plan may address one or more eligible schools.

11 (2) The school district board of directors must solicit input on
12 the design of the plan from staff at the school, parents, and the
13 community, including at an open public meeting. The final plan must be
14 adopted by the school district board of directors at a subsequent open
15 public meeting before submitting the plan to the office of the
16 superintendent of public instruction.

17 (3) A plan must include, but is not limited to, the following
18 components:

19 (a) Proposed best practices and evidence-based strategies,
20 curriculum, and materials for improving student achievement and closing
21 the educational opportunity gap to be implemented over the extra twenty
22 days for all the students enrolled in the school. The best practices
23 and evidence-based strategies, curriculum, and materials must be
24 comparable or higher in academic rigor as is used during the regular
25 school year;

26 (b) When the additional twenty days will be provided outside of the
27 school year established for other schools in the school district;

28 (c) Identification of the measures that the school district will
29 use in assessing student achievement at the school;

30 (d) Evidence that at least seventy percent of the certificated and
31 classified school staff who work in the building at least two days per
32 week, and the principal of the school, agree to the plan;

33 (e) Whether the school will collaborate with community-based
34 programs to provide support for students during the additional twenty
35 days and for the rest of the summer, and if so, then provide the
36 details; and

1 (f) An agreement to work with and provide information to the
2 evaluator of the pilot program identified under section 207 of this
3 act.

4 NEW SECTION. **Sec. 204.** SELECTION OF SCHOOL DISTRICTS AND SCHOOLS.

5 (1) The office of the superintendent of public instruction must:
6 Review the plans submitted in accordance with section 203 of this act,
7 select up to ten schools for participation in the pilot program, and
8 notify the school districts no later than February 1, 2015, as to
9 whether the district will or will not be part of the pilot program. To
10 the extent practicable, the selected school districts shall be from
11 diverse geographic regions of the state and include different sizes of
12 school districts and schools.

13 (2) The selection criteria used must include, but are not limited
14 to, the following determinations:

15 (a) All of the required plan components are completed;

16 (b) The likelihood of the proposed best practices and evidence-
17 based strategies, curriculum, and materials improving student
18 achievement and closing the educational opportunity gap; and

19 (c) Any additional criteria that the office of the superintendent
20 of public instruction deems to be necessary to ensure high quality
21 plans are approved.

22 NEW SECTION. **Sec. 205.** FUNDING. (1) Subject to funds being
23 appropriated in the 2015-2017 omnibus appropriations act for the
24 specific purpose of the grants in this section, state funding for each
25 school in the pilot program shall be equal to twenty days of the
26 average daily per student amount of all the basic education and
27 nonbasic education funding provided by the state to the school for the
28 regular one hundred eighty-day school year, including transportation.

29 (2) Nonstate-provided funds may also be used to support the pilot
30 program.

31 **Sec. 206.** RCW 28A.150.392 and 2009 c 548 s 109 are each amended to
32 read as follows:

33 (1) To the extent necessary, funds shall be made available for
34 safety net awards for districts with demonstrated needs for special
35 education funding beyond the amounts provided through the special

1 education funding formula under RCW 28A.150.390, including for the
2 summer knowledge improvement pilot program created in section 202 of
3 this act. If the federal safety net awards based on the federal
4 eligibility threshold exceed the federal appropriation in any fiscal
5 year, then the superintendent shall expend all available federal
6 discretionary funds necessary to meet this need. Safety net funds
7 shall be awarded by the state safety net oversight committee subject to
8 the following conditions and limitations:

9 (a) The committee shall consider additional funds for districts
10 that can convincingly demonstrate that all legitimate expenditures for
11 special education exceed all available revenues from state funding
12 formulas. In the determination of need, the committee shall also
13 consider additional available revenues from federal sources.
14 Differences in program costs attributable to district philosophy,
15 service delivery choice, or accounting practices are not a legitimate
16 basis for safety net awards. In the determination of need, the
17 committee shall require that districts demonstrate that they are
18 maximizing their eligibility for all state revenues related to services
19 for special education-eligible students and all federal revenues from
20 federal impact aid, medicaid, and the individuals with disabilities
21 education act-Part B and appropriate special projects. Awards
22 associated with (b) and (c) of this subsection shall not exceed the
23 total of a district's specific determination of need.

24 (b) The committee shall then consider the extraordinary high cost
25 needs of one or more individual special education students.
26 Differences in costs attributable to district philosophy, service
27 delivery choice, or accounting practices are not a legitimate basis for
28 safety net awards.

