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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1418

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State of Washington

61st Legislature

2010 Regular Session

**By** House Education (originally sponsored by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman, and Nelson)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to establishing a statewide dropout reengagement  
2 program; amending RCW 28A.305.190 and 28B.15.067; adding new sections  
3 to chapter 28A.175 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) In every school district there are older  
6 youth who have become disengaged with the traditional education program  
7 of public high schools. They may have failed multiple classes and are  
8 far behind in accumulating credits to graduate. They do not see a high  
9 school diploma as an achievable goal. They may have dropped out of  
10 school entirely. They are not likely to become reengaged in their  
11 education by the prospect of reenrollment in a traditional or even an  
12 alternative high school.

13 (2) For many years, school districts, community and technical  
14 colleges, and community-based organizations have created partnerships  
15 to provide appropriate educational programs for these students.  
16 Programs such as career education options and career link have  
17 successfully offered individualized academic instruction, case  
18 management support, and career-oriented skills in an age-appropriate

1 learning environment to hundreds of disengaged older youth.  
2 Preparation for the GED test is provided but is not the end goal for  
3 students.

4 (3) However, in recent years, many of these partnerships have  
5 ceased to operate. The laws and rules authorizing school districts to  
6 contract using basic education allocations do not provide sufficient  
7 guidance and instead present barriers. Program providers are forced to  
8 adapt to rules that were not written to address the needs of the  
9 students being served. Questions and concerns about liability,  
10 responsibility, and administrative burden have caused districts  
11 reluctantly to abandon their partnerships, and consequently leave  
12 hundreds of students without a viable alternative for continuing their  
13 public education.

14 (4) Therefore the legislature intends to provide a statutory  
15 framework to support a statewide dropout reengagement system for older  
16 youth. The framework clarifies and standardizes funding, programs, and  
17 administration by directing the office of the superintendent of public  
18 instruction to develop model contracts and interlocal agreements. It  
19 is the legislature's intent to encourage school districts, community  
20 and technical colleges, and community-based organizations to  
21 participate in this system and provide appropriate instruction and  
22 services to reengage older students and help them make progress toward  
23 a meaningful credential and career skills.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.175  
25 RCW to read as follows:

26 (1) This section and sections 3 through 5 of this act provide a  
27 statutory framework for a statewide dropout reengagement system to  
28 provide appropriate educational opportunities and access to services  
29 for students age sixteen to twenty-one who have dropped out of high  
30 school or are not accumulating sufficient credits to reasonably  
31 complete a high school diploma in a public school before the age of  
32 twenty-one.

33 (2) Under the system, school districts may:

34 (a) Enter into the model interlocal agreement developed under  
35 section 4 of this act with an educational service district, community  
36 or technical college, or other public entity to provide a dropout  
37 reengagement program for eligible students of the district; or

1 (b) Enter into the model contract developed under section 4 of this  
2 act with a community-based organization to provide a dropout  
3 reengagement program for eligible students of the district.

4 (3) If a school district does not enter an interlocal agreement or  
5 contract with an educational service district, community or technical  
6 college, other public entity, or community-based organization to  
7 provide a dropout reengagement program for eligible students residing  
8 in the district, the educational service district, community or  
9 technical college, other public entity, or community-based organization  
10 may petition a school district other than the resident school district  
11 to enroll the eligible students under RCW 28A.225.220 through  
12 28A.225.230 and enter the interlocal agreement or contract with the  
13 petitioning entity to provide a dropout reengagement program for the  
14 eligible students.

15 (4) This section does not affect the authority of school districts  
16 to contract for educational services under RCW 28A.150.305 and  
17 28A.320.035. This section also does not affect the authority of school  
18 districts to offer dropout reengagement programs or other educational  
19 services for eligible students directly.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.175  
21 RCW to read as follows:

22 The definitions in this section apply throughout sections 2 through  
23 4 of this act unless the context clearly requires otherwise:

24 (1) "Dropout reengagement program" means an educational program  
25 that offers at least the following instruction and services:

26 (a) Academic instruction, including but not limited to GED  
27 preparation, academic skills instruction, and college and work  
28 readiness preparation, that generates credits that can be applied to a  
29 high school diploma from the student's school district or from a  
30 community or technical college under RCW 28B.50.535 and has the goal of  
31 enabling the student to obtain the academic and work readiness skills  
32 necessary for employment or postsecondary study. A dropout  
33 reengagement program is not required to offer instruction in only those  
34 subject areas where a student is deficient in accumulated credits.  
35 Academic instruction must be provided by teachers certified by the  
36 Washington professional educator standards board or by instructors

