6162-S2.E AMH ED WARG 268

**E2SSB 6162** - H COMM AMD

By Committee on Education

**NOT ADOPTED 03/01/2018**

 Strike everything after the enacting clause and insert the following:

 "NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

For the purposes of sections 2 through 7 of this act and RCW 28A.710.040, "dyslexia" means a specific learning disorder that is neurobiological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that are not consistent with the person's intelligence, motivation, and sensory capabilities. These difficulties typically result from a deficit in the phonological components of language that is often unexpected in relation to other cognitive abilities and is not due to ineffective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning in the 2021-22 school year, each school district must use multi-tiered systems of support to provide interventions to students in kindergarten through second grade who display indications of, or areas of weakness associated with, dyslexia, as identified using dyslexia screenings, and as provided in this section. The purpose of the dyslexia screenings is to provide school districts with the opportunity to intervene before a student's performance falls significantly below grade level.

(2)(a) School districts must use dyslexia screening tools that exemplify best practices, as described under section 3 of this act.

(b) School districts may use the screening tools and resources identified by the superintendent of public instruction in accordance with section 3 of this act.

(3)(a) If a student shows indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia, the school district must provide interventions using evidence based multi-tiered systems of support, consistent with the recommendations of the superintendent of public instruction pursuant to section 4 of this act and as required under this subsection (3).

(b) The interventions must be evidence-based multisensory structured literacy interventions and must be provided by an educator trained in instructional methods specifically targeting students' areas of weakness.

(c) Whenever possible, school district must begin by providing student supports in the general education classroom. If dyslexia screenings indicate that, after receiving the initial tiers of student support, a student requires interventions, the school district may provide the interventions in either the general education classroom or a learning assistance program setting. If after receiving interventions, further dyslexia screenings indicate that a student continues to have indications of, or areas of weakness associated with, dyslexia, the school district must recommend to the student's parents and family that the student be assessed for dyslexia or a specific learning disability.

(4) For students who show indications of, or areas of weakness associated with, dyslexia, school districts must notify the students' parents and families of the identified indicators and areas of weakness, as well as the plan for using multi-tiered systems of support to provide supports and interventions. The initial notice must also include information relating to dyslexia and resources for parental support developed by the superintendent of public instruction with recommendations from the council established under section 4 of this act. School districts must update the students' parents and families of the students' progress no less than once every eight weeks.

(5) School districts may use state funds provided under chapter 28A.165 RCW for the purposes of meeting the requirements of this section.

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

(1) By September 1, 2019, the superintendent of public instruction, after considering recommendations from the dyslexia advisory council convened pursuant to section 4 of this act, must identify screening tools that, at a minimum, meet the following best practices:

(a) Developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development; and

(b) Identify indicators and areas of weakness that are highly predictive of future reading difficulty, including phonological awareness, phonemic awareness, rapid naming skills, letter sound knowledge, and family history of difficulty with reading and language acquisition.

(2) Beginning September 1, 2019, the superintendent of public instruction must maintain on the agency's web site the list of identified dyslexia screening tools and must include links to the tools, when available.

(3) The superintendent of public instruction must review and update the list of screening tools identified under this section as appropriate.

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

(1) The superintendent of public instruction shall convene a dyslexia advisory council to advise the superintendent on matters relating to dyslexia in an academic setting. The council must include interested stakeholders, including, but not limited to, literacy and dyslexia experts, special education experts, primary school teachers, school administrators, school psychologists, representatives of school boards, and representatives of nonprofit organizations with expertise in dyslexia. Members of the council must serve without compensation.

(2) By June 1, 2019, the council must identify and describe screening tools that meet developmental and academic criteria, including considerations of validity and reliability, that indicate typical literacy development or dyslexia, taking into account typical child neurological development, and report this information to the superintendent of public instruction.

(3) By June 1, 2020, the council must develop recommendations and report to the superintendent of public instruction regarding:

(a) Best practices for school district implementation of dyslexia screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multi-tiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(4) By September 1, 2022, the council must review school district implementation of dyslexia screenings and their use of multi-tiered systems of support to provide interventions as required under section 2 of this act, and report to the superintendent of public instruction with updates on its recommendations for the best practices and sample educational information described in subsection (3) of this section.

(5) This section expires August 1, 2023.

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

(1) By June 1, 2021, the superintendent of public instruction must review the dyslexia advisory council's recommendations required under section 4 of this act and make available to school districts:

(a) Best practices for school district implementation of dyslexia screenings as required under section 2 of this act, including trainings for school district staff conducting the screenings;

(b) Best practices for using multi-tiered systems of support to provide interventions as required under section 2 of this act, including trainings for school district staff in instructional methods specifically targeting students' areas of weakness;

(c) Sample educational information for parents and families related to dyslexia that includes a list of resources for parental support; and

(d) Best practices to address the needs of students above grade two who show indications of, or areas of weakness associated with, dyslexia.