29 (c) Using criteria developed by the committee, the committee shall
30 then consider extraordinary costs associated with communities that draw
31 a larger number of families with children in need of special education
32 services, which may include consideration of proximity to group homes,
33 military bases, and regional hospitals. Safety net awards under this
34 subsection (1)(c) shall be adjusted to reflect amounts awarded under
35 (b) of this subsection.

36 (d) The maximum allowable indirect cost for calculating safety net
37 eligibility may not exceed the federal restricted indirect cost rate
38 for the district plus one percent.

1 (e) Safety net awards shall be adjusted based on the percent of
2 potential medicaid eligible students billed as calculated by the
3 superintendent of public instruction in accordance with chapter 318,
4 Laws of 1999.

5 (f) Safety net awards must be adjusted for any audit findings or
6 exceptions related to special education funding.

7 (2) The superintendent of public instruction may adopt such rules
8 and procedures as are necessary to administer the special education
9 funding and safety net award process. Before revising any standards,
10 procedures, or rules, the superintendent shall consult with the office
11 of financial management and the fiscal committees of the legislature.
12 In adopting and revising the rules, the superintendent shall ensure the
13 application process to access safety net funding is streamlined,
14 timelines for submission are not in conflict, feedback to school
15 districts is timely and provides sufficient information to allow school
16 districts to understand how to correct any deficiencies in a safety net
17 application, and that there is consistency between awards approved by
18 school district and by application period. The office of the
19 superintendent of public instruction shall also provide technical
20 assistance to school districts in preparing and submitting special
21 education safety net applications.

22 (3) On an annual basis, the superintendent shall survey districts
23 regarding their satisfaction with the safety net process and consider
24 feedback from districts to improve the safety net process. Each year
25 by December 1st, the superintendent shall prepare and submit a report
26 to the office of financial management and the appropriate policy and
27 fiscal committees of the legislature that summarizes the survey results
28 and those changes made to the safety net process as a result of the
29 school district feedback.

30 (4) The safety net oversight committee appointed by the
31 superintendent of public instruction shall consist of:

32 (a) One staff member from the office of the superintendent of
33 public instruction;

34 (b) Staff of the office of the state auditor who shall be nonvoting
35 members of the committee; and

36 (c) One or more representatives from school districts or
37 educational service districts knowledgeable of special education
38 programs and funding.

1 NEW SECTION. **Sec. 207.** PLAN IMPLEMENTATION. School districts
2 that have summer knowledge improvement pilot program plans approved by
3 the office of the superintendent of public instruction under section
4 204 of this act shall begin implementation of the three-year pilot
5 program starting with the 2015-16 school year.

6 NEW SECTION. **Sec. 208.** PROGRAM EVALUATION. (1) The institute
7 shall conduct an evaluation of the summer knowledge improvement pilot
8 program created under section 202 of this act, including an examination
9 of:

10 (a) Student academic progress as measured by the statewide
11 administered student assessments, if administered in the school, and
12 other student achievement measures, compared to the student achievement
13 in the school before participating in the pilot program and compared to
14 similar students and schools in school districts not participating in
15 the program;

16 (b) Other student learning and benefits identified through random
17 surveys or interviews with teachers and parents;

18 (c) The effectiveness over the entire school year in which the
19 pilot program takes place in combating summer learning loss, improving
20 student achievement, and closing the educational opportunity gap; and

21 (d) Whether twenty additional days is the optimal number of
22 additional days necessary to improve student outcomes or whether the
23 number of days should be increased or decreased to better improve
24 student outcomes.

25 (2) The institute shall submit interim reports to the governor and
26 the appropriate committees of the legislature by December 1, 2016, and
27 December 1, 2017.

28 (3) Based on the effectiveness of the summer knowledge improvement
29 pilot program and a review of other programs or states that have
30 implemented extended school year programs, the institute shall
31 recommend whether the pilot program should be modified, continued, or
32 expanded to include other schools, including other elementary, middle,
33 and high schools. The institute shall submit the recommendations and
34 the final report on the pilot program to the governor and the
35 appropriate committees of the legislature by December 1, 2018.

1 **PART III**

2 **MISCELLANEOUS PROVISIONS**

3 NEW SECTION. **Sec. 301.** Sections 1, 101, and 102 of this act
4 constitute a new chapter in Title 28A RCW.

5 NEW SECTION. **Sec. 302.** Sections 201 through 205, 207, and 208 of
6 this act are each added to chapter 28A.630 RCW.

7 NEW SECTION. **Sec. 303.** Sections 201 through 208 of this act
8 expire September 1, 2019.

9 NEW SECTION. **Sec. 304.** Sections 1, 101, and 102 of this act are
10 necessary for the immediate preservation of the public peace, health,
11 or safety, or support of the state government and its existing public
12 institutions, and take effect immediately.

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