1 employed by a community or technical college whose required credentials  
2 are established by the college;

3 (b) Case management, academic and career counseling, and assistance  
4 with accessing services and resources that support at-risk youth and  
5 reduce barriers to educational success; and

6 (c) If the program provider is a community or technical college,  
7 the opportunity for qualified students to enroll in college courses  
8 that lead to a postsecondary degree or certificate. The college may  
9 not charge an eligible student tuition for such enrollment.

10 (2) "Eligible student" means a student who:

11 (a) Is at least sixteen but less than twenty-one years of age at  
12 the beginning of the school year;

13 (b) Is not accumulating sufficient credits toward a high school  
14 diploma to reasonably complete a high school diploma from a public  
15 school before the age of twenty-one or is recommended for the program  
16 by case managers from the department of social and health services or  
17 the juvenile justice system; and

18 (c) Is enrolled or enrolls in the school district in which the  
19 student resides, or is enrolled or enrolls in a nonresident school  
20 district under RCW 28A.225.220 through 28A.225.230.

21 (3) "Full-time equivalent eligible student" means an eligible  
22 student whose enrollment and attendance meet criteria adopted by the  
23 office of the superintendent of public instruction specifically for  
24 dropout reengagement programs. The criteria shall be:

25 (a) Based on the community or technical college credits generated  
26 by the student if the program provider is a community or technical  
27 college; and

28 (b) Based on a minimum amount of planned programming or instruction  
29 and minimum attendance by the student rather than hours of seat time if  
30 the program provider is a community-based organization.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.175  
32 RCW to read as follows:

33 (1) The office of the superintendent of public instruction shall  
34 develop a model interlocal agreement and a model contract for the  
35 dropout reengagement system.

36 (2) The model interlocal agreement and contract shall, at a  
37 minimum, address the following:

1 (a) Responsibilities for identification, referral, and enrollment  
2 of eligible students;

3 (b) Instruction and services to be provided by a dropout  
4 reengagement program, as specified under section 3 of this act;

5 (c) Responsibilities for data collection and reporting, including  
6 student transcripts and data required for the statewide student  
7 information system;

8 (d) Administration of the high school statewide student  
9 assessments;

10 (e) Uniform financial reimbursement rates per full-time equivalent  
11 eligible student enrolled in a dropout reengagement program, calculated  
12 and allocated as a statewide annual average of the basic education  
13 allocations generated under RCW 28A.150.260 for nonvocational students  
14 and including enhancements for vocational students where eligible  
15 students are enrolled in vocational courses in a program, and allowing  
16 for a uniform administrative fee to be retained by the district;

17 (f) Responsibilities for provision of special education or related  
18 services for eligible students with disabilities who have an  
19 individualized education program;

20 (g) Responsibilities for necessary accommodations and plans for  
21 students qualifying under section 504 of the rehabilitation act of  
22 1973;

23 (h) Minimum instructional staffing ratios for dropout reengagement  
24 programs offered by community-based organizations, which are not  
25 required to be the same as for other basic education programs in school  
26 districts; and

27 (i) Performance measures that must be reported to the office of the  
28 superintendent of public instruction in a common format for purposes of  
29 accountability, including longitudinal monitoring of student progress  
30 and postsecondary education and employment.

31 (3) Eligible students enrolled in a dropout reengagement program  
32 under sections 2 through 4 of this act are considered regularly  
33 enrolled students of the school district in which they are enrolled,  
34 except that the students shall not be included in the school district's  
35 enrollment for purposes of calculating compliance with RCW 28A.150.100.

36 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.175  
37 RCW to read as follows:

1 (1) The office of the superintendent of public instruction shall  
2 adopt rules to implement sections 2 through 4 of this act.

3 (2) When adopting rules under this section and developing model  
4 interlocal agreements and contracts under section 4 of this act, the  
5 office of the superintendent of public instruction shall consult with  
6 the state board for community and technical colleges, the workforce  
7 training and education coordinating board, colleges and community-based  
8 organizations that have previously offered dropout reengagement  
9 programs, providers of online courses and programs approved under RCW  
10 28A.250.020, school districts, and educational service districts.