(2) By December 1, 2022, the superintendent of public instruction must review the dyslexia advisory council's updated report required under section 4 of this act and revise the best practices and sample educational information made available to school districts as described in subsection (1) of this section.

(3) By November 1, 2022, and in compliance with RCW 43.01.036, the superintendent of public instruction must report to the house of representatives and senate education committees with the following information from the 2021-22 school year:

(a) The number of students: (i) Screened for dyslexia; (ii) with indications of, or areas of weakness associated with, dyslexia; and (iii) provided interventions under section 2 of this act; and

(b) Descriptions from school districts of the types of interventions used in accordance with section 2 of this act and rates of student progress, when available.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2018-19 school year, as part of the annual student assessment inventory, school districts that screen students for indicators of, or areas of weakness associated with, dyslexia must report the number of students and grade levels of the students screened, disaggregated by student subgroups. Each school district must aggregate the school reports and submit the aggregated report to the office of the superintendent of public instruction. The office of the superintendent of public instruction and the dyslexia advisory council convened under section 4 of this act must use this data when developing best practice recommendations in accordance with sections 4 and 5 of this act.

**Sec.**  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. To the extent they are included as a best 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 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) 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 best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. 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 best 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.

(5) School districts may use learning assistance program allocations to meet the dyslexia screening and intervention requirements of section 2 of this act, even if the student being screened or provided with supports is not eligible to participate in the learning assistance program. The learning assistance program allocations may also be used for school district staff trainings necessary to implement the provisions of section 2 of this act.

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

(1) The superintendent of public instruction may adopt rules to implement sections 1 through 7 of this act.

(2) The rules may include, but are not limited to, the following:

(a) A timeline for school districts and charter schools to implement the dyslexia screenings required under section 2 of this act;

(b) The frequency of conducting dyslexia screenings;

(c) Best practices for identifying dyslexia screening tools pursuant to section 3 of this act; and

(d) Training for school district staff conducting dyslexia screenings.

(3) The members and scope of work for the dyslexia advisory council convened under section 4 of this act.

**Sec.**  RCW 28A.710.040 and 2016 c 241 s 104 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the dyslexia screening and intervention requirements under section 2 of this act;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

((~~(d)~~)) (e) Comply with the employee record check requirements in RCW 28A.400.303;

((~~(e)~~)) (f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

((~~(f)~~)) (g) Comply with the annual performance report under RCW 28A.655.110;

((~~(g)~~)) (h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

((~~(h)~~)) (i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

((~~(i)~~)) (j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

 (5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter."

 Correct the title.

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|  |  EFFECT: Makes numerous changes to the underlying bill, including:(1) Revises the definition of dyslexia;(2) Delays by one year, to the 2021-22 school year, school district implementation of dyslexia screenings for students in kindergarten through second grade and interventions for those who display indications of, or areas of weakness associated with, dyslexia;(3) Requires districts to provide these interventions using multi-tiered systems of support that meet certain requirements;(4) Requires districts to provide educational materials to parents and families of students who display indications of, or areas of weakness associated with, dyslexia, and updates of student progress no less than once every eight weeks;(5) Specifies that the screening tools used by districts and identified by the Superintendent of Public Instruction (SPI) must meet best practices, such as meeting developmental and academic criteria that indicate typical literacy development or dyslexia, and identifying highly predictive indicators of dyslexia;(6) Requires that the list of screening tools identified by the SPI must be updated as appropriate; (7) Expires the Dyslexia Advisory Council (Council) on August 1, 2023 and removes provisions specifying the number of annual meetings and limiting members' term of service;(8) Expands the content of the Council's report, which must be submitted to the SPI rather than the Legislature, to include best practices for implementing multi-tiered systems of support, sample educational materials, and best practices for meeting the needs of students above grade two;(9) Directs the SPI to review the Council's recommendations and make its own recommendations available to school districts by June 1, 2021 (before district implementation is required);(10) Requires the Council and the SPI to update their recommendations after reviewing the first year of school district implementation of dyslexia screenings and interventions;(11) Directs the SPI to, by November 1, 2022, report certain information data from the first year of school district implementation of dyslexia screenings and interventions;(12) Adds that Learning Assistance Program (LAP) allocations may be used for staff trainings to implement the dyslexia screenings and to provide interventions; and(13) Makes grammar, structure, and other nonsubstantive changes, for example, uses consistent terms when describing students who require interventions under the act, moves school district requirements from the chapter on Special Education to the School District chapter, and deletes a redundant provision allowing LAP allocations to cover the costs of required dyslexia screenings. |

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