11 **Sec. 6.** RCW 28A.305.190 and 1993 c 218 s 1 are each amended to  
12 read as follows:

13 The state board of education shall adopt rules governing the  
14 eligibility of a child sixteen years of age and under nineteen years of  
15 age to take the (~~general educational development~~) GED test if the  
16 child provides a substantial and warranted reason for leaving the  
17 regular high school education program, (~~or~~) if the child was home-  
18 schooled, or if the child is an eligible student enrolled in a dropout  
19 reengagement program under sections 2 through 4 of this act.

20 **Sec. 7.** RCW 28B.15.067 and 2009 c 574 s 1 are each amended to read  
21 as follows:

22 (1) Tuition fees shall be established under the provisions of this  
23 chapter.

24 (2) Beginning with the 2003-04 academic year and ending with the  
25 2012-13 academic year, reductions or increases in full-time tuition  
26 fees for resident undergraduates shall be as provided in the omnibus  
27 appropriations act.

28 (3)(a) Beginning with the 2003-04 academic year and ending with the  
29 2012-13 academic year, the governing boards of the state universities,  
30 the regional universities, The Evergreen State College, and the state  
31 board for community and technical colleges may reduce or increase full-  
32 time tuition fees for all students other than resident undergraduates,  
33 including summer school students and students in other self-supporting  
34 degree programs. Percentage increases in full-time tuition fees may  
35 exceed the fiscal growth factor. Reductions or increases may be made

1 for all or portions of an institution's programs, campuses, courses, or  
2 students.

3 (b) Prior to reducing or increasing tuition for each academic year,  
4 the governing boards of the state universities, the regional  
5 universities, and The Evergreen State College shall consult with  
6 existing student associations or organizations with student  
7 undergraduate and graduate representatives regarding the impacts of  
8 potential tuition increases. Governing boards shall be required to  
9 provide data regarding the percentage of students receiving financial  
10 aid, the sources of aid, and the percentage of total costs of  
11 attendance paid for by aid.

12 (c) Prior to reducing or increasing tuition for each academic year,  
13 each college in the state board for community and technical college  
14 system shall consult with existing student associations or  
15 organizations with undergraduate student representation regarding the  
16 impacts of potential tuition increases. Colleges shall provide data  
17 regarding the percentage of students receiving financial aid, the  
18 sources of aid, and the percentage of total costs of attendance paid  
19 for by aid.

20 (4) Academic year tuition for full-time students at the state's  
21 institutions of higher education beginning with 2015-16, other than  
22 summer term, shall be as charged during the 2014-15 academic year  
23 unless different rates are adopted by the legislature.

24 (5) The tuition fees established under this chapter shall not apply  
25 to high school students enrolling in participating institutions of  
26 higher education under RCW 28A.600.300 through 28A.600.400.

27 (6) The tuition fees established under this chapter shall not apply  
28 to eligible students enrolling in a dropout reengagement program  
29 through an interlocal agreement between a school district and a  
30 community or technical college under ((RCW-28C.04.610)) sections 2  
31 through 4 of this act.

32 (7) The tuition fees established under this chapter shall not apply  
33 to eligible students enrolling in a community or technical college  
34 participating in the pilot program under RCW 28B.50.534 for the purpose  
35 of obtaining a high school diploma.

36 (8) For the academic years 2003-04 through 2008-09, the University  
37 of Washington shall use an amount equivalent to ten percent of all

1 revenues received as a result of law school tuition increases beginning  
2 in academic year 2000-01 through academic year 2008-09 to assist needy  
3 low and middle-income resident law students.

4 (9) For the academic years 2003-04 through 2008-09, institutions of  
5 higher education shall use an amount equivalent to ten percent of all  
6 revenues received as a result of graduate academic school tuition  
7 increases beginning in academic year 2003-04 through academic year  
8 2008-09 to assist needy low and middle-income resident graduate  
9 academic students.

10 (10) Any tuition increases above seven percent shall fund costs of  
11 instruction, library and student services, utilities and maintenance,  
12 other costs related to instruction as well as institutional financial  
13 aid. Through 2010-11, any funding reductions to instruction, library  
14 and student services, utilities and maintenance and other costs related  
15 to instruction shall be proportionally less than other program areas  
16 including administration.